

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 800

FINAL READING

Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Arch, 14;
Blood, 3; Briese, 41; Hansen, M., 26; Hunt, 8; Lowe, 37.

Read first time January 06, 2022

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to government; to amend sections 13-2706,
2 14-102.01, 14-102.02, 14-104, 14-106, 14-107, 14-108, 14-110,
3 14-111, 14-112, 14-113, 14-115, 14-116, 14-118, 14-120, 14-121,
4 14-122, 14-123, 14-124, 14-125, 14-136, 14-201, 14-201.03, 14-202,
5 14-204, 14-205, 14-206, 14-207, 14-210, 14-211, 14-212, 14-213,
6 14-214, 14-215, 14-216, 14-217.02, 14-218, 14-219, 14-220, 14-221,
7 14-224, 14-225, 14-226, 14-227, 14-228, 14-229, 14-230, 14-360,
8 14-361, 14-362, 14-365, 14-365.01, 14-365.02, 14-365.03, 14-365.04,
9 14-365.05, 14-365.06, 14-365.07, 14-365.08, 14-365.09, 14-365.10,
10 14-365.11, 14-365.12, 14-365.13, 14-366, 14-367, 14-372, 14-373,
11 14-373.01, 14-373.02, 14-374, 14-375, 14-376, 14-383, 14-384,
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14 14-3,105, 14-3,108, 14-3,109, 14-3,111, 14-3,112, 14-3,113,
15 14-3,114, 14-3,115, 14-3,116, 14-3,117, 14-3,118, 14-3,119,
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17 14-3,126, 14-3,128, 14-401, 14-402, 14-404, 14-405, 14-406, 14-408,
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20 14-1738, 14-1739, 14-2001, 14-2002, 14-2003, 14-2004, 31-538,
21 31-539, 31-540, 31-541, 31-735, 77-2501, 77-2502, 77-2503, 77-2505,
22 77-2704.15, and 81-523, Reissue Revised Statutes of Nebraska,
23 sections 13-2703, 13-2705, 13-2707, 13-2707.01, 13-2709, 14-101,
24 14-101.01, 14-102, 14-103, 14-105, 14-109, 14-117, 14-363, 14-364,
25 14-392, 14-398, 14-3,102, 14-3,103, 14-3,106, 14-3,107, 14-403,
26 14-415, 14-419, 14-420, 14-502, 14-553, 14-567, 14-607, 14-1733,
27 16-6,109, 19-414, 19-415, 19-5503, and 19-5504, Revised Statutes
28 Cumulative Supplement, 2020, and sections 14-137, 18-2705, and
29 77-3523, Revised Statutes Supplement, 2021; to define and redefine
30 terms and authorize grants of assistance to tribal governments as
31 prescribed under the Civic and Community Center Financing Act; to

1 change provisions relating to city officers, elections, powers,
2 duties, public improvements, subdividing and platting, consolidation
3 of cities and villages, ordinances, planning and zoning, fiscal
4 management, city departments, claims and awards, bridges, parking
5 facilities, and landmark heritage preservation districts; to provide
6 certain funding for the development and implementation of an
7 affordable housing action plan as part of an economic development
8 program under the Local Option Municipal Economic Development Act;
9 to update a federal reference and change the contents of a report
10 under the Municipal Density and Missing Middle Housing Act; to
11 provide for distribution of funds and property and provide liability
12 for debts and obligations upon discontinuance of certain sanitary
13 drainage districts; to change the procedure for election of the
14 board of trustees of a sanitary and improvement district as
15 prescribed; to change provisions of the Affordable Housing Tax
16 Credit Act; to eliminate provisions relating to municipal coal
17 yards, boards of public welfare, superintendency of departments, and
18 taxes and assessments; to harmonize provisions; to provide operative
19 dates; to repeal the original sections; to outright repeal sections
20 14-114, 14-126, 14-223, and 14-554, Reissue Revised Statutes of
21 Nebraska; and to declare an emergency.

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

1 Section 1. Section 13-2703, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 13-2703 For purposes of the Civic and Community Center Financing
4 Act:

5 (1) Applicant means and includes (a) any city or village in this
6 state that is eligible for a grant of assistance pursuant to section
7 13-2706 and (b) any tribal government;

8 (2) (1) Civic center means a facility that is used to host
9 conventions, meetings, and cultural events or a library;

10 (3) (2) Department means the Department of Economic Development;

11 (4) (3) Eligible facility means any civic center, historic building
12 or district, public space, or recreation center;

13 (5) (4) Fund means the Civic and Community Center Financing Fund;

14 (6) (5) Historic building or district means a building or district
15 eligible for listing on or currently listed on the National Register of
16 Historic Places or a building that is certified as contributing to the
17 significance of a registered state or national historic district;

18 (7) (6) Political subdivision means a county, school district,
19 community college area, or natural resources district;

20 (8) (7) Public space means property located within the traditional
21 center of a community, typically comprised of a cohesive core of
22 residential, civic, religious, and commercial buildings, arranged around
23 a main street and intersecting streets; and

24 (9) (8) Recreation center means a facility or park used for
25 athletics, fitness, sport activities, or recreation that is owned by an
26 applicant a municipality and is available for use by the general public
27 with or without charge. Recreation center does not include any facility
28 that requires a person to purchase a membership to utilize such facility;
29 and -

30 (10) Tribal government means the officially recognized government of
31 any Indian tribe, nation, or other organized group or community located

1 in the state exercising self-government powers and recognized as eligible
2 for services provided by the United States to Indians because of their
3 status as Indians or any Indian tribe located in the state and recognized
4 as an Indian tribe by the state.

5 Sec. 2. Section 13-2705, Revised Statutes Cumulative Supplement,
6 2020, is amended to read:

7 13-2705 The department may conditionally approve grants of
8 assistance from the fund to eligible and competitive applicants subject
9 to the following limits and requirements:

10 (1) Except as provided in subdivision (2) of this section, a grant
11 request shall be in an amount meeting the following requirements:

12 (a) For a grant of assistance under section 13-2704.01, at least
13 fifteen thousand dollars but no more than:

14 (i) For a city of the primary class or a tribal government, two
15 million two hundred fifty thousand dollars;

16 (ii) For a city with a population of at least forty thousand
17 inhabitants but fewer than one hundred thousand inhabitants as determined
18 by the most recent federal decennial census or the most recent revised
19 certified count by the United States Bureau of the Census, one million
20 one hundred twenty-five thousand dollars;

21 (iii) For a city with a population of at least twenty thousand
22 inhabitants but fewer than forty thousand inhabitants as determined by
23 the most recent federal decennial census or the most recent revised
24 certified count by the United States Bureau of the Census, seven hundred
25 fifty thousand dollars;

26 (iv) For a city with a population of at least ten thousand
27 inhabitants but fewer than twenty thousand inhabitants as determined by
28 the most recent federal decennial census or the most recent revised
29 certified count by the United States Bureau of the Census, six hundred
30 thousand dollars; and

31 (v) For a municipality with a population of fewer than ten thousand

1 inhabitants as determined by the most recent federal decennial census or
2 the most recent revised certified count by the United States Bureau of
3 the Census, three hundred seventy-five thousand dollars; and

4 (b) For a grant of assistance under section 13-2704.02, at least
5 three thousand dollars but no more than fifteen thousand dollars;

6 (2) Upon the balance of the fund reaching three million seven
7 hundred fifty thousand dollars, and until the balance of the fund falls
8 below one million five hundred thousand dollars, a grant request shall be
9 in an amount meeting the following requirements:

10 (a) For a grant of assistance under section 13-2704.01, at least
11 fifteen thousand dollars but no more than:

12 (i) For a city of the primary class or a tribal government, three
13 million three hundred seventy-five thousand dollars;

14 (ii) For a city with a population of at least forty thousand
15 inhabitants but fewer than one hundred thousand inhabitants as determined
16 by the most recent federal decennial census or the most recent revised
17 certified count by the United States Bureau of the Census, one million
18 six hundred eighty-seven thousand dollars;

19 (iii) For a city with a population of at least twenty thousand
20 inhabitants but fewer than forty thousand inhabitants as determined by
21 the most recent federal decennial census or the most recent revised
22 certified count by the United States Bureau of the Census, one million
23 one hundred twenty-five thousand dollars;

24 (iv) For a city with a population of at least ten thousand
25 inhabitants but fewer than twenty thousand inhabitants as determined by
26 the most recent federal decennial census or the most recent revised
27 certified count by the United States Bureau of the Census, nine hundred
28 thousand dollars; and

29 (v) For a municipality with a population of fewer than ten thousand
30 inhabitants as determined by the most recent federal decennial census or
31 the most recent revised certified count by the United States Bureau of

1 the Census, five hundred sixty-two thousand dollars; and

2 (b) For a grant of assistance under section 13-2704.02, at least
3 three thousand dollars but no more than fifteen thousand dollars;

4 (3) Assistance from the fund shall not amount to more than fifty
5 percent of the cost of the project for which a grant is requested;

6 (4) An applicant ~~A municipality~~ shall not be awarded more than one
7 grant of assistance under section 13-2704.01 and one grant of assistance
8 under section 13-2704.02 in any two-year period;

9 (5) Any eligible facility for which a grant of assistance under
10 section 13-2704.01 is made shall not be sold for at least five years
11 following the award of such grant of assistance; and

12 (6) An application for a grant of assistance to assist in the
13 preservation, restoration, conversion, rehabilitation, or reuse of a
14 historic building or district shall include a notification of approval
15 from the State Historic Preservation Officer that the work proposed in
16 the application conforms to the United States Secretary of the Interior's
17 Standards for the Treatment of Historic Properties. If the application
18 does not include such notification of approval from the State Historic
19 Preservation Officer, the department shall not award a grant of
20 assistance for such application.

21 Sec. 3. Section 13-2706, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 13-2706 (1) Except as provided in subsection (2) of this section for
24 a city of the primary class, any municipality that has applied for and
25 received a grant of assistance under the Sports Arena Facility Financing
26 Assistance Act shall not receive state assistance under the Civic and
27 Community Center Financing Act for the same project for which the grant
28 was awarded under the Sports Arena Facility Financing Assistance Act.

29 (2) A city of the primary class shall not be eligible to receive a
30 grant of assistance from the Civic and Community Center Financing Act if
31 the city has applied for and received a grant of assistance under the

1 Sports Arena Facility Financing Assistance Act.

2 (3) Any city that has received funding under the Convention Center
3 Facility Financing Assistance Act shall not receive state assistance
4 under the Civic and Community Center Financing Act.

5 (4) Any municipality eligible for a grant of assistance as provided
6 in this section may apply for a grant of assistance from the fund. Any
7 tribal government may apply for a grant of assistance from the fund.
8 Application shall be made on forms developed by the department.

9 Sec. 4. Section 13-2707, Revised Statutes Cumulative Supplement,
10 2020, is amended to read:

11 13-2707 (1) The department shall evaluate all applications for
12 grants of assistance under section 13-2704.01 based on the following
13 criteria, which are listed in no particular order of preference:

14 (a) Retention Impact. Funding decisions by the department shall be
15 based on the likelihood of the project retaining existing residents in
16 the community where the project is located, developing, sustaining, and
17 fostering community connections, and enhancing the potential for economic
18 growth in a manner that will sustain the quality of life and promote
19 long-term economic development;

20 (b) New Resident Impact. Funding decisions by the department shall
21 be based on the likelihood of the project attracting new residents to the
22 community where the project is located;

23 (c) Visitor Impact. Funding decisions by the department shall be
24 based on the likelihood of the project enhancing or creating an
25 attraction that would increase the potential of visitors to the community
26 where the project is located from inside and outside the state;

27 (d) Readiness. The fiscal, economic, and operational capacity of the
28 applicant, and of any political subdivision that owns the eligible
29 facility jointly with the applicant, to finance and manage the project
30 and to operate the eligible facility; and

31 (e) Project Planning. Projects with completed technical assistance

1 and feasibility studies shall be preferred to those with no prior
2 planning.

3 (2) The department shall give priority to applications from
4 ~~applicants municipalities~~ which have not received a grant of assistance
5 under section 13-2704.01 within the last ten years.

6 (3) Any grant of assistance under section 13-2704.01 shall be
7 matched at least equally from local sources. At least fifty percent of
8 the local match must be in cash.

9 (4) To receive a grant of assistance under section 13-2704.01, the
10 project for which the grant is requested shall be located in the
11 municipality that applies for the grant or, for any city of the first
12 class, city of the second class, or village, within the municipality's
13 extraterritorial zoning jurisdiction. This subsection shall not apply to
14 any application submitted by a tribal government.

15 (5) To receive a grant of assistance under section 13-2704.01, the
16 project for which the grant is requested shall involve an eligible
17 facility that is owned by the ~~applicant municipality applying for the~~
18 ~~grant~~, except that a municipality may own an eligible facility jointly
19 with a political subdivision if the municipality's ownership interest in
20 such eligible facility is at least fifty percent. In such any case, the
21 municipality shall be the applicant for the grant of assistance.

22 Sec. 5. Section 13-2707.01, Revised Statutes Cumulative Supplement,
23 2020, is amended to read:

24 13-2707.01 The department shall evaluate all applications for grants
25 of assistance under section 13-2704.02 based on the following criteria:

26 (1) Financial Support. Assistance from the fund shall be matched at
27 least equally from local sources. At least fifty percent of the local
28 match must be in cash. Projects with a higher level of local matching
29 funds shall be preferred as compared to those with a lower level of
30 matching funds; and

31 (2) Project Location. Assistance from the fund shall be for

1 engineering and technical studies related to projects that will be
2 located in the municipality that applies for the grant or, for any city
3 of the first class, city of the second class, or village, in the
4 municipality's extraterritorial zoning jurisdiction. This subdivision
5 shall not apply to any application submitted by a tribal government.

6 Sec. 6. Section 13-2709, Revised Statutes Cumulative Supplement,
7 2020, is amended to read:

8 13-2709 (1) The department shall submit, as part of the department's
9 annual status report under section 81-1201.11, the following information
10 regarding the Civic and Community Center Financing Act:

11 (a) Information documenting the grants conditionally approved for
12 funding by the Legislature in the following fiscal year;

13 (b) Reasons why a full application was not sent to any applicant
14 ~~municipality~~ seeking assistance under the act;

15 (c) The amount of sales tax revenue generated for the fund pursuant
16 to subsection (6) of section 13-2610 and subsection (9) of section
17 13-3108, the total amount of grants applied for under the act, the year-
18 end fund balance, the amount of the year-end fund balance which has not
19 been committed to funding grants under the act, and, if all available
20 funds have not been committed to funding grants under the act, an
21 explanation of the reasons why all such funds have not been so committed;

22 (d) The amount of appropriated funds actually expended by the
23 department for the year;

24 (e) The department's current budget for administration of the act
25 and the department's planned use and distribution of funds, including
26 details on the amount of funds to be expended on grants and the amount of
27 funds to be expended by the department for administrative purposes; and

28 (f) Grant summaries, including the applicant ~~municipality~~, project
29 description, grant amount requested, amount and type of matching funds,
30 and reasons for approval or denial based on evaluation criteria from
31 section 13-2707 or 13-2707.01 for every application seeking assistance

1 under the act.

2 (2) If the amount of the year-end fund balance which has not been
3 committed to funding grants under the act as reported under subdivision
4 (1)(c) of this section, excluding any amount required to be transferred
5 under subsection (3) of section 13-2704, is more than one million
6 dollars, the department shall notify the State Treasurer of the amount in
7 excess of one million dollars. The State Treasurer shall transfer the
8 amount in excess of one million dollars from the Civic and Community
9 Center Financing Fund to the Political Subdivision Recapture Cash Fund.

10 (3) The Political Subdivision Recapture Cash Fund is created and
11 shall consist of money transferred under subsection (2) of this section.
12 Any money in the Political Subdivision Recapture Cash Fund available for
13 investment shall be invested by the state investment officer pursuant to
14 the Nebraska Capital Expansion Act and the Nebraska State Funds
15 Investment Act. By October 1 of each year, the State Treasurer shall
16 distribute the money in the Political Subdivision Recapture Cash Fund to
17 the political subdivisions which have an application for state assistance
18 for an eligible facility or an eligible sports arena facility approved
19 under the Convention Center Facility Financing Assistance Act or the
20 Sports Arena Facility Financing Assistance Act. Each political
21 subdivision shall receive a proportionate share of the amount to be
22 distributed under this subsection, and such proportionate share shall be
23 based on the amount of sales tax revenue generated for the Civic and
24 Community Center Financing Fund during the most recently completed fiscal
25 year by the political subdivision's facility. The Tax Commissioner shall
26 supply the State Treasurer with any information needed to make the
27 distributions required in this subsection.

28 Sec. 7. Section 14-101, Revised Statutes Cumulative Supplement,
29 2020, is amended to read:

30 14-101 All cities in this state which have attained a population of
31 three hundred thousand inhabitants or more as determined by the most

1 recent federal decennial census or the most recent revised certified
2 count by the United States Bureau of the Census shall be cities of the
3 metropolitan class and governed by sections 14-101 to 14-2004 ~~this act.~~
4 ~~Whenever the words this act occur in sections 14-101 to 14-138, 14-201 to~~
5 ~~14-229, 14-360 to 14-376, 14-501 to 14-556, 14-601 to 14-609, 14-702 to~~
6 ~~14-704, and 14-804 to 14-816, they shall be construed as referring~~
7 ~~exclusively to those sections.~~ The population of a city of the
8 metropolitan class shall consist of the people residing within the
9 territorial boundaries of such city and the residents of any territory
10 duly and properly annexed to such city. Each city of the metropolitan
11 class shall be a body corporate and politic and shall have power (1) to
12 sue and be sued, (2) to purchase, lease, lease with option to buy,
13 acquire by gift or devise, and hold real and personal property within or
14 without the limits of the city for the use of the city, and real estate
15 sold for taxes, (3) to sell, exchange, lease, and convey any real or
16 personal property ~~estate~~ owned by the city, in such manner and upon such
17 terms as may be in ~~to~~ the best interests of the city, except that real
18 estate acquired for state armory sites shall be conveyed strictly in the
19 manner provided in sections 18-1001 to 18-1006, (4) to make all contracts
20 and do all other acts in relation to the property and concerns of the
21 city necessary for ~~to~~ the exercise of its corporate or administrative
22 powers, and (5) to exercise such other and further powers as may be
23 conferred by law. The powers ~~hereby~~ granted under this section shall be
24 exercised by the mayor and city council of such city except when
25 otherwise specifically ~~specialy~~ provided.

26 Sec. 8. Section 14-101.01, Revised Statutes Cumulative Supplement,
27 2020, is amended to read:

28 14-101.01 Whenever any city of the primary class shall attain a
29 population of three hundred thousand inhabitants or more as determined by
30 the most recent federal decennial census or the most recent revised
31 certified count by the United States Bureau of the Census, the mayor of

1 such city shall certify such fact to the Secretary of State, who upon the
2 filing of such certificate shall by proclamation declare such city to be
3 a city of the metropolitan class.

4 Sec. 9. Section 14-102, Revised Statutes Cumulative Supplement,
5 2020, is amended to read:

6 14-102 In addition to the powers granted in section 14-101, cities
7 of the metropolitan class shall have power by ordinance:

8 ~~Taxes, special assessments.~~

9 (1) To levy any tax or special assessment authorized by law;

10 ~~Corporate seal.~~

11 (2) To provide a corporate seal for the use of the city, and also
12 any official seal for the use of any officer, board, or agent of the
13 city, whose duties require an official seal to be used. Such corporate
14 seal shall be used in the execution of municipal bonds, warrants,
15 conveyances, and other instruments and proceedings as required by law;

16 ~~Regulation of public health.~~

17 (3) To provide all needful rules and regulations for the protection
18 and preservation of health within the city, including providing ; ~~and for~~
19 ~~this purpose they may provide~~ for the enforcement of the use of water
20 from public water supplies when the use of water from other sources shall
21 be deemed unsafe;

22 ~~Appropriations for debts and expenses.~~

23 (4) To appropriate money and provide for the payment of debts and
24 expenses of the city;

25 ~~Protection of strangers and travelers.~~

26 (5) To adopt all such measures as they may be deemed ~~deem~~ necessary
27 for the accommodation and protection of strangers and the traveling
28 public in person and property;

29 ~~Concealed weapons, firearms, fireworks, explosives.~~

30 (6) To punish and prevent the carrying of concealed weapons, except
31 the carrying of a concealed handgun in compliance with the Concealed

1 Handgun Permit Act, and the discharge of firearms, fireworks, or
2 explosives of any description within the city, other than the discharge
3 of firearms at a shooting range pursuant to the Nebraska Shooting Range
4 Protection Act;

5 ~~Sale of foodstuffs.~~

6 (7) To regulate the inspection and sale of meats, flour, poultry,
7 fish, milk, vegetables, and all other provisions or articles of food
8 exposed or offered for sale in the city;

9 ~~Official bonds.~~

10 (8) To require all elected or appointed officers ~~or servants elected~~
11 ~~or appointed~~ to give bond and security for the faithful performance of
12 their duties, except that ; ~~but~~ no officer shall become bonded and
13 secured security upon the official bond of another or upon any bond
14 executed to the city;

15 ~~Official reports of city officers.~~

16 (9) To require from any officer of the city at any time a report, in
17 detail, of the transactions of his or her office or any matter connected
18 with such office ~~therewith~~;

19 ~~Cruelty to children and animals.~~

20 (10) To provide for the prevention of cruelty to children and
21 animals;

22 ~~Dogs; taxes and restrictions.~~

23 (11) To regulate, license, or prohibit the running at large of dogs
24 and other animals within the city as well as in areas within the
25 extraterritorial zoning jurisdiction ~~three miles of the corporate limits~~
26 of the city; τ to guard against injuries or annoyance from such dogs and
27 other animals; τ and to authorize the destruction of such ~~the~~ dogs and
28 other animals when running at large contrary to the provisions of any
29 ordinance. Any licensing provision shall comply with subsection (2) of
30 section 54-603 for service animals;

31 ~~Cleaning sidewalks.~~

1 (12) To provide for keeping sidewalks clean and free from
2 obstructions and accumulations; ~~τ~~ to provide for the assessment and
3 collection of taxes on real estate and for the sale and conveyance
4 thereof; ~~τ~~ and to pay the expenses of keeping the sidewalk adjacent to
5 such real estate clean and free from obstructions and accumulations as
6 ~~herein~~ provided by law;

7 ~~Planting and trimming of trees; protection of birds.~~

8 (13) To provide for the planting and protection of shade or
9 ornamental and useful trees upon ~~the~~ streets or boulevards; ~~τ~~ to assess
10 the cost of such trees thereof to the extent of benefits upon the
11 abutting property as a special assessment; ~~τ~~ ~~and~~ to provide for the
12 protection of birds and animals and their nests; to provide for the
13 trimming of trees located upon ~~the~~ streets and boulevards or when the
14 branches of trees overhang ~~the~~ streets and boulevards when in the
15 judgment of the mayor and city council such trimming is made necessary to
16 properly light such street or boulevard or to furnish proper police
17 protection; and to assess the cost of such trimming thereof upon the
18 abutting property as a special assessment;

19 ~~Naming and numbering streets and houses.~~

20 (14) To provide for, regulate, and require the numbering or
21 renumbering of houses along public streets or avenues; and to care for
22 and control and to name and rename streets, avenues, parks, and squares
23 within the city;

24 ~~Weeds.~~

25 (15) To require weeds and worthless vegetation growing upon any lot
26 or piece of ground within the city or its extraterritorial ~~three-mile~~
27 zoning jurisdiction to be cut and destroyed so as to abate any nuisance
28 occasioned by such vegetation; ~~thereby,~~ to prohibit and control the
29 throwing, depositing, or accumulation of litter on any lot or piece of
30 ground within the city or its extraterritorial ~~three-mile~~
31 jurisdiction; ~~and~~ to require the removal of such litter thereof so as to

1 abate any nuisance occasioned thereby. ~~If , and if~~ the owner fails to cut
2 and destroy weeds and worthless vegetation or remove litter, or both,
3 after notice as required by ordinance, the city may ~~to~~ assess the cost of of
4 such destruction or removal thereof upon the lots or lands as a special
5 assessment. The required notice ~~required to be given~~ may be by
6 publication in the official newspaper of the city and may be directed in
7 general terms to the owners of lots and lands affected without naming
8 such owners;

9 ~~Animals running at large.~~

10 (16) To prohibit and regulate the running at large or the herding or
11 driving of domestic animals, such as hogs, cattle, horses, sheep, goats,
12 fowls, or animals of any kind or description within the corporate limits;
13 to ~~and~~ provide for the impounding of all animals running at large,
14 herded, or driven contrary to such prohibition and regulations; and to
15 provide for the forfeiture and sale of animals impounded to pay the
16 expense of taking up, caring for, and selling such impounded animals,
17 including the cost of advertising and fees of officers;

18 ~~Use of streets.~~

19 (17) To regulate the transportation of articles through the streets
20 and , to prevent injuries to the streets from overloaded vehicles, ~~and to~~
21 ~~regulate the width of wagon tires and tires of other vehicles~~;

22 ~~Playing on streets and sidewalks.~~

23 (18) To prevent or regulate ~~the rolling of hoops, playing of ball,~~
24 ~~flying of kites, the riding of bicycles or tricycles, or any other~~
25 amusement or practice having a tendency to annoy persons passing in the
26 streets or on the sidewalks ~~or to frighten teams or horses~~; and to
27 regulate the use of vehicles propelled by steam, gas, electricity, or
28 other motive power, operated on the streets of the city;

29 ~~Combustibles and explosives.~~

30 (19) To regulate or prohibit the transportation and keeping of
31 gunpowder, oils, and other combustible and explosive articles;

1 ~~Public sale of chattels on streets.~~

2 (20) To regulate, license, or prohibit the sale of domestic animals
3 or of goods, wares, and merchandise at public auction on the streets,
4 alleys, highways, or any public ground within the city;

5 ~~Signs and obstruction in streets.~~

6 (21) To regulate and prevent the use of streets, sidewalks, and
7 public grounds for signs, posts, awnings, awning posts, scales, or other
8 like purposes; and to regulate and prohibit the exhibition or carrying or
9 conveying of banners, placards, advertisements, or the distribution or
10 posting of advertisements or handbills in the streets or public grounds
11 or upon the sidewalks;

12 ~~Disorderly conduct.~~

13 (22) To provide for the punishment of persons disturbing the peace
14 ~~and good order of the city~~ by ~~clamor and~~ noise, intoxication,
15 drunkenness, or fighting, ~~or using obscene or profane language in the~~
16 ~~streets or other public places~~ or otherwise violating the public peace by
17 indecent or disorderly conduct or by lewd and lascivious behavior;

18 ~~Vagrants and tramps.~~

19 (23) To provide for the punishment of vagrants, tramps, ~~common~~
20 street beggars, ~~common~~ prostitutes, ~~habitual~~ disturbers of the peace,
21 pickpockets, gamblers, burglars, thieves, ~~or~~ persons who practice any
22 game, trick, or device with intent to swindle, ~~persons who abuse their~~
23 ~~families, and suspicious persons who can give no reasonable account of~~
24 ~~themselves;~~ and to punish trespassers upon private property;

25 ~~Disorderly houses, gambling, offenses against public morals.~~

26 (24) To prohibit, restrain, and suppress ~~tippling shops,~~ houses of
27 prostitution, opium joints, gambling houses, prize fighting, dog
28 fighting, cock fighting, and other disorderly houses and practices, all
29 games and gambling ~~and desecration of the Sabbath, commonly called~~
30 ~~Sunday,~~ and all kinds of indecencies; to regulate and license or prohibit
31 the keeping and use of billiard tables, bowling ~~ten pins or ball~~ alleys,

1 shooting galleries except as provided in the Nebraska Shooting Range
2 Protection Act, and other similar places of amusement; and to prohibit
3 and suppress all lotteries and gift enterprises of all kinds under
4 whatsoever name carried on, except that nothing in this subdivision shall
5 be construed to apply to bingo, lotteries, lotteries by the sale of
6 pickle cards, or raffles conducted in accordance with the Nebraska Bingo
7 Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card
8 Lottery Act, the Nebraska Small Lottery and Raffle Act, or the State
9 Lottery Act;

10 ~~Police regulation in general.~~

11 (25) To make and enforce all police regulations for the good
12 government, general welfare, health, safety, and security of the city and
13 the citizens of the city thereof in addition to the police powers
14 expressly granted by law herein; and in the exercise of the police power,
15 to pass all needful and proper ordinances and impose fines, forfeitures,
16 and penalties, and imprisonment at hard labor for the violation of any
17 ordinance; ~~and~~ to provide for the recovery, collection, and enforcement
18 of such fines thereof; and in default of payment to provide for
19 confinement in the city or county prison, ~~workhouse,~~ or other place of
20 confinement ~~with or without hard labor~~ as may be provided by ordinance;

21 ~~Fast driving on streets.~~

22 (26) To prevent ~~horseracing and immoderate driving or riding on the~~
23 ~~street and to compel persons to fasten their horses or other animals~~
24 ~~attached to vehicles while standing in the streets;~~

25 ~~Libraries, art galleries, and museums.~~

26 (27) To establish and maintain public libraries, ~~reading rooms,~~ art
27 galleries, and museums and to provide the necessary grounds or buildings
28 for such libraries, galleries, and museums therefor; to purchase books,
29 papers, maps, manuscripts, works of art, and objects of natural or of
30 scientific curiosity, ~~and instruction~~ for such libraries, galleries, and
31 museums therefor; to receive donations and bequests of money or property

1 for such libraries, galleries, and museums ~~the same~~ in trust or
2 otherwise; and to pass necessary bylaws and regulations for the
3 protection and government of such libraries, art galleries, and museums
4 ~~the same~~;

5 ~~Hospitals, workhouses, jails, firehouses, etc.; garbage disposal.~~

6 (28) To erect, designate, establish, maintain, and regulate
7 ~~hospitals or workhouses~~, houses of correction, jails, station houses,
8 fire engine houses, asphalt repair plants, and other necessary buildings;
9 ~~and~~ to erect, designate, establish, maintain, and regulate plants for the
10 removal, disposal, or recycling of garbage and refuse or to make
11 contracts for garbage and refuse removal, disposal, or recycling, or all
12 of the same; ~~and~~ to charge equitable fees for such removal, disposal,
13 or recycling, or all of the same, except as ~~hereinafter~~ provided by law.
14 The fees collected pursuant to this subdivision shall be credited to a
15 single fund to be used exclusively by the city for the removal, disposal,
16 or recycling of garbage and refuse, or all of the same, including any
17 costs incurred for collecting the fee. Before any contract for such
18 removal, disposal, or recycling is let, the city council shall make
19 specifications for such contract ~~therefor~~, bids shall be advertised for
20 as now provided by law, and the contract shall be let to the lowest and
21 best bidder, who shall furnish bond to the city conditioned upon his or
22 her carrying out the terms of the contract, the bond to be approved by
23 the city council. Nothing in this section, and no contract or regulation
24 made by the city council, shall be so construed as to prohibit any
25 person, firm, or corporation engaged in any business in which garbage or
26 refuse accumulates as a byproduct from selling, recycling, or otherwise
27 disposing of his, her, or its garbage or refuse or hauling such garbage
28 or refuse through the streets and alleys under such uniform and
29 reasonable regulations as the city council may by ordinance prescribe for
30 the removal and hauling of garbage or refuse;

31 ~~Market places.~~

1 (29) To erect and establish market houses and market places and to
2 provide for the erection of all other useful and necessary buildings for
3 the use of the city and for the protection and safety of all property
4 owned by the city. Such ~~;~~ ~~and~~ ~~such~~ market houses, ~~and~~ market places, ~~and~~
5 buildings ~~aforesaid~~ may be located on any street, alley, or public ground
6 or on land purchased for such purpose;

7 ~~Cemeteries, registers of births and deaths.~~

8 (30) To prohibit the establishment of additional cemeteries within
9 the limits of the city; ~~;~~ ~~to~~ regulate the registration of births and
10 deaths; ~~;~~ ~~to~~ direct the keeping and returning of bills of mortality; ~~;~~
11 and to impose penalties on physicians, sextons, and others for any
12 default in the premises;

13 ~~Plumbing, etc., inspection.~~

14 (31) To provide for the inspection of steam boilers, electric light
15 appliances, pipefittings, and plumbings; ~~;~~ ~~to~~ regulate their erection and
16 construction; ~~;~~ ~~to~~ appoint inspectors; ~~;~~ ~~and~~ to declare their powers and
17 duties, except as ~~herein~~ otherwise provided by law;

18 ~~Fire limits and fire protection.~~

19 (32) To enact a fire code ~~prescribe fire limits~~ and regulate the
20 erection of all buildings and other structures within the corporate
21 limits; to provide for the removal of any buildings or structures or
22 additions to buildings or structures ~~thereto~~ erected contrary to such
23 code or regulations and ~~;~~ ~~to~~ provide for the removal of dangerous
24 buildings, ~~and to provide that wooden buildings shall not be erected or~~
25 ~~placed or repaired in the fire limits; but no such code or regulation~~
26 ~~ordinance shall not~~ be suspended or modified by resolution, ~~nor shall~~
27 exceptions be made by ordinance or resolution in favor of any person,
28 firm, or corporation or concerning any particular lot or building; to
29 direct that when all ~~and~~ any building has within such fire limits, ~~when~~
30 ~~the same shall have~~ been damaged by fire, decay, or otherwise, to the
31 extent of fifty percent of the value of a similar new building above the

1 foundation, shall be torn down or removed; ~~and~~ to prescribe the manner of
2 ascertaining such damages and to assess the cost of removal of any
3 building erected or existing contrary to such code or regulations ~~or~~
4 ~~provisions,~~ against the lot or real estate upon which such building or
5 structure is located or shall be erected, or to collect such costs from
6 the owner of any such building or structure; and to enforce the such
7 collection of such costs by civil action in any court of competent
8 jurisdiction;

9 ~~Building regulations.~~

10 (33) To regulate the construction, use, and maintenance of party
11 walls, to prescribe and regulate the thickness, strength, and manner of
12 constructing stone, brick, wood, or other buildings and the size and
13 shape of brick and other material placed in such buildings; ~~therein,~~ to
14 prescribe and regulate the construction and arrangement of fire escapes
15 and the placing of iron and metallic shutters and doors in or on such
16 fire escapes; ~~therein and thereon,~~ and to provide for the inspection of
17 elevators ~~and hoist way openings to avoid accidents;~~ to prescribe,
18 regulate, and provide for the inspection of all plumbing, pipefitting, or
19 sewer connections in all houses or buildings now or hereafter erected; to
20 regulate the size, number, and manner of construction of halls, doors,
21 stairways, seats, aisles, and passageways of theaters, ~~tenement houses,~~
22 ~~audience rooms,~~ and all buildings of a public character, whether now
23 built or hereafter to be built, so that there may be convenient, safe,
24 and speedy exit in case of fire; to prevent the dangerous construction
25 and condition of chimneys, fireplaces, hearths, stoves, stovepipes,
26 ovens, boilers, and heating appliances used in or about any building ~~or a~~
27 ~~manufactory~~ and to cause such appliances ~~the same~~ to be removed or placed
28 in safe condition when they are considered dangerous; ~~to regulate and~~
29 ~~prevent the carrying on of manufactures dangerous in causing and~~
30 ~~promoting fires;~~ to prevent the deposit of ashes in unsafe places and to
31 cause such buildings and enclosures as may be in a dangerous state to be

1 put in a safe condition; to prevent the disposing of and delivery or use
2 in any building or other structure, ~~of soft, shelly, or imperfectly~~
3 ~~burned brick or other~~ unsuitable building material within the city limits
4 and provide for the inspection of building materials ~~the same~~; to provide
5 for the abatement of dense volumes of smoke; to regulate the construction
6 of areaways, stairways, and vaults and to regulate partition fences; and
7 to enforce proper heating and ventilation of buildings used for schools,
8 ~~workhouses, or shops of every class in which labor is employed or other~~
9 buildings where large numbers of persons are liable to congregate;

10 ~~Warehouses and street railways.~~

11 (34) To regulate levees, depots and depot grounds, and places for
12 storing freight and goods and to provide for and regulate the laying of
13 tracks and the passage of ~~steam or other~~ railways through the streets,
14 alleys, and public grounds of the city;

15 ~~Lighting railroad property.~~

16 (35) To require the lighting of any railway within the city, ~~the~~
17 ~~cars of which are propelled by steam,~~ and to fix and determine the
18 number, size, and style of ~~lampposts, burners, lamps, and all other~~
19 fixtures and apparatus necessary for such lighting and the points of
20 location for such lampposts. If ; ~~and in case~~ any company owning or
21 operating such railways shall fail to comply with such requirements, the
22 city council may cause such lighting ~~the same~~ to be done and may assess
23 the expense of such lighting ~~thereof~~ against such company. Such expense ~~,~~
24 ~~and the same~~ shall constitute a lien upon any real estate belonging to
25 such company and lying within such city and may be collected in the same
26 manner as taxes for general purposes;

27 ~~City publicity.~~

28 (36) To provide for necessary publicity and to appropriate money for
29 the purpose of advertising the resources and advantages of the city;

30 ~~Offstreet parking.~~

31 (37) To erect, establish, and maintain offstreet parking areas on

1 publicly owned property located beneath any elevated segment of the
2 National System of Interstate and Defense Highways or portion thereof, or
3 public property title to which is in the city on May 12, 1971, or
4 property owned by the city and used in conjunction with and incidental to
5 city-operated facilities; ~~and to regulate parking on such property~~
6 ~~thereon~~ by time limitation devices ~~devises~~ or by lease;

7 ~~Public passenger transportation systems.~~

8 (38) To acquire, by the exercise of the power of eminent domain or
9 otherwise, lease, purchase, construct, own, maintain, operate, or
10 contract for the operation of public passenger transportation systems,
11 excluding taxicabs, transportation network companies and railroad
12 systems, including all property and facilities required for such public
13 passenger transportation systems ~~therefor~~, within and without the limits
14 of the city; ~~and to~~ redeem such property from prior encumbrance in order to
15 protect or preserve the interest of the city in such property; ~~therein~~,
16 to exercise all powers granted by the Constitution of Nebraska and laws
17 of the State of Nebraska or exercised by or pursuant to a home rule
18 charter adopted pursuant thereto, including, but not limited to,
19 receiving and accepting from the government of the United States or any
20 agency thereof, from the State of Nebraska or any subdivision thereof,
21 and from any person or corporation donations, ~~devises~~, gifts, bequests,
22 loans, or grants for or in aid of the acquisition, operation, and
23 maintenance of such public passenger transportation systems; ~~and~~ to
24 administer, hold, use, and apply such donations, ~~devises~~, gifts,
25 bequests, loans, or grants ~~the same~~ for the purposes for which such
26 donations, ~~devises~~, gifts, bequests, loans, or grants may have been
27 made; ~~and to~~ negotiate with employees and enter into contracts of
28 employment; ~~and to~~ employ by contract or otherwise individuals singularly
29 or collectively; ~~and to~~ enter into agreements authorized under the
30 Interlocal Cooperation Act or the Joint Public Agency Act; ~~and to~~ contract
31 with an operating and management company for the purpose of operating,

1 servicing, and maintaining any public passenger transportation systems
2 ~~the any city of the metropolitan class shall acquire;~~ and to exercise
3 such other and further powers as may be necessary, incident, or
4 appropriate to the powers of ~~the~~ such city; and

5 ~~Regulation of air quality.~~

6 (39) In addition to powers conferred elsewhere in the laws of the
7 state ~~and notwithstanding any other law of the state,~~ to implement and
8 enforce an air pollution control program within the corporate limits of
9 the city under subdivision (23) of section 81-1504 or subsection (1) of
10 section 81-1528, which program shall be consistent with the federal Clean
11 Air Act, as amended, 42 U.S.C. 7401 et seq. Such powers shall include
12 without limitation those involving injunctive relief, civil penalties,
13 criminal fines, and burden of proof. Nothing in this section shall
14 preclude the control of air pollution by resolution, ordinance, or
15 regulation not in actual conflict with ~~the~~ state air pollution control
16 regulations.

17 Sec. 10. Section 14-102.01, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 14-102.01 A city of the metropolitan class may enact any ~~make all~~
20 ~~such~~ ordinances, bylaws, rules, regulations, and resolutions not
21 inconsistent with the general laws of the state, as may be necessary or
22 expedient, in addition to specific ~~the special~~ powers otherwise granted
23 by law, for maintaining the peace, good government, and welfare of the
24 city and for preserving order, securing persons or property from
25 violence, danger, and destruction, for protecting public and private
26 property, and for promoting the public health, safety, convenience,
27 comfort, ~~morals,~~ and general interests, and welfare of the inhabitants of
28 the city.

29 Sec. 11. Section 14-102.02, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 14-102.02 All powers and duties connected with and incident to the

1 appointment, removal, government, and discipline of the officers and
2 members of the fire department and police department ~~departments~~ of any
3 city of the metropolitan class ~~city~~ in the State of Nebraska, under such
4 rules and regulations as may be adopted by the city council, shall be
5 vested in and exercised by the city ~~said~~ council. Rules and regulations
6 for the guidance of the officers and members ~~men~~ of such ~~said~~
7 departments, and for the appointment, promotion, removal, trial, or
8 discipline of such ~~said~~ officers, ~~men~~ and members ~~matrons~~, shall be such
9 as the city council shall consider proper and necessary.

10 Sec. 12. Section 14-103, Revised Statutes Cumulative Supplement,
11 2020, is amended to read:

12 14-103 The city council of a city of the metropolitan class shall
13 have power to define, regulate, suppress, and prevent nuisances. The city
14 council may create a board of health in cases of a general epidemic or
15 may cooperate with the boards of health provided by the laws of this
16 state. The city council may provide rules and regulations for the care,
17 treatment, regulation, and prevention of all contagious and infectious
18 diseases, for the regulation of all hospitals, dispensaries, and places
19 for the treatment of the sick, for the sale of dangerous drugs, for the
20 regulation of cemeteries, and for the burial of the dead. The
21 jurisdiction of the city council in enforcing such ~~the foregoing~~
22 regulations shall extend over such city and within its extraterritorial
23 ~~three-mile~~ zoning jurisdiction.

24 Sec. 13. Section 14-104, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 14-104 The city council of a city of the metropolitan class shall
27 have power to construct any bridge declared by ordinance necessary and
28 proper for the passage of railway trains, street cars, motor vehicles
29 ~~trains, teams~~ and pedestrians across any stream either adjacent to or
30 wholly within the ~~any city of the metropolitan class~~ at any point on such
31 stream or within two miles from the corporate limits of the ~~such~~ city,

1 with such conditions and regulations concerning the use of such bridge as
2 may be deemed proper. The city council ~~It~~ shall have the power to license
3 and regulate the keeping of toll bridges within or terminating within the
4 city for the passage of persons, ~~teams,~~ and property over any river
5 passing wholly or in part within or running by and adjoining the
6 corporate limits of the any such city; to fix and determine the rates
7 of toll over any such bridge, or over the part of such bridge ~~thereof~~
8 within the city; and to authorize the owner or owners of any such bridge
9 to charge and collect the rates of toll so fixed and determined, from all
10 persons passing over or using such bridge ~~the same~~.

11 Sec. 14. Section 14-105, Revised Statutes Cumulative Supplement,
12 2020, is amended to read:

13 14-105 The city council of a city of the metropolitan class may
14 require any and all lots or pieces of ground within the city to be
15 drained, filled, or graded, and upon the failure of the owners of such
16 lots or pieces of ground to comply with such requirements, after thirty
17 days' notice in writing, the city council may cause the lots or pieces of
18 ground to be drained, filled, or graded, and the cost and expense of such
19 work ~~thereof~~ shall be levied upon the property so filled, drained, or
20 graded and shall be equalized, assessed, and collected as a special
21 assessment.

22 Sec. 15. Section 14-106, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 14-106 The city council of a city of the metropolitan class shall
25 have the power to regulate and provide for the lighting of streets,
26 laying down gas and other pipes, and erection of lampposts, electric
27 towers, or other apparatus; to regulate the sale and use of gas and
28 electric lights; to and fix and determine from time to time the price
29 of gas, the charge of electric lights and power, and the rents of gas
30 meters within the city, when not furnished by public authority, and
31 regulate the inspection of such gas meters ~~thereof~~; to prohibit or

1 regulate the erection of telegraph, telephone, or electric wire poles or
2 other poles for whatsoever purpose desired or used in the public grounds,
3 streets, or alleys, and the placing of wires on such poles thereon; and
4 to require the removal from the public grounds, streets, or alleys, of
5 any or all such poles; and to require the removal and placing under
6 ground of any or all telegraph, telephone, or electric wires.

7 Sec. 16. Section 14-107, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 14-107 The city council of a city of the metropolitan class may
10 erect, construct, purchase, maintain, and operate subways or conduits,
11 waterworks, gas works, electric light and power plants; ~~and~~ provide and
12 equip aerial landing fields; ~~and may~~ determine, fix, and charge rentals
13 for subways and conduits; and fix rates to be charged by such
14 enterprises, except as otherwise provided by ~~general~~ law. The city ~~As to~~
15 ~~all the activities authorized in this section,~~ the council may adopt and
16 promulgate and enforce all needful and proper rules and regulations ~~and~~
17 ~~enforce the same,~~ in connection with the operation of any such
18 enterprises.

19 Sec. 17. Section 14-108, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 14-108 The city council of a city of the metropolitan class shall
22 have power by ordinance to contract with any competent party for the
23 supplying and furnishing of electric light, electric heat or power, or
24 other similar service for the use of the city on its streets and public
25 places. Any such The ordinance shall specify ~~contain specifically~~ the
26 rates, terms, and conditions upon which such service ~~the same may and~~
27 shall be supplied and furnished during the period named in the ordinance
28 ~~of~~ contract. Any such contract exceeding the term of forty years shall be
29 void.

30 Sec. 18. Section 14-109, Revised Statutes Cumulative Supplement,
31 2020, is amended to read:

1 14-109 (1)(a) The city council of a city of the metropolitan class
2 shall have power to tax for revenue, license, and regulate any person
3 within the limits of the city by ordinance except as otherwise provided
4 in this section. Such tax may include both a tax for revenue and license.
5 The city council may raise revenue by levying and collecting a tax on any
6 occupation or business within the limits of the city. After March 27,
7 2014, any occupation tax imposed pursuant to this section shall make a
8 reasonable classification of businesses, users of space, or kinds of
9 transactions for purposes of imposing such tax, except that no occupation
10 tax shall be imposed on any transaction which is subject to tax under
11 section 53-160, 66-489, 66-489.02, 66-4,140, 66-4,145, 66-4,146, 77-2602,
12 or 77-4008 or which is exempt from tax under section 77-2704.24. The
13 occupation tax shall be imposed in the manner provided in section
14 18-1208, except that section 18-1208 does not apply to an occupation tax
15 subject to section 86-704. All such taxes shall be uniform in respect to
16 the class upon which they are imposed. All scientific and literary
17 lectures and entertainments shall be exempt from taxation, as well as
18 concerts and all other musical entertainments given exclusively by the
19 citizens of the city. It shall be the duty of the city clerk to deliver
20 to the city treasurer a the certified copy of the ordinance levying such
21 tax, ~~and the city clerk shall append thereto a warrant requiring the city~~
22 ~~treasurer to collect such tax.~~

23 (b) For purposes of this subsection, limits of the city does not
24 include the extraterritorial zoning jurisdiction of such city.

25 (2)(a) Except as otherwise provided in subdivision (c) of this
26 subsection, the city council shall also have the power to require any
27 individual whose primary residence or person who owns a place of business
28 which is within the limits of the city and that owns and operates a motor
29 vehicle within such limits to annually register such motor vehicle in
30 such manner as may be provided and to require such person to pay an
31 annual motor vehicle fee therefor and to require the payment of such fee

1 upon the change of ownership of such vehicle. All such fees which may be
2 provided for under this subsection shall be credited to a separate fund
3 of the city, thereby created, to be used exclusively for constructing,
4 repairing, maintaining, or improving streets, roads, alleys, public ways,
5 or parts of such streets, roads, alleys, or ways thereof or for the
6 amortization of bonded indebtedness when created for such purposes.

7 (b) No motor vehicle fee shall be required under this subsection if
8 (i) a vehicle is used or stored but temporarily in such city for a period
9 of six months or less in a twelve-month period, (ii) an individual does
10 not have a primary residence or a person does not own a place of business
11 within the limits of the city and does not own and operate a motor
12 vehicle within the limits of the city, or (iii) an individual is a full-
13 time student attending a postsecondary institution within the limits of
14 the city and the motor vehicle's situs under the Motor Vehicle
15 Certificate of Title Act is different from the place at which he or she
16 is attending such institution.

17 (c) After December 31, 2012, no motor vehicle fee shall be required
18 of any individual whose primary residence is within the extraterritorial
19 zoning jurisdiction of such city or any person who owns a place of
20 business within such ~~the extraterritorial zoning jurisdiction of such~~
21 ~~city~~.

22 (d) For purposes of this subsection, limits of the city includes the
23 extraterritorial zoning jurisdiction of such city.

24 (3) For purposes of this section, person includes bodies corporate,
25 societies, communities, the public generally, individuals, partnerships,
26 limited liability companies, joint-stock companies, cooperatives, and
27 associations. Person does not include any federal, state, or local
28 government or any political subdivision thereof.

29 Sec. 19. Section 14-110, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 14-110 If the manner of exercising any power conferred upon the city

1 council of a city of the metropolitan class is not prescribed, the city
2 council may provide by ordinance for the exercise of such power therefor.

3 Sec. 20. Section 14-111, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 14-111 The city council of a city of the metropolitan class shall
6 have the care, management, and control of the city and its property and
7 finances, and shall have power to pass, amend, or repeal any and all
8 ordinances necessary or proper to execute or carry into effect any of the
9 provisions of sections 14-101 to 14-2004 ~~this act~~, or any of the powers
10 ~~herein~~ granted in such sections, except as otherwise provided by law
11 ~~herein~~.

12 Sec. 21. Section 14-112, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 14-112 In each city of the metropolitan class, the city shall have
15 power by ordinance to erect, establish, and maintain public comfort
16 stations. ~~Such~~ ~~It may locate such~~ public comfort stations may be located
17 on any street, alley, public grounds, or on any lands acquired for such
18 purpose.

19 Sec. 22. Section 14-113, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 14-113 In each city of the metropolitan class, the city council
22 shall have power by ordinance to erect, establish, and maintain an armory
23 in such ~~said~~ city, and may rent or lease such armory to the State of
24 Nebraska for the purpose of housing the National Guard and State Guard of
25 the state, or any unit thereof, under such terms and conditions as the
26 city council ~~it~~ may deem proper.

27 Sec. 23. Section 14-115, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 14-115 (1)(a) No owner of real estate within the corporate limits
30 of a such city of the metropolitan class shall be permitted to subdivide
31 the real estate into blocks and lots, or parcels, without first having

1 obtained from the city engineer a plat or plan for the avenues, streets,
2 and alleys to be laid out within or across such real estate ~~the same~~ and,
3 when applicable, having complied with sections 39-1311 to 39-1311.05.

4 (b) A copy of such plat must be filed in the office of the city
5 clerk for at least two weeks before such plat can be approved. Public
6 notice must be given for two weeks of the filing of the plat. ~~τ~~

7 (2) The city council shall have the power to:

8 (a) Order and such plat, ~~if ordered by the council, shall~~ be made so
9 that such avenues, streets, and alleys so far as practicable, ~~shall~~
10 correspond in width, name, and direction and are ~~be~~ continuous of the
11 avenues, streets, and alleys in the city contiguous to or near the real
12 estate to be subdivided; ~~τ~~

13 (b) ~~Compel~~ The council ~~shall have power to compel~~ the owner of such
14 real estate, in subdividing such real estate ~~the same~~, to lay out and
15 dedicate to the public the avenues, streets, and alleys, to be within or
16 across such real estate in accordance with the plat; ~~τ~~

17 (c) ~~Prohibit~~ It ~~shall further have the power to prohibit~~ the selling
18 or offering for sale of any lots or parts of such real estate not
19 subdivided and platted pursuant to this section; and as herein required.

20 (d) ~~Establish~~ It ~~shall also have power to establish~~ the grade of all
21 such streets and alleys and to require such streets and alleys ~~the same~~
22 to be graded to such established grade before selling or offering for
23 sale any of the lots or parts of the real estate.

24 (3) Any and all additions to be made to the city shall be made so
25 far as such additions relate ~~the same relates~~ to the avenues, streets,
26 and alleys in such additions ~~therein~~, under and in accordance with this
27 section ~~the foregoing provisions.~~

28 (4)(a) Whenever the owners of all the lots and lands, except streets
29 and alleys, embraced and included in any existing plat or subdivision
30 shall desire to vacate the plat or subdivision for the purpose of
31 replatting the land embraced in the plat or subdivision, and shall

1 present a petition praying for such vacation to the city council, and
2 submit with such petition ~~therewith for the approval of the city council~~
3 a proposed replat of such lots and lands ~~the same~~, which shall in all
4 things be in conformity with the requirements of this section, the city
5 council may, by concurrent resolution, declare the existing plat and the
6 streets and alleys in such plat ~~therein~~ vacated and approve the proposed
7 replat.

8 (b) Upon such approval, ~~Thereupon~~ the existing plat or subdivision
9 shall be vacated and the land comprised within the streets and alleys so
10 vacated shall revert to, and the title to such streets and alleys ~~thereto~~
11 vest in, the owners of the abutting property and become a part of such
12 property, each owner taking title to the centerline of the vacated street
13 or alley adjacent to his or her property. When a portion of a street or
14 alley is vacated only on one side of the center of such street or alley
15 ~~thereof~~, the title to such land shall vest in the owner of the abutting
16 property and become a part of such property.

17 (c) It shall require a two-thirds vote of all the members of the
18 city council to adopt such resolution.

19 (5) Upon the vacation of any plat as provided in this section
20 ~~aforsaid~~, it shall be the duty of the owners petitioning for such
21 vacation ~~same~~ to cause to be recorded in the office of the register of
22 deeds and county assessor of the county a duly certified copy of the
23 petition, the action of the city council on such petition ~~therein~~, and
24 the resolution vacating the plat.

25 Sec. 24. Section 14-116, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 14-116 (1) No owner of any real estate located in an area which is
28 within the extraterritorial zoning jurisdiction ~~three miles of the~~
29 ~~corporate limits~~ of any city of the metropolitan class, when such real
30 estate is located in any county in which such a city ~~of the metropolitan~~
31 ~~class~~ is located, and is outside of any other organized city or village,

1 shall be permitted to subdivide, plat, or lay out the real estate in
2 building lots and streets or other portions of such real estate ~~the same~~
3 intended to be dedicated for public use or for the use of the purchasers
4 or owners of lots fronting on thereon or adjacent to such real estate
5 ~~thereto~~ without first having obtained the approval ~~thereof~~ by the city
6 council of such city and, when applicable, having complied with sections
7 39-1311 to 39-1311.05. No plat of such real estate shall be recorded in
8 the office of the register of deeds or have any force or effect unless
9 such plat ~~the same~~ shall have been first approved by the city council of
10 such city.

11 (2) The ~~Such~~ city shall have the authority within its
12 extraterritorial zoning jurisdiction ~~such area~~ to:

13 (a) Regulate ~~regulate~~ the subdivision of land for the purpose,
14 whether immediate or future, of transfer of ownership or building
15 development;

16 (b) Prescribe ~~to prescribe~~ standards for laying out subdivisions in
17 harmony with a comprehensive plan;

18 (c) Require ~~to require~~ the installation of improvements by the owner
19 or by the creation of public improvement districts, ~~÷~~ by requiring a good
20 and sufficient bond guaranteeing installation of such improvement, ~~÷~~ or by
21 requiring the execution of a contract with the city insuring the
22 installation of such improvements; and

23 (d) Require ~~to require~~ the dedication of land for adequate streets,
24 drainage ways, and easements for sewers and utilities.

25 (3) All such requirements for improvements shall operate uniformly
26 throughout the extraterritorial zoning area ~~of~~ jurisdiction of such city.

27 (4) For purposes of this section, subdivision shall mean the
28 division of a lot, tract, or parcel of land into two or more lots,
29 blocks, or other divisions of lands for the purpose, whether immediate or
30 future, of ownership or building developments except that the division of
31 land shall not be considered to be subdivision when the smallest parcel

1 created is more than ten acres in size.

2 (5) ~~The city council of any such city~~ may withhold approval of a
3 plat until the appropriate department of the city has certified that the
4 improvements required by ordinance have been satisfactorily installed, ~~or~~
5 until a sufficient bond guaranteeing installation of the improvements has
6 been posted with the city, ~~or~~ until public improvement districts have
7 been created, ~~or~~ until a contract has been executed insuring the
8 installation of such improvements.

9 Sec. 25. Section 14-117, Revised Statutes Cumulative Supplement,
10 2020, is amended to read:

11 14-117 The corporate limits of any city of the metropolitan class
12 shall be fixed and determined by ordinance by the city council. The city
13 council of any city of the metropolitan class may at any time extend the
14 corporate limits of such city over any contiguous or adjacent lands,
15 lots, tracts, streets, or highways, such distance as may be deemed proper
16 in any direction, and may include, annex, merge, or consolidate with such
17 city of the metropolitan class, by such extension of its limits, any
18 adjoining city of the first class having a population of less than ten
19 thousand inhabitants as determined by the most recent federal decennial
20 census or the most recent revised certified count by the United States
21 Bureau of the Census or any adjoining city of the second class or
22 village. Any other laws and limitations defining the boundaries of cities
23 or villages or the increase of area or extension of limits of such
24 boundaries ~~thereof~~ shall not apply to lots, lands, cities, or villages
25 annexed, consolidated, or merged under this section.

26 Sec. 26. Section 14-118, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 14-118 (1) Whenever any city of the metropolitan class shall extend
29 its boundaries so as to annex or merge with it any city or village, the
30 laws, ordinances, powers, and government of such city of the metropolitan
31 class ~~city~~ shall extend over the territory embraced within such annexed

1 ~~or merged city or village so annexed or merged with the metropolitan city~~
2 from and after the date of annexation or merger. The date of annexation
3 or merger shall be set forth in the ordinance providing for such
4 annexation or merger. ~~the same, and after~~

5 (2) ~~After such said date,~~ the city of the metropolitan class city
6 shall:

7 (a) ~~Succeed~~ succeed to all the property and property rights of every
8 kind, contracts, obligations, and choses in action of every kind held by
9 or belonging to the annexed or merged city or village; and

10 (b) ~~Be annexed or merged with it, and the metropolitan city shall be~~
11 liable for and recognize, assume, and carry out all valid contracts,
12 obligations, and licenses of the annexed or merged any city or village ~~so~~
13 ~~annexed or merged with the metropolitan city.~~

14 (3) Any city or village so ~~merged or~~ annexed or merged with the city
15 of the metropolitan class city shall be deemed fully compensated by
16 virtue of such annexation or merger and assumption of its obligations and
17 contracts, for all its properties and property rights of every kind so
18 acquired.

19 (4) ~~Any as aforesaid by the metropolitan city; Provided, however,~~
20 ~~that any public franchise, license,~~ or privilege granted to or held by
21 any person or corporation from any of the cities or villages annexed or
22 merged with any city of the metropolitan class city, before such
23 annexation or merger, shall not, by virtue of such annexation or merger,
24 be extended into, upon, or over the streets, alleys, or public places of
25 the city of the metropolitan class city involved in such annexation or
26 ~~consolidation and merger.~~

27 Sec. 27. Section 14-120, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 14-120 All taxes, assessments, fines, license fees, claims and
30 demands of every kind, due or to become due or owing to any city or
31 village ~~thus~~ annexed or merged with any city of the metropolitan class as

1 provided in sections 14-117 to 14-125 ~~city~~, shall be paid to and
2 collected by the city of the metropolitan class ~~city~~.

3 Sec. 28. Section 14-121, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 14-121 All taxes or special assessments which any city or village ~~so~~
6 annexed or merged with a city of the metropolitan class as provided in
7 sections 14-117 to 14-125 was authorized to levy or assess, but which are
8 not levied or assessed at the time of such annexation or merger for any
9 kind of public improvements made by such city or village ~~it~~ or in process
10 of construction or contracted for, may be levied or assessed by such city
11 of the metropolitan class. ~~The city of the city as consolidated. Such~~
12 metropolitan class ~~city~~ shall have the power to reassess all special
13 assessments or taxes levied or assessed by such city or village thus
14 consolidated with such city ~~it~~ in all cases where any city or village was
15 authorized to make reassessments or ~~releives~~ of such taxes or
16 assessments.

17 Sec. 29. Section 14-122, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 14-122 Where, at the time of any ~~such~~ annexation or merger as
20 provided in sections 14-117 to 14-125, the municipal license year, for
21 any kind of license, of any city or village annexed or merged with a city
22 of the metropolitan class as provided in such sections ~~so consolidated~~
23 ~~with the metropolitan city~~ extends beyond or overlaps the municipal
24 license year of the city of the metropolitan class ~~city~~, then the proper
25 authorities of the city of the metropolitan class ~~may city~~ ~~are hereby~~
26 ~~authorized to~~ issue to the lawful holder of any yearly license issued by
27 any such city or village annexed or merged with the city of the
28 metropolitan class ~~city~~, or to any new applicants applying for license to
29 continue the business at the place covered by such expiring city or
30 village license, a new license under such conditions as may be provided
31 in the laws or ordinances governing the city of the metropolitan class

1 ~~city~~ for the remainder of the city of the metropolitan class city license
2 year, extending from the expiration of such city or village license up to
3 the end of the city of the metropolitan class city license year, and
4 charging and collecting for such license ~~therefor~~ only such portion of
5 the yearly amount fixed for ~~any~~ such license by the laws or ordinances
6 governing the city of the metropolitan class city as will represent
7 proportionately the time for which the new license shall be granted.

8 Sec. 30. Section 14-123, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 14-123 All actions in law or in equity pending in any court in favor
11 of or against any city or village ~~thus~~ annexed or merged with a city of
12 the metropolitan class as provided in sections 14-117 to 14-125 city at
13 the time such annexation or merger takes effect, shall be prosecuted by
14 or defended by such city of the metropolitan class city. All rights of
15 action existing against any city or village consolidated with such city
16 of the metropolitan class city at the time of such consolidation, or
17 accruing thereafter on account of any transaction had with or under any
18 law or ordinance of such city or village, may be prosecuted against such
19 city of the metropolitan class city as existing after annexation or
20 merger.

21 Sec. 31. Section 14-124, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 14-124 All officers of any city or village ~~so~~ annexed or merged with
24 a city of the metropolitan class as provided in sections 14-117 to 14-125
25 city, having books, papers, bonds, funds, effects, or property of any
26 kind in their hands or under their control belonging to any such city or
27 village shall, upon the taking effect of such consolidation, deliver such
28 books, papers, bonds, funds, effects, or property ~~the same~~ to the
29 respective officers of the city of the metropolitan class city ~~as may be~~
30 ~~by law or ordinance or resolution of such metropolitan city~~ entitled or
31 authorized to receive such books, papers, bonds, funds, effects, or

1 ~~property the same.~~ Upon such annexation and merger taking effect, the
2 terms and tenure of all offices and officers of any city or village so
3 consolidated with the city of the metropolitan class ~~city~~ shall terminate
4 and entirely cease except as ~~herein~~ otherwise provided by law.

5 Sec. 32. Section 14-125, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 14-125 Any rights, power, or authority acquired, granted, or
8 received, or possessed by any person, city, or village through
9 consolidation effectuated under the terms of Chapter 212 of the Session
10 Laws of Nebraska for 1915, are hereby granted and continued.

11 Sec. 33. Section 14-136, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 14-136 The city council of a city of the metropolitan class, or any
14 committee of the members of the city council ~~thereof~~, shall have the
15 power to compel the attendance of witnesses for the investigation of
16 matters that may come before them. ~~The~~ ~~,~~ ~~and~~ ~~the~~ presiding officer of the
17 city council, or the chairperson ~~chairman~~ of such committee ~~for the time~~
18 ~~being~~, may administer the requisite oaths, and the city ~~such~~ council or
19 committee shall have the same authority to compel the giving of testimony
20 as is conferred on courts of justice.

21 Sec. 34. Section 14-137, Revised Statutes Supplement, 2021, is
22 amended to read:

23 14-137 The style enacting clause of ~~all~~ ordinances of ~~in~~ a city of
24 the metropolitan class shall be as follows: Be it ordained by the city
25 council of the city of All ordinances of the city shall be
26 passed pursuant to such rules and regulations as the city council may
27 prescribe. Upon the passage of all ordinances the yeas and nays shall be
28 recorded in the minutes ~~entered upon the record~~ of the city council, and
29 a majority of the votes of all the members of the city council shall be
30 necessary for ~~to~~ ~~their~~ passage. No ordinance shall be passed within a
31 week after its introduction, except the general appropriation ordinances

1 for salaries and wages. Ordinances of a general or permanent nature shall
2 be read by title on three different days unless three-fourths of the city
3 council vote to suspend this requirement, except that such requirement
4 shall not be suspended (1) for any ordinance for the annexation of
5 territory or the redrawing of boundaries for city council election
6 districts or wards or (2) as otherwise provided by law.

7 Sec. 35. Section 14-201, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 14-201 In each ~~any~~ city of the metropolitan class, seven city
10 council members shall be elected to the city council as provided in
11 section 32-536. The general city election for the election of elective
12 officers of cities of the metropolitan class shall be held on the first
13 Tuesday after the second Monday in May 1993 and every four years
14 thereafter. The terms of office of such city council members shall
15 commence on the fourth Monday after such election.

16 Sec. 36. Section 14-201.03, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 14-201.03 The election commissioner in any county in which is
19 situated a city of the metropolitan class shall divide the city into
20 seven city council districts of compact and contiguous territory. Such
21 districts shall be numbered consecutively from one to seven. One city
22 council member shall be elected from each district. The city council
23 shall be responsible for redrawing the city council district boundaries
24 pursuant to section 32-553.

25 Sec. 37. Section 14-202, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 14-202 The city council of a city of the metropolitan class is
28 authorized to call, by ordinance, special elections and to submit at such
29 elections ~~thereat~~ such questions and propositions as may be authorized by
30 law ~~this act~~ to be submitted to the electors at a special election.
31 Unless otherwise specifically directed, it shall be sufficient to give,

1 in the manner required by law, thirty days' notice of the time and place
2 of holding such special election. Unless otherwise specifically ~~specially~~
3 designated, a majority vote of the electors voting on any proposition
4 shall be regarded sufficient to approve or carry such proposition ~~the~~
5 ~~same~~. The vote at such special election ~~thereat~~ shall be canvassed by the
6 authority or officer authorized to canvass the vote at the general city
7 election and the result of such election ~~thereof~~ certified or declared
8 and certificate of election, if required, shall be issued.

9 Sec. 38. Section 14-204, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 14-204 (1) A candidate for city council member of a city of the
12 metropolitan class shall be a registered voter and a resident of the
13 district from which he or she seeks election and shall have been a
14 resident in the city and district or any area annexed by the city for six
15 months ~~one year~~. The primary election for nomination of city council
16 members shall be held on the first Tuesday of April preceding the date of
17 the general city election.

18 (2) Any person desiring to become a candidate for city council
19 member shall file a candidate filing form pursuant to sections 32-606 and
20 32-607.

21 Sec. 39. Section 14-205, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 14-205 Notwithstanding any more general law respecting primary
24 elections in force in this state, the official ballot to be prepared and
25 used at the primary election under section 14-204 shall be in
26 substantially the form provided in this section. The names of all
27 candidates shall be placed upon the ballot without any party designation.

28 Candidate for Nomination for City Council Member from City Council
29 District No., of the City of, at the
30 Primary Election

31 Vote for only one:

1 ~~(Names of candidates)~~.....

2 (Names of candidates)

3 In all other respects the general character of the ballot to be used
4 shall be the same as authorized by the Election Act.

5 In printing, the names shall not be arranged alphabetically but
6 shall be rotated according to the following plan: The form shall be set
7 up by the printer, with the names in the order in which they are placed
8 upon the sample ballot prepared by the officer authorized to conduct the
9 general city election. In printing the ballots for the various election
10 districts or precincts, the position of the names shall be changed for
11 each election district, and in making the change of position the printer
12 shall take the line of type containing the name at the head of the form
13 and place it at the bottom, shoving up the column so that the name that
14 was second before the change shall be the first after the change. The
15 primary election shall be conducted pursuant to the Election Act except
16 as provided in section 14-204 and unless otherwise provided in the home
17 rule charter or city code.

18 Sec. 40. Section 14-206, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 14-206 The two candidates receiving the highest number of votes in
21 each city council district at the primary election under section 14-204
22 shall be the candidates and the only candidates whose names shall be
23 placed upon the official ballot for city council members in such city
24 council district at the general city election in such city.

25 Sec. 41. Section 14-207, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 14-207 At the general city election at which city council members
28 are to be elected, the ballot shall be prepared in substantially the same
29 form as provided in section 14-205, and the person receiving the highest
30 number of votes in each of the city council districts shall be the city
31 council member elected. The general city election shall be conducted

1 pursuant to the Election Act unless otherwise provided in the home rule
2 charter or city code.

3 Sec. 42. Section 14-210, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 14-210 (1) The right to enact ordinances for any city of the
6 metropolitan class city is hereby granted to the qualified electors of
7 such city, but such grant is made upon the following conditions and in
8 addition to the right ~~herein~~ granted to the city council to legislate as
9 provided in this section. ÷

10 (2)(a) Whenever qualified electors of any ~~such~~ city of the
11 metropolitan class equal in number to fifteen percent of the vote cast at
12 the last preceding city election petition the city council to enact a
13 proposed ordinance, it shall be the duty of the city council to either
14 enact such ordinance without amendment within thirty days or submit such
15 ordinance ~~the same~~ to a vote of the people at the next election held
16 within such city regardless of whether such election be a city, county,
17 or state election.

18 (b) Whenever such proposed ordinance is petitioned for by qualified
19 electors equal in number to twenty-five percent of the votes cast at the
20 last preceding city election and such petition requests that a special
21 election be called to submit the proposed ordinance to a vote of the
22 people in the event that the city council shall fail to enact such
23 ordinance ~~the same, it shall be the duty of the city council shall to~~
24 either enact such ordinance without amendment within thirty days or
25 submit such ordinance to a vote of the people at a special election
26 called by the city council for that purpose. The date of such election
27 shall not be less than fifty days nor more than seventy days after the
28 filing of the petition for the proposed ordinance.

29 (3) The petition herein provided for in this section shall be in the
30 general form and as to signatures and verification as provided in section
31 14-212 and ÷ ~~shall be filed with the city clerk, and if there be no city~~

1 ~~clerk, then with such other officer having charge of the records of the~~
2 ~~city council. Said officer shall immediately ascertain the percent of the~~
3 ~~voters signing such petition and transmit his findings, together with~~
4 ~~such petition, to the council. Upon the filing of a petition, the city~~
5 ~~clerk and the county clerk or election commissioner of the county in~~
6 ~~which the city is located may by mutual agreement provide that the county~~
7 ~~clerk or election commissioner shall ascertain whether the petition is~~
8 ~~signed by the requisite number of voters. When the verifying official has~~
9 ~~ascertained the percent of the voters signing such petition, such~~
10 ~~official shall transmit his or her findings, together with such petition,~~
11 ~~to the city council.~~

12 (4) In the event the city council shall fail to enact such
13 ordinance, the city council shall submit such ordinance ~~the same~~ to a
14 vote of the people of such city as ~~herein~~ provided in this section. The
15 mayor shall notify ~~issue a proclamation notifying~~ the electors of such
16 election at least fifteen days prior to such election, and the city
17 council shall cause to have published a notice of the election, and a
18 copy of such proposed ordinance once in each of the daily legal
19 newspapers in or of general circulation in the city, or, if there is no
20 such newspaper, then once in each weekly legal newspaper in or of general
21 circulation in such city. Such publication shall be not more than twenty
22 nor less than five days prior to such election. ~~copy of such proposed~~
23 ~~ordinance once in each of the daily newspapers of general circulation in~~
24 ~~the city, and, if there be no daily newspaper published within such city,~~
25 ~~then once in each weekly newspaper of general circulation in such city,~~
26 ~~such publication to be not more than twenty nor less than five days~~
27 ~~before the submission of the proposed ordinance to the electors.~~

28 (5) All proposed ordinances shall have a title which shall state in
29 a general way the purpose and intent of such ordinance.

30 (6) The ballots used when voting upon such proposed ordinance shall
31 contain the following: For the ordinance (set forth the title thereof)

1 and Against the ordinance (set forth the title thereof).

2 (7) If a majority of the electors voting on the proposed ordinance
3 shall vote in favor of the question thereof such ordinance shall
4 ~~thereupon~~ become a valid and binding ordinance of the city. An ordinance
5 ~~so~~ adopted as provided in this section shall not be altered or modified
6 by the city council within one year after such the adoption ~~thereof~~ by
7 the ~~people~~.

8 (8) Any number of proposed ordinances may be voted upon at the same
9 election in accordance with the provisions of this section except that ÷
10 ~~Provided~~, the same measure, either in form or essential substance, shall
11 not be submitted more often than once every ~~in~~ two years.

12 Sec. 43. Section 14-211, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 14-211 (1)(a) No ordinance passed by the city ~~any such~~ council of a
15 city of the metropolitan class, except when otherwise required by the
16 general laws of the state, ~~or~~ by other provisions of sections 14-201 to
17 14-229, or as provided in subdivision (1)(b) of this section except
18 ~~ordinances appropriating money to pay the salary of officers and~~
19 ~~employees of the city, emergency ordinances for the immediate~~
20 ~~preservation of the public peace, health or safety, and which contain a~~
21 ~~statement of such emergency~~, shall go into effect before fifteen days
22 from the time of its final passage.

23 (b) An ordinance passed by the city council of a city of the
24 metropolitan class may take effect sooner than fifteen days from the time
25 of its final passage if the ordinance is:

26 (i) For the appropriation of money to pay the salary of officers or
27 employees of the city; or

28 (ii) An emergency ordinance that is for the preservation of the
29 public peace, health, or safety and that contains a statement of such
30 emergency.

31 (2)(a) If during such ~~said~~ fifteen days a petition, signed and

1 verified, ~~as hereinbefore provided in this section~~ , by electors of the
2 city equal in number to at least fifteen percent of the highest number of
3 votes cast for any city council member ~~of such councilmen~~ at the last
4 preceding general city election, protesting against the passage of such
5 ordinance, shall be presented to the city ~~such~~ council, then such
6 ordinance shall ~~thereupon~~ be suspended from going into operation, and it
7 shall be the duty of the city council to reconsider such ordinance.

8 (b) ~~If such ordinance is not the same be not entirely~~ repealed by
9 the city council, then the city council shall proceed to submit to the
10 voters such ordinance at a special election to be called for such ~~that~~
11 purpose or at a general city election, and such ordinance shall not go
12 into effect or become operative unless a majority of the qualified
13 electors voting on such ordinance ~~the same~~ shall vote in favor of the
14 question thereof.

15 (3) Such petition shall be in all respects in accordance with the
16 provisions of section 14-212 relating to signatures, verification,
17 inspection, and certification.

18 Sec. 44. Section 14-212, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 14-212 All petitions provided for in sections 14-204, 14-210, and
21 14-211 shall be signed by none but legal voters of the city and each
22 petition shall contain, in addition to the names of the petitioners, the
23 street and house number where the petitioner resides. The signatures to
24 such petition need not all be appended in a single sheet ~~to one paper~~,
25 and at least one of the signatories of each sheet ~~paper~~ shall make oath
26 before some officer, competent to administer oaths, that the statements
27 made in any such petition are true ~~as he or she verily believes~~, and that
28 the signatories were, at the time of signing such petition, legal voters
29 of the city ~~as he or she verily believes~~. He or she shall also state in
30 the affidavit the number of signatories upon the petition, or part of of
31 such petition thereof, sworn to or affirmed by him or her, at the time he

1 or she makes such affidavit.

2 Sec. 45. Section 14-213, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 14-213 (1) The executive and administrative powers, authorities,
5 and duties in a city of the metropolitan class ~~such cities~~ shall be
6 distributed among the following departments:

7 (a) Finance;

8 (b) Fire;

9 (c) Human Resources;

10 (d) Human Rights and Relations;

11 (e) Law;

12 (f) Parks, Recreation, and Public Property;

13 (g) Planning;

14 (h) Police; and

15 (i) Public Works.

16 ~~as follows: (1) Department of public affairs, (2) department of~~
17 ~~accounts and finances, (3) department of police, sanitation and public~~
18 ~~safety, (4) department of fire protection and water supply, (5)~~
19 ~~department of street cleaning and maintenance, (6) department of public~~
20 ~~improvements, and (7) department of parks and public property.~~

21 (2) The city council shall determine the powers and duties to be
22 exercised and performed by such departments, and assign such powers and
23 duties accordingly ~~them to, the appropriate departments.~~ The city council
24 ~~It~~ may prescribe the powers and duties of all officers and employees of
25 the city, and may assign particular officers or employees to more than
26 one of the city departments. The city council ~~It~~ may require any officer
27 or employee to perform duties in two or more of the departments, and may
28 make such other rules and regulations as may be necessary or proper for
29 the efficient and economical management of the business affairs of the
30 city.

31 Sec. 46. Section 14-214, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 14-214 The city council of a city of the metropolitan class shall
3 possess and exercise, by itself or through such methods as the city
4 council ~~it~~ may provide, all executive, legislative, or judicial powers of
5 the city, except as otherwise expressly provided by general law or
6 sections 14-101 to 14-2004. The city council this act. ~~It~~ shall have the
7 power to elect or appoint any officer and define such officer's ~~his~~
8 duties, or any employee deemed ~~it may deem~~ necessary, and any such
9 officer or employee elected or appointed by the city council may be
10 removed by the city council ~~it~~ at any time, except as otherwise provided
11 by law in this act.

12 Sec. 47. Section 14-215, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 14-215 The city council of a city of the metropolitan class shall
15 have power to:

16 (1) Create ~~create~~ any office or board deemed ~~it deems~~ necessary;

17 (2) Discontinue ~~, and shall have power to discontinue~~ any employment
18 or abolish any office at any time when, in the judgment of the city
19 council, such employment or office is no longer necessary; ~~-~~

20 (3) Fix ~~It shall have power to fix~~ the salary and compensation of
21 all city officers and employees where such salary or compensation is not
22 fixed or established by law; ~~and this act.~~

23 (4) Create ~~It may create~~ a board of three or more members and confer
24 upon such board powers not required to be exercised by the city council
25 itself. The city council ~~, and~~ may require such other officers to serve
26 upon any such board and perform the services required of it, with or
27 without any compensation or additional compensation for such services or
28 additional services.

29 Sec. 48. Section 14-216, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 14-216 The regular meetings of the city council of a city of the

1 metropolitan class shall be held once each week upon such day and hour as
2 the city council may designate. Special meetings of the city council may
3 be called from time to time by the mayor or three city ~~two~~ council
4 members, giving notice in such manner as may be fixed or determined by
5 ordinance or resolution. A majority of such city council shall constitute
6 a quorum for the transaction of any business, but it shall require a
7 majority vote of the whole city council ~~in any such city~~ to pass any
8 measure or transact any business. The vote of five members of the city
9 council shall be required to override any veto by the mayor.

10 Sec. 49. Section 14-217.02, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 14-217.02 Vacancies in the office of mayor or city council in a city
13 of the metropolitan class shall be filled as provided in section 32-568.
14 Salaries of the mayor and members of the city council shall be determined
15 by ordinance ~~local law~~.

16 Sec. 50. Section 14-218, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 14-218 The mayor of a city of the metropolitan class shall, in a
19 general way, constantly investigate all public affairs concerning the
20 interest of the city, and shall investigate and ascertain in a general
21 way the efficiency and manner in which all departments of the city
22 government are being conducted. The mayor ~~He~~ shall recommend to the city
23 council all such matters as in the mayor's ~~his~~ judgment should receive
24 the investigation, consideration, or action of the city council ~~that~~
25 ~~body~~.

26 Sec. 51. Section 14-219, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 14-219 The mayor of a city of the metropolitan class shall be the
29 chief executive officer and conservator of the peace throughout the city.
30 The mayor ~~He~~ shall have such jurisdiction as may be vested in such office
31 ~~him~~ by ordinance over all places within the extraterritorial zoning

1 ~~jurisdiction three miles of the corporate limits~~ of the city, for the
2 enforcement of any health and quarantine ordinance or ~~the~~ regulations
3 thereof.

4 Sec. 52. Section 14-220, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 14-220 The mayor of a city of the metropolitan class shall have the
7 superintending control of all officers and affairs of the city except
8 when otherwise ~~specially~~ provided by law. The mayor He may, when deemed
9 ~~he deems it~~ necessary, require any officer of the city to exhibit such
10 officer's ~~his~~ accounts or any other papers and to make report to the city
11 council, in writing, touching any subject or matter the mayor ~~he~~ may
12 require pertaining to such ~~his~~ office. The mayor He shall, from time to
13 time, communicate to the city council such information and recommend such
14 measures as, in the mayor's ~~his~~ opinion, may tend to the improvement of
15 the finances, police, health, security, ornament, comfort, and general
16 prosperity of the city. The mayor He shall be active and vigilant in
17 enforcing all laws and ordinances of the city and shall cause all
18 subordinate officers to be dealt with promptly in any neglect or
19 violation of duty. The mayor He shall give written notice to the city
20 clerk of the mayor's ~~his~~ intended absence from the city.

21 Sec. 53. Section 14-221, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 14-221 It shall be the duty of the mayor of a city of the
24 metropolitan class to:

25 (1) Enforce ~~enforce~~ the laws of the state and the ordinances of the
26 city;

27 (2) Order ~~to order~~, direct, and enforce, through the officers of the
28 police department, the arrest and prosecution of persons violating such
29 laws and ordinances; and

30 (3) Cooperate ~~to cooperate~~ with and assist the county ~~sheriff of the~~
31 county in suppressing riots and mobs, and in the arrest and prosecution

1 of persons charged with crimes ~~and misdemeanors.~~

2 Sec. 54. Section 14-224, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 14-224 The mayor and city council members and all other officers,
5 agents, and employees of ~~a the city of the metropolitan class~~ are
6 prohibited from soliciting or receiving, directly or indirectly, for any
7 purpose whatsoever, any contribution of money or supplies of whatsoever
8 kind, or any valuable or special privilege at the hands of any city
9 contractor, or his or her agents, or from any franchised municipal
10 corporation. ~~Such for any purpose whatsoever, and such~~ conduct shall
11 constitute malfeasance in office. No officer, appointee, agent, or
12 employee shall directly or indirectly solicit or receive any gift or
13 contribution of money or supplies, or any valuable service, from any
14 appointee, agent, or employee of such city, for the benefit of the person
15 asking for such gift or contribution or for the benefit of another. A Any
16 violation of this section is ~~provision shall constitute~~ a Class III
17 misdemeanor.

18 Sec. 55. Section 14-225, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 14-225 No officer or agent of ~~a the city of the metropolitan class~~
21 shall solicit, directly or indirectly, the political support of any
22 contractor, municipal franchised corporation, or railway company, or the
23 officials or agents of such companies, for any municipal election or for
24 any other election ~~or primary election~~ held in the city ~~in pursuance of~~
25 law. ~~No Nor shall~~ any franchised corporation or railway company, through
26 its agents or officials, or by any other means, shall furnish or
27 appropriate any money, directly or indirectly, to promote the success or
28 defeat of any person ~~whomsoever,~~ in any election ~~or primary election~~ held
29 in such city, or to promote or prevent the appointment or confirmation of
30 any appointive officer of such city. A violation of any of this section
31 ~~these provisions~~ on the part of any officer or agent of the city shall be

1 deemed malfeasance in office, and upon conviction of such violation
2 ~~thereof~~ such officer shall be removed from office by the order of the
3 court, and fined in any sum not to exceed five hundred dollars. A
4 violation of this section ~~any of these provisions~~ on the part of any
5 franchised corporation through its officials or agents, upon conviction
6 by any court of competent jurisdiction, shall subject such corporation to
7 forfeiture of its franchise and the imposition of a fine of not exceeding
8 five hundred dollars upon every officer or agent of such company who
9 shall have been proved guilty of such violation.

10 Sec. 56. Section 14-226, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 14-226 (1) An ~~If any~~ officer or agent of a the city of the
13 metropolitan class shall not:

14 (a) Make ~~make~~ a demand for money or other consideration of a
15 franchised corporation or public contractor, or such corporation's or
16 contractor's ~~their~~ agents, with a threat to introduce or support a
17 measure, or vote for ~~any specific,~~ or propose a resolution or ordinance,
18 adverse to their interests, if such demand be not complied with; ~~or~~

19 (b) Offer ~~if such officer or agent shall offer~~ to prepare or
20 introduce or support a resolution or ordinance favorable to such company
21 or contractor for a valuable consideration. ~~or~~

22 (2) A violation of this section ~~such action~~ shall be deemed a
23 malfeasance in office, and upon conviction such offender shall be fined
24 in any sum not exceeding five hundred dollars, and such officer shall be
25 removed from office by direction of the court.

26 Sec. 57. Section 14-227, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 14-227 (1) Unless otherwise provided by law, when an officer or
29 agent of a city of the metropolitan class collects a fine, penalty, or
30 forfeiture imposed for a violation of city ordinance or for a misdemeanor
31 violation of state law committed within the city, such officer or agent

1 shall remit such fine, penalty, or forfeiture to the city treasurer no
2 later than thirty days after collection of such fine, penalty, or
3 forfeiture or within ten days after being requested to do so by the
4 mayor.

5 (2) A violation of this section is a Class II misdemeanor. Upon
6 conviction, such officer or agent All fines, penalties, and forfeitures
7 collected for offenses against the ordinances of the city, or for
8 misdemeanors against the laws of the state, committed within the city,
9 shall, unless otherwise provided by law, be paid by the person receiving
10 the same to the city treasurer. Any person receiving such fines,
11 penalties and forfeitures, who shall fail to pay the same over as above
12 provided within thirty days after the receipt of the same by him, or
13 within ten days after being requested by the mayor so to do, shall be
14 deemed guilty of a misdemeanor, and, upon conviction thereof shall be
15 punished by a fine of not to exceed one thousand dollars and imprisonment
16 not to exceed six months in the county jail. Such person shall be guilty
17 of malfeasance in office and shall be removed from office.

18 (3) The city comptroller shall ~~It shall be the duty of the~~
19 ~~comptroller to~~ audit the accounts of all such officers and agents at
20 least once each month and to approve or disapprove their reports.

21 Sec. 58. Section 14-228, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 14-228 It shall be the duty of all officers of a city of the
24 metropolitan class at the expiration of their terms of office to prepare
25 written detailed abstracts of all books, documents, tools, implements,
26 and materials of every kind belonging to the city in their trust and
27 care, ~~also all work or storehouses owned or leased by the city for~~
28 ~~storage or other purposes, in duplicate,~~ and to certify as members of
29 such boards, to the correctness of such books, documents, tools,
30 implements, and materials thereof. Such certified abstracts shall be
31 delivered to the mayor, who shall file one copy of each of such copies

1 for record with the city clerk, and ~~with the other copies shall be handed~~
2 ~~to the heads of the respective departments to be used as a basis of~~
3 ~~checking up the abstract.~~

4 Sec. 59. Section 14-229, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 14-229 Any officer or employee of a such city of the metropolitan
7 class who, by solicitation or otherwise, shall ~~exert his~~ influence
8 directly or indirectly ~~to influence~~ any other officers or employees of
9 such city to adopt such person's ~~his~~ political views shall be guilty of a
10 Class IIIA misdemeanor ~~and upon conviction shall be punished by a fine~~
11 ~~not exceeding one hundred dollars or be imprisoned in the county jail not~~
12 ~~exceeding thirty days.~~

13 Sec. 60. Section 14-230, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 14-230 The Legislature, recognizing the importance to the entire
16 State of Nebraska of sound and stable government in cities of the
17 metropolitan class, hereby declares that the qualifications for candidacy
18 for the office of mayor and city council member of such cities, whether
19 any such city is governed by a home rule charter or not, are matters of
20 general statewide concern. The provisions of any ordinance or home rule
21 charter of any such city to the contrary notwithstanding, no person shall
22 be disqualified from candidacy for the office of mayor or city council
23 member of any such city because of the fact that such person holds any
24 other public office, either elective or appointive, except any office
25 subordinate to the mayor and city council member of such city, and no
26 holder of any such other office shall be required to resign such other
27 office in order to become and remain a candidate for the office of mayor
28 or city council member of any such city.

29 Sec. 61. Section 14-360, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 14-360 (1) Except as provided in subsection (2) of this section, a

1 ~~The city of the metropolitan class shall have the power to:~~

2 ~~(a) Lay lay out the city, or parts thereof, or portions of the~~
3 ~~extraterritorial zoning jurisdiction of the city territory within three~~
4 ~~miles of the corporate limits thereof, into suitable districts for the~~
5 purpose of establishing a system of sewerage and drainage;

6 ~~(b) Provide to provide~~ such system and regulate the construction and
7 repair and use of sewers and drains, the reconstruction of sewers in any
8 district or part of such district, ~~thereof~~ and all proper house
9 construction and branches;

10 ~~(c) Provide to provide~~ penalties for any obstruction of, or injury
11 to, any sewer or part of such sewer ~~thereof~~; and

12 ~~(d) Require to require~~ and compel sewer connections to be made. ~~;~~
13 ~~Provided, the~~

14 ~~(2) The city shall not create a district outside the corporate~~
15 ~~limits of such city, when the district includes land already included~~
16 ~~within a sanitary and improvement district an existing district created~~
17 ~~under the provisions of Chapter 31, article 7, without the consent of the~~
18 trustees of such district.

19 Sec. 62. Section 14-361, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 14-361 Whenever sewer connections for sewerage or drainage may be
22 deemed necessary or advisable, whether within the corporate limits or
23 within the extraterritorial zoning jurisdiction of a city of the
24 metropolitan class ~~areas within three miles of such corporate limits,~~ the
25 property owners shall be given thirty days from the publication of the
26 ordinance ordering such improvements and connections, ~~to make such~~
27 improvements and connections ~~the same~~ in conformity with approved plans
28 to be kept on file by the city. The publication of such ordinance
29 ordering such connections in the official newspaper shall be the only
30 notice required to be given such property owners. Upon the failure or
31 neglect of the property owners to construct such connections within the

1 time fixed, the city shall cause such work to be done and shall contract
2 for such construction ~~therefor~~ with the lowest responsible bidder. The
3 cost of construction ~~thereof~~, including superintendence and inspection,
4 shall be assessed against the property to which such connections have
5 been made as a special assessment ~~in the same manner as special taxes are~~
6 ~~levied for other purposes.~~

7 Sec. 63. Section 14-362, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 14-362 A ~~The~~ city of the metropolitan class shall require the
10 issuance of a permit to connect with any sewer on any street, alley, or
11 private property within the corporate limits or within the
12 extraterritorial zoning jurisdiction of such city ~~three miles thereof,~~
13 and shall require the sewer assessment on the abutting property to be
14 paid before such permit is issued, except ; ~~Provided,~~ that if such
15 assessment is being paid in installments as ~~by law provided~~ by law, the
16 city shall require delinquent and current installments to be paid before
17 such permit is issued. In case the cost of the sewer has not been
18 assessed, or such assessment has been declared invalid by any court of
19 competent jurisdiction, the city shall require the payment of the pro
20 rata share of the cost of such sewer before such permit is issued.

21 Sec. 64. Section 14-363, Revised Statutes Cumulative Supplement,
22 2020, is amended to read:

23 14-363 The city council of a city of the metropolitan class may
24 provide for the sprinkling or armor coating of the streets of the city
25 and, for the purpose of accomplishing such work, may by ordinance create
26 suitable districts to be designated sprinkling or armor-coating districts
27 and may order and direct the work, including preparatory grading, to be
28 done upon any or all of the streets in such ~~the~~ districts. The work shall
29 be done upon contract in writing let upon advertisement to the lowest
30 responsible bidder. Such advertisement shall specify the district or
31 districts proposed to be so worked, specifically ~~especially~~ describing

1 such district or districts, and bids shall be made and contracts let with
2 reference to such district or districts so specified. For the purpose of
3 paying the cost of the work contemplated and contracted for, the city
4 council may levy and assess the cost upon all lots, lands, and real
5 estate in such ~~the~~ district, such tax or assessment to be equal and
6 uniform upon all front footage or property within or abutting upon the
7 streets within the district so created. The assessment shall be a lien
8 upon all such lots, lands, and real estate and shall be enforced and
9 collected as a special assessment.

10 Sec. 65. Section 14-364, Revised Statutes Cumulative Supplement,
11 2020, is amended to read:

12 14-364 The city council of a city of the metropolitan class may
13 establish and maintain a paving repair plant and may pave or repair
14 paving. The cost of such repairs may be paid from the funds of the city
15 or may be assessed upon the abutting property, except that the cost may
16 be assessed against abutting property only following the creation of a
17 paving repair or repaving district established and assessed as a special
18 assessment in the same manner provided for a sprinkling or armor-coating
19 district by section 14-363. The assessable paving repairs shall be only
20 those made with asphaltic concrete on streets in previously developed
21 areas which were not constructed to city permanent design standards.

22 Sec. 66. Section 14-365, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 14-365 All persons who contract with ~~a~~ the city of the metropolitan
25 class for work to be done, or material or supplies to be furnished, shall
26 give bond to the city, with not less than two sureties in an amount not
27 less than fifty percent of the amount of the contract price, for the
28 faithful performance of such work ~~the same~~. The sureties on the bonds
29 shall be resident property owners ~~freeholders~~ of the county within which
30 the city is located ~~situated~~ and shall certify ~~justify~~ under oath that
31 they are worth double the amount for which they may sign the bond, over

1 and above all debts, liabilities, obligations, and exemptions. The city
2 council may also ~~, however,~~ accept security from one or more reliable
3 sureties or guaranty companies for the same amount.

4 Sec. 67. Section 14-365.01, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 14-365.01 (1) Any city of the metropolitan class ~~in this state~~ is
7 hereby authorized to:

8 (a) ~~Own~~ own, construct, equip, and operate either within or without
9 the corporate limits of such city ~~municipality~~ a sewerage system,
10 including any storm sewer system, and plant or plants for the treatment,
11 purification, and disposal in a sanitary manner of the liquid and solid
12 wastes and ~~, sewage, and night soil~~ of the area; and ~~or~~

13 (b) ~~Extend to~~ extend or improve any existing sewerage system,
14 including any storm sewer system.

15 (2) The city ~~It~~ shall have the authority to acquire by gift, grant,
16 purchase, or condemnation necessary lands for such sewerage system
17 ~~therefor,~~ either within or without the corporate limits of the city such
18 ~~municipality~~.

19 (3) For the purpose of carrying out the powers set forth in this
20 section, a ~~owning, operating, constructing, maintaining, and equipping~~
21 ~~such sewage disposal plant and sewerage system, including any storm sewer~~
22 ~~system, or improving or extending such existing system,~~ any city of the
23 metropolitan class is also authorized and empowered to make a special
24 levy each year of not to exceed three and five-tenths cents on each one
25 hundred dollars upon the taxable value of all the taxable property in
26 such city, as well as all taxable property within the extraterritorial
27 zoning jurisdiction ~~three miles of the corporate limits~~ of such city,
28 which property is within a district established under section 14-360,
29 subject to sections 14-365.12 and 14-365.13. The proceeds of such ~~the~~ tax
30 shall be used for any of the purposes enumerated in this section and for
31 no other purpose.

1 Sec. 68. Section 14-365.02, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 14-365.02 For the purpose of owning, operating, constructing, and
4 equipping a such sewage disposal plant or sewerage system, including any
5 storm sewer system, or improving or extending such existing system, as
6 provided in section 14-365.01, a city of the metropolitan class
7 municipality may issue revenue mortgage bonds ~~therefor~~. Such revenue
8 ~~mortgage~~ bonds as provided in this section shall not impose any general
9 liability upon the city municipality but shall be secured only on the
10 property and revenue, as provided in section 14-365.04, of such utility
11 including a franchise stating the terms upon which, in case of
12 foreclosure, the purchaser may operate the system. Such franchise shall
13 in no case extend for a longer period than twenty years from the date of
14 the sale of such franchise thereof on foreclosure. Such revenue mortgage
15 bonds shall be sold for not less than par. The amount of such revenue
16 ~~mortgage~~ bonds, either issued or outstanding, shall not be included in
17 computing the maximum amount of bonds which such city the said
18 ~~municipality~~ may be authorized to issue under its home rule charter or
19 any ~~statute of this state statute~~.

20 Sec. 69. Section 14-365.03, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 14-365.03 (1) The city council governing body of a city of the
23 metropolitan class such municipality may make all necessary rules and
24 regulations governing the use, operation, and control of a sewerage
25 system established under section 14-365.01 thereof. The city council
26 ~~governing body~~ may establish just and equitable rates or charges to be
27 paid to the city it for the use of such sewage disposal plant and
28 sewerage system by the owner of the property served or by the person,
29 firm, or corporation using the services.

30 (2) If any service rate or charge so established is not paid when
31 due, such sum may be:

1 ~~(a) Recovered~~ recovered by the city municipality in a civil
2 action; ~~or~~

3 ~~(b) Certified~~ it ~~may be certified~~ to the city treasurer, tax
4 ~~assessor~~ and assessed against the premises served, and collected or
5 returned in the same manner as other municipal taxes are certified,
6 assessed, collected, and returned; ~~or~~

7 ~~(c) Assessed~~ it ~~may be assessed~~ against the premises served in the
8 same manner as special taxes or assessments are assessed by such city and
9 ~~shall~~ be certified, enforced, collected, and returned as other special
10 taxes or assessments of such city.

11 Sec. 70. Section 14-365.04, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 14-365.04 Bonds which are issued and secured by a mortgage on the
14 utility, as provided in section 14-365.02, shall not be a general
15 obligation of the city municipality, but shall be paid only out of the
16 revenue received from the service charges, as provided in section
17 14-365.03, or from a sale of the property and the franchise, referred to
18 in section 14-365.02, to operate the system, under a foreclosure
19 proceeding. If a service rate or charge is charged, ~~to be paid as herein~~
20 ~~provided~~, such portion of such rate or charge thereof as may be deemed
21 sufficient shall be set aside as a sinking fund for the payment of the
22 interest on such ~~said~~ bonds, and the principal of such bonds thereof at
23 maturity.

24 Sec. 71. Section 14-365.05, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 14-365.05 For the purpose of providing for a ~~such~~ sewage disposal
27 plant and sewerage system, including any storm sewer system, or improving
28 or extending such existing system, as provided in section 14-365.01, any
29 city of the metropolitan class ~~such municipality~~ may also enter into a
30 contract with any corporation organized under or authorized by the laws
31 of this state to engage in such the business ~~herein mentioned~~, to receive

1 and treat, in the manner provided in sections 14-365.01 to 14-365.13
2 ~~hereinbefore mentioned~~, the sewage of such system and ~~night soil thereof~~,
3 and to construct and provide the facilities and services as provided in
4 sections 14-365.01 to 14-365.13 ~~hereinbefore described~~. Such contract may
5 also authorize the corporation to charge the owners of the premises
6 served such a service rate therefor as the city council ~~governing body of~~
7 ~~such municipality~~ may determine to be just and reasonable. The city
8 ~~municipality~~ may contract to pay such ~~the said~~ corporation a flat rate
9 for such service, and pay such rate ~~therefor~~ out of its general fund or
10 the proceeds of any tax levy applicable to the purposes of such contract,
11 or assess the owners of the property served a reasonable charge for such
12 services ~~therefor~~ to be collected, as provided in section 14-365.03, and
13 paid into a fund to be used to defray such contract charges.

14 Sec. 72. Section 14-365.06, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 14-365.06 For the purpose of owning, operating, constructing, and
17 equipping a such sewage disposal plant and sewerage system, including any
18 storm sewer system, or improving or extending such existing system, as
19 provided in section 14-365.01, or for the purpose stated in sections
20 14-365.01 to 14-365.05, any city of the metropolitan class ~~such~~
21 ~~municipality~~ is also authorized ~~and empowered hereby~~ to issue and sell
22 the general obligation bonds of such city ~~municipality~~ upon compliance
23 with section 14-365.07. Such bonds shall not be sold or exchanged for
24 less than the par value of such bonds ~~thereof~~ and shall bear interest
25 payable semiannually. The city council ~~governing body of any such~~
26 ~~municipality~~ shall have the power to determine the denominations of such
27 bonds, and the date, time, and manner of payment.

28 Sec. 73. Section 14-365.07, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 14-365.07 (1) Revenue bonds authorized by section 14-365.02 may be
31 issued by ordinance duly passed by the mayor and city council of any city

1 of the metropolitan class without any other authority.

2 (2) General obligation bonds authorized by section 14-365.06 may be
3 issued only (a) after the question of their issuance has been submitted
4 to the electors of the city of the metropolitan class at a general or
5 special election, of which three weeks' notice has been published in a
6 legal newspaper in or of general circulation in such city, and (b) if a
7 majority of the electors voting at the election have voted in favor of
8 the issuance of the bonds. Publication of such a notice in such a
9 newspaper once each week during three consecutive weeks prior to the date
10 of such election shall constitute a compliance with the requirements of
11 this section for notice of such election. General obligation bonds shall
12 not be issued in excess of one and eight-tenths percent of the taxable
13 value of all the taxable property in the city or in excess of the amount
14 authorized by sections 14-365.12 and 14-365.13.

15 Sec. 74. Section 14-365.08, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 14-365.08 Whenever the city council governing body of a city of the
18 metropolitan class ~~any metropolitan city~~ shall have ordered the
19 installation of a sewerage system, including any storm sewer system, and
20 sewage disposal plant or the improvement or extension of an existing
21 system, the fact that such order was issued shall be recited in the
22 official minutes of the city council governing body. The city council
23 ~~said body~~ shall ~~thereupon~~ require that plans and specifications be
24 prepared of such sewerage system, including any storm sewer system, and
25 sewage disposal plant, or such improvement or extension. Upon approval of
26 such plans, the city council governing body shall ~~thereupon~~ advertise for
27 sealed bids for the construction of such ~~said~~ improvements once a week
28 three consecutive weeks in a legal newspaper ~~paper~~ published in or of
29 general circulation within the city ~~said municipality~~. The contract for
30 such construction shall be awarded to the lowest responsible bidder.

31 Sec. 75. Section 14-365.09, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 14-365.09 The owner of any sewerage system, including any storm
3 sewer system, or sewage disposal plant provided for in sections 14-365.01
4 to 14-365.08, or any city of the metropolitan class ~~the municipality~~, is
5 hereby authorized to extend such sewerage system ~~the same~~ beyond the
6 corporate limits of the ~~metropolitan city which it serves~~, under the same
7 conditions, as nearly as may be, as within such corporate limits, and to
8 charge to users of its services reasonable and fair rates consistent with
9 those charged or which might be charged within such corporate limits and
10 consistent with the expense of extending and maintaining such sewerage
11 system ~~the same for the users thereof~~ outside such corporate limits at a
12 fair return to the owner of such sewerage system ~~thereof~~. The mayor and
13 city council ~~of any metropolitan city~~ shall have the authority to enter
14 into contracts with users of such sewerage system, including any storm
15 sewer system, except that ; ~~Provided~~, no such contract shall call for
16 furnishing of such service for a period in excess of ten years.

17 Sec. 76. Section 14-365.10, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 14-365.10 The mayor and city council of any city of the metropolitan
20 class ~~city~~, in addition to other sources of revenue available to the
21 city, may by ordinance set up appropriate rental or use charges to be
22 collected from users of ~~any of its system of sanitary~~ sewerage system and
23 provide methods of collection of such charges, except thereof; ~~Provided~~,
24 that users shall include in part any users outside of such city where the
25 sewer is directly or indirectly connected to the sewerage system of such
26 city and users within any sanitary and improvement district now existing
27 or hereafter organized under the laws of this state when the sewerage
28 system, or any part thereof, of the sanitary and improvement district
29 directly or indirectly connects to any part of the sewerage system of the
30 ~~metropolitan~~ city. Such The charges shall be charged to each property
31 served by the ~~its~~ sewerage system, shall be a lien upon the property

1 served, and may be collected either from the owner or the person, firm,
2 or corporation using the service. All money raised from such ~~the~~ charges
3 shall be used for maintenance or operation of the existing sewerage
4 system, for payment of principal and interest on bonds issued, as is
5 provided for in section 14-365.06, or to create a reserve fund for the
6 payment of future maintenance, operation, or construction of a new
7 sewerage sewer system for or additions to the sewerage system of the
8 city. Any funds raised from such charges ~~this charge~~ shall be placed in a
9 separate fund and not be used for any other purpose or diverted to any
10 other fund.

11 Sec. 77. Section 14-365.11, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 14-365.11 The terms sewage system, sewerage system, including storm
14 sewer system, and disposal plant or plants, as used in sections 14-365.01
15 to 14-365.13 ~~herein are defined to~~ mean and include any system or works
16 above or below ground which has for its purpose any or all of the
17 following: The removal, discharge, conduction, carrying, treatment,
18 purification, or disposal of the liquid and solid waste ~~and night soil~~ of
19 a city of the metropolitan class municipality, surface waters, and storm
20 waters. ~~The It is intended that the powers conferred by the terms of~~
21 sections 14-365.01 to 14-365.13 may also be employed in connection with
22 sewage and sewer projects which do not include the erection or
23 enlargement of a sewage disposal plant.

24 Sec. 78. Section 14-365.12, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 14-365.12 If any tax is levied or general obligation bonds are
27 issued by a ~~metropolitan city~~ of the metropolitan class as authorized
28 under sections 18-501 to 18-511 ~~by the provisions of Chapter 18, article~~
29 5, the amount of such ~~the~~ tax that may be levied by the provisions of
30 section 14-365.01, or the amount of general obligation bonds that may be
31 issued by the provisions of section 14-365.07 by such ~~metropolitan city~~

1 must be reduced by the amount of the tax levied or bonds issued as
2 authorized under sections 18-501 to 18-511 ~~by the provisions of Chapter~~
3 ~~18, article 5.~~

4 Sec. 79. Section 14-365.13, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 14-365.13 The provisions of sections 14-365.01 to 14-365.13 shall be
7 independent of and in addition to any other provisions of the laws of the
8 State of Nebraska with reference to sewage disposal plants and sewerage
9 systems, including any storm sewer system, in cities of the metropolitan
10 class cities. The provisions of sections 14-365.01 to 14-365.13 shall not
11 be considered amendatory of or limited by any other provision of the laws
12 of the State of Nebraska, except as provided in section 14-365.12.

13 Sec. 80. Section 14-366, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 14-366 (1) A The city of the metropolitan class may purchase or
16 acquire by the exercise of the power of eminent domain private property
17 or public property which is not at the time devoted to a specific public
18 use, for:

19 (a) Streets ~~the following purposes and uses: (1) For streets,~~
20 alleys, avenues, parks, recreational areas, parkways, playgrounds,
21 boulevards, sewers, public squares, market places, and for other needed
22 public uses or purposes authorized under sections 14-101 to 14-2004 ~~by~~
23 ~~this act,~~ and for adding to, enlarging, widening, or extending such
24 facilities ~~any of the foregoing;~~ and

25 (b) Constructing ~~(2) for constructing~~ or enlarging waterworks, gas
26 plants, or other municipal utility purposes or enterprises authorized
27 under sections 14-101 to 14-2004 ~~by this act.~~

28 (2) The power to ~~so~~ purchase or appropriate private property or
29 public property, ~~as provided in this section in this act specified,~~ for
30 parks, recreational areas, parkways, boulevards, sewers, and for the
31 purpose of constructing waterworks, gas works, light plants, or other

1 municipal enterprises authorized under sections 14-101 to 14-2004 ~~by this~~
2 ~~act~~, may be exercised by the city within the corporate limits of the city
3 or within seventy-five miles of the corporate limits thereof.

4 ~~(3)~~ The power to ~~so~~ purchase or appropriate private property or
5 public property, ~~as provided in this section in this act specified,~~ for
6 streets, alleys, avenues, and other construction of a similar nature ~~like~~
7 ~~kind~~ may be exercised by the city within the corporate limits of the city
8 or within the extraterritorial zoning jurisdiction of the city ~~three~~
9 ~~miles~~ thereof.

10 Sec. 81. Section 14-367, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 14-367 Whenever property is purchased for any of the purposes stated
13 in section 14-366 the purchase of such property ~~thereof~~ shall be made by
14 ordinance. Whenever it becomes necessary to appropriate property for the
15 purposes stated in section 14-366 the purpose and necessity for such
16 appropriation shall be declared by ordinance. ~~The Thereupon~~ the procedure
17 to condemn property shall be exercised in the manner set forth in
18 sections 76-704 to 76-724.

19 Sec. 82. Section 14-372, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 14-372 Whenever property is acquired for the purpose of constructing
22 or enlarging waterworks, gas plants, or other municipal utility purposes
23 or enterprises authorized under section 14-366, such property ~~by this~~
24 ~~act, the same~~ shall be paid for from such funds as may be provided for
25 any such purposes. The title to such property ~~thereto~~ shall be held by
26 ~~lodged in~~ the city after the condemnation proceedings have been completed
27 and the amount awarded has been paid by the city.

28 Sec. 83. Section 14-373, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 14-373 Each city of the metropolitan class is authorized and
31 required to prepare a plan for the ~~its~~ future physical development and

1 growth of the city. Such plan shall be prepared and shall be carried out
2 by an appropriate city board or official. The plan may include such lands
3 outside the corporate limits of the city as may bear a relation to the
4 development of the city. A planning board may be given such other powers
5 and duties by statute or charter as may be appropriate. On ~~, and on~~ or
6 after January 1, 1998, the planning board shall have one member qualified
7 and appointed as provided in section 14-373.02.

8 Sec. 84. Section 14-373.01, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 14-373.01 The Legislature finds that:

11 (1) The exercise of zoning, planning, and other concomitant powers
12 by a city of the metropolitan class in the area of extraterritorial
13 zoning jurisdiction described and authorized by state law necessarily
14 affects property outside the corporate boundaries of the city and persons
15 who are not inhabitants of or electors in the city;

16 (2) The protection of unrepresented persons and property affected by
17 a statutorily created zoning and planning process is a matter of state
18 concern; and

19 (3) The protection of such unrepresented persons and property would
20 be facilitated by requiring that at least one person residing in the area
21 of extraterritorial zoning jurisdiction and appointed by an elected body
22 of the area of extraterritorial zoning jurisdiction serve as a member of
23 the planning board of the city of the metropolitan class if such a
24 planning board exists.

25 Sec. 85. Section 14-373.02, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 14-373.02 (1) Notwithstanding any provision of a home rule city
28 charter to the contrary, the next vacancy that occurs on a city planning
29 board on or after January 1, 1998, shall be filled by the appointment of
30 a person who resides in the area of extraterritorial zoning jurisdiction
31 as provided in subsection (2) of this section. At all times following the

1 initial appointment of a planning board member who resides in the area of
2 extraterritorial zoning jurisdiction, one member of the planning board
3 shall be so qualified and appointed.

4 (2) The city clerk shall formally notify the county clerk of the
5 existence of the next vacant position that occurs on the planning board
6 on or after January 1, 1998, within ten days after the date of the
7 vacancy. The county board, within thirty days after such notice, shall
8 hold a meeting to consider nominations for appointment to the vacancy and
9 shall appoint a person qualified under subsection (1) of this section to
10 fill the vacancy. Prior to holding such meeting, the county board shall
11 cause to be published a notice of the vacancy and the date of the
12 meeting. The notice shall be published in a legal newspaper in or of
13 general circulation in the county in which such planning board is located
14 at least once in each of the two weeks immediately preceding the week of
15 the meeting. A nominee for the vacancy shall be appointed by majority
16 vote of the county board. The appointee shall become a member of the
17 planning board when the city clerk receives certification from the county
18 clerk of the name of the appointee.

19 (3) Following the initial appointment of the extraterritorial member
20 to the planning board pursuant to this section, the city clerk shall
21 inform the county clerk of any vacancy occurring in the extraterritorial
22 member's position within ten days after its occurrence or at least thirty
23 days prior to the expiration of the extraterritorial member's term.

24 (4) Any person qualified and appointed under this section shall
25 serve for terms equal to that of the planning board members who reside
26 within the corporate boundaries of the city and shall become a member of
27 the planning board with all rights, duties, responsibilities, and
28 privileges relating ~~perquisites~~ ~~appertaining~~ to the position by state
29 law, home rule ~~city~~ charter, or city ordinance.

30 (5) For purposes of this section:

31 (a) Area of extraterritorial zoning jurisdiction means the

1 unincorporated area three miles beyond and adjacent to ~~outside~~ the
2 corporate boundaries of a city of the metropolitan class ~~but within the~~
3 ~~largest area subject to such city's zoning, planning, and concomitant~~
4 ~~jurisdiction as described in sections 14-116, 14-418, and 14-419;~~

5 (b) City means a city of the metropolitan class;

6 (c) County board means the county board of a county in which a city
7 of the metropolitan class is located;

8 (d) County clerk means the county clerk of a county in which a city
9 of the metropolitan class is located; and

10 (e) Planning board means a planning board as organized pursuant to
11 section 14-407.

12 Sec. 86. Section 14-374, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 14-374 Each city of the metropolitan class shall have the power to
15 acquire by gift, purchase, condemnation, or bequest, such real estate
16 within the corporate limits and within the extraterritorial zoning
17 jurisdiction of the city ~~three miles thereof~~ as may be necessary for any
18 public use and may later convey, lease, sell, or otherwise dispose of any
19 real estate so ~~thus~~ acquired and not necessary for present use or future
20 development upon such terms as the city ~~it~~ may deem appropriate. In
21 addition to any other public uses, the following are declared to be for a
22 public purpose and for the public health and welfare: Establishing,
23 laying out, widening, and enlarging waterways, streets, bridges,
24 boulevards, parkways, parks, playgrounds, sites for public buildings, and
25 property for administrative, institutional, educational, and all other
26 public uses, and for reservations in, about, along, or leading to any or
27 all of such facilities ~~the same~~. The powers provided in this section
28 shall be in addition to and not in restriction of any other powers ~~now~~
29 held by cities of the metropolitan class ~~such cities~~.

30 Sec. 87. Section 14-375, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 14-375 Upon the recommendation of the city planning board, the city
2 council of a city of the metropolitan class may, by ordinance or
3 resolution, vacate any street or alley within ~~any~~ such city without any
4 petition being filed for such vacation ~~therefor~~. Before any such street
5 or alley shall be vacated, the city council shall appoint a committee of
6 at least three city council members ~~thereof~~, who shall faithfully and
7 impartially and after reasonable notice to the owners and parties
8 interested in property affected by such vacation, assess the damages, if
9 any, to such owners and ~~parties~~ affected parties. The committee ~~They~~
10 shall take into consideration the amount of special benefits, if any,
11 arising from such vacation and shall file their report in writing with
12 the city clerk. Any owner or party interested in property affected by
13 such vacation, who shall file a written protest with such committee, may
14 appeal from the adoption by the city council of such appraisers' report
15 in the manner provided in section 14-813, but such appeal shall not stay
16 the passage of the ordinance or resolution vacating such street or alley.
17 The award of appraisers shall be final and conclusive as the order of a
18 court of general jurisdiction, unless appealed from. When the city
19 vacates a street or alley, the city shall, within thirty days after the
20 effective date of the vacation, file a certified copy of the vacating
21 ordinance or resolution with the register of deeds for the county in
22 which the vacated property is located to be indexed against all affected
23 lots.

24 Sec. 88. Section 14-376, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 14-376 Whenever the qualified electors of any city of the
27 metropolitan class vote at any general or special election to acquire and
28 appropriate by an exercise of the power of eminent domain, any
29 waterworks, waterworks system, gas plant, electric light plant, ~~or~~
30 electric light and power plant, ~~or~~ street railway, or street railway
31 system, located or operating within or partly within and partly without

1 such city if the main part of such works, plant, or system be within any
2 such city and even though a franchise for the construction and operation
3 of any such works, plant, or system may or may not have expired, then the
4 ~~any such~~ city shall have the power and authority by an exercise of the
5 power of eminent domain to appropriate and acquire for the public use of
6 the any such city, any such works, plant, or system. The procedure to
7 condemn property shall be exercised in the manner set forth in sections
8 76-704 to 76-724. The ~~duly constituted authorities of any such city~~
9 council shall have the power to submit such question or proposition, ~~in~~
10 ~~the usual manner,~~ to the qualified electors of the any such city at any
11 general city election or at any special city election and may submit such
12 proposition in connection with any city special election called for any
13 other purpose, and the votes cast on such question ~~thereon~~ shall be
14 canvassed and the result found and declared as in any other city
15 election. The city council ~~Such city authorities~~ shall submit such
16 question at any ~~of~~ such election ~~elections~~ whenever a petition asking for
17 such submission is signed by the legal voters of the city equaling in
18 number fifteen percent of the votes cast at the last general city
19 election, and is filed in the city clerk's office at least fifteen days
20 before the election at which the submission is asked.

21 Sec. 89. Section 14-383, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 14-383 Without limiting the applicability of sections 14-366 to
24 14-372, the city council of a city of the metropolitan class is
25 authorized to levy special taxes and assessments on properties benefited
26 by parks, recreational areas, and playgrounds acquired either by purchase
27 or condemnation without regard to whether the benefited property is
28 within or without the corporate limits of the such city when an
29 improvement district is created by the city council and approved by a
30 majority of the property owners in the district as provided in this
31 section. Each property owner may cast one vote at an election to be held

1 to determine whether such improvement district shall be created for each
2 fifteen thousand dollars of taxable valuation, or fraction of such
3 valuation thereof, of real property and improvements in the proposed
4 district as determined by the official records of the county assessor for
5 the previous calendar year. When such a district is created by the city
6 council and approved by a majority of the property owners, the special
7 taxes shall be levied proportionately to the taxable valuation of the
8 district. Notice of the election shall be given and the election shall be
9 held in the same manner as other special elections are held in such a
10 city.

11 Sec. 90. Section 14-384, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 14-384 As used in sections 14-384 to 14-3,127, unless the context
14 otherwise requires:

15 (1) Alley means ~~shall mean~~ an established public way for vehicles
16 and pedestrians affording a secondary means of access in the rear to
17 properties abutting on a street or highway;

18 (2) Boulevard means a street for noncommercial traffic with full or
19 partial control of access, usually located within a park or a ribbon of
20 park-like development;

21 (2) ~~Major traffic street shall mean a street primarily for through~~
22 ~~traffic and contained as such in the master plan of the city;~~

23 (3) City means ~~shall mean~~ a city of the metropolitan class;

24 (4) Connecting link means ~~shall mean~~ the roads, streets, and
25 highways designated as part of the State Highway System and which are
26 within the corporate limits of a city of the metropolitan class;

27 (5) Controlled-access facility means ~~shall mean~~ a highway or street
28 especially designed for through traffic, and over, from, or to which
29 owners or occupants of abutting land or other persons have no right or
30 easement or only a controlled right or easement of access, light, air, or
31 view by reason of the fact that their property abuts on such controlled-

1 access facility or for any other reason;

2 (6) Highway means a road or street including the entire area within
3 the right-of-way which has been designated a part of the State Highway
4 System by appropriate authority;

5 (7) (6) Main thoroughfare means shall mean a street primarily for
6 through travel having been determined as such by the city and contained
7 as such in the master plan of the city;

8 ~~(7) Highway shall mean a road or street including the entire area~~
9 ~~within the right-of-way which has been designated a part of the State~~
10 ~~Highway System by appropriate authority;~~

11 (8) Major traffic street means a street primarily for through
12 traffic and contained as such in the master plan of the city;

13 ~~(8) Boulevard shall mean a street for noncommercial traffic with~~
14 ~~full or partial control of access, usually located within a park or a~~
15 ~~ribbon of park-like development;~~

16 (9) Street means shall mean a public way for the purpose of
17 vehicular and pedestrian travel in the city and shall include the entire
18 area within the right-of-way; and

19 (10) Temporary surfacing means shall mean surfacing applied to any
20 ~~major traffic street, connecting link, controlled-access facility, main~~
21 ~~thoroughfare, highway, or boulevard or street~~ wherein it is planned by
22 the city that the grade or surfacing of any such street, link, facility,
23 thoroughfare, highway, or boulevard of the ~~mentioned~~ shall be
24 changed within two years from the date of completion of such said
25 temporary surfacing and a permanent grade established or surfacing
26 applied.

27 Sec. 91. Section 14-385, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 14-385 (1) Subject to sections 14-384 to 14-3,127, any The city
30 shall have the power and is authorized to:

31 (a) Pave ~~pave~~, repave, surface, resurface, and relay paving;

1 ~~(b) Widen to widen, to improve the horizontal and vertical~~
2 alignment, ~~to insert traffic medians, channels, overpasses, and~~
3 underpasses;

4 ~~(c) Apply to apply temporary surfacing;~~

5 ~~(d) Curb to curb;~~

6 ~~(e) Gutter to gutter as provided in sections 14-386 to 14-388;~~

7 ~~(f) Improve to improve in combinations as authorized in section~~
8 14-391;

9 ~~(g) Recurb and to recurb and regutter streets, boulevards, alleys,~~
10 public grounds and parts of such streets, boulevards, alleys, or grounds
11 thereof;

12 ~~(h) Regulate to regulate, restrict, eliminate, or prohibit access~~
13 to, and vehicular travel upon, any existing or subsequently hereafter
14 acquired street or other public way; ~~τ~~

15 ~~(i) Construct to construct malls on such street or public way~~
16 ~~thereon, and landscape, beautify, and enhance such street or streets and~~
17 other public way ways in any manner the city council may deem proper; ~~τ~~
18 and

19 ~~(j) Create to create separate or combined street and sidewalk, or~~
20 street, or sidewalk improvement districts, ~~all according to and subject~~
21 ~~to the requirements of sections 14-384 to 14-3,127~~

22 ~~(2) The ; but the city shall~~ may not be required to make any of the
23 improvements authorized in this section if for good reason the city ~~it~~
24 deems such improvements ~~the same~~ should not be made even though such
25 improvements were ~~be~~ petitioned for as provided in section 14-390.

26 Sec. 92. Section 14-386, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 14-386 To accomplish any of the purposes stated in section 14-385, a
29 ~~the city~~ is authorized in all such proceedings to delineate proposed
30 street improvement districts, proposed mall improvement districts,
31 proposed separate or combined street and sidewalk, ~~or street, or~~

1 sidewalk, or streets and sidewalks improvement districts which shall
2 embrace in such districts ~~therein~~ the street or streets, sidewalk or
3 sidewalks, street or sidewalk, or streets and sidewalks, or part or parts
4 thereof, to be improved as well as the abutting, adjacent, and benefited
5 property proposed to be assessed to cover in whole or in part the cost,
6 including land acquisition expenses if any, of the proposed improvement.

7 Sec. 93. Section 14-387, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 14-387 A ~~The~~ city is authorized without petition to order any of
10 the improvements specified in section 14-385 within street improvement
11 districts, mall improvement districts, separate or combined street and
12 sidewalk, or street, or sidewalk, or streets and sidewalks improvement
13 districts within the corporate limits of the city or when the improvement
14 is on a controlled-access facility or a major traffic street contained in
15 the approved master plan of the city, and on sidestreets connecting with
16 such major traffic streets for a distance not to exceed one block from
17 such major traffic street.

18 Sec. 94. Section 14-388, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 14-388 Any ~~The~~ city may without petition order any main
21 thoroughfare or major traffic street or part of such thoroughfare or
22 street ~~thereof~~ improved in any manner specified in section 14-385 after
23 the city shall determine it to be such a main thoroughfare or major
24 traffic street, which determination shall be conclusive. Such main
25 thoroughfares or major traffic streets shall include all connecting links
26 as well as county highways leading into the city, and may include part or
27 all of any street which lies partly in the city and partly in the
28 abutting county. The city ~~It~~ may create improvement districts for such
29 purposes, including the abutting, adjacent, or benefited property. The
30 costs of such improvements to the extent of special benefits conferred
31 ~~occasioned~~ by the improvement may be assessed in whole or in part against

1 the property in such districts and the assessments supplemented either by
2 federal or state aid or both or by other city municipal funds, ~~but~~
3 including permanent improvement funds, all other street resurfacing
4 funds, or highway bond funds.

5 Sec. 95. Section 14-389, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 14-389 (1) Any The city shall have the power to designate and
8 establish controlled-access facilities, and may design, construct,
9 maintain, improve, alter, and vacate such facilities and may by ordinance
10 regulate, restrict, or prohibit access to such facilities so as best to
11 serve the traffic for which such facilities are intended. The city may
12 provide for the elimination of intersections at grade with existing
13 roads, streets, highways, or alleys if it finds the public interest shall
14 be served by such elimination ~~thereby~~. An existing road, street, alley,
15 or other traffic facility may be included within such facilities or such
16 facilities may include new or additional roads, streets, or highways, ~~or~~
17 ~~the like~~.

18 (2) In order to carry out the purposes of this section, in addition
19 to any other powers the city ~~it~~ may have, the city may acquire in public
20 or private property such rights of access as are deemed necessary,
21 including, but not necessarily limited to, air, light, view, ingress, and
22 egress. Such acquisitions may be by gift, devise, purchase, agreement,
23 adverse possession, prescription, condemnation, or otherwise as provided
24 by law and may be in fee simple absolute or in any lesser estate or
25 interest. The city may make provision to mitigate damages caused by such
26 acquisitions, terms, and conditions regarding the abandonment or reverter
27 of such acquisitions, and any other provisions or conditions that are
28 desirable for the needs of the city and the general welfare of the
29 public.

30 (3) The city is further authorized to designate, establish, design
31 and construct, maintain, vacate, alter, improve, and regulate frontage

1 roads within the boundaries of any present or subsequently hereafter
2 acquired right-of-way and exercise the same powers over such frontage
3 roads as is exercised over controlled-access facilities. Such frontage
4 roads may be connected to or separated from the controlled-access
5 facilities at such places as the city shall determine to be consistent
6 with public safety. Upon the construction of any frontage road, any right
7 of access between the controlled-access facility and property abutting or
8 adjacent to such frontage roads shall terminate and ingress and egress
9 shall be provided to the frontage road at such places as will afford
10 reasonable and safe connections.

11 (4) If the construction or reconstruction of any controlled-access
12 facility results in the abutment of property on such facility that did
13 not previously theretofore have direct egress from or ingress to such
14 facility ~~it~~, no rights of direct access shall accrue because of such
15 abutment, but the city may prescribe and define the location of the
16 privilege of access, if any, of properties that then, but did not
17 previously ~~not~~ theretofore, abut on such facility.

18 Sec. 96. Section 14-390, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 14-390 Except as otherwise specifically ~~specified~~ and provided in
21 sections 14-384 to 14-3,127, any ~~the~~ city shall not order or cause to be
22 made any of the improvements provided in such sections ~~herein enumerated~~
23 in any improvement district except upon a petition of the record owners
24 of the majority of the frontage of taxable property in the district
25 abutting upon the streets or parts of streets proposed to be improved.

26 Sec. 97. Section 14-391, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 14-391 A The city may, upon a petition of the record owners of a
29 majority of the frontage of taxable property upon the streets or parts of
30 streets within a district created for that purpose, order any of the
31 improvements authorized in section 14-385, on any street or any number of

1 consecutive streets which extend in the same general direction, together
2 with parts of streets, alleys, and ways either intersecting or connecting
3 therewith, within reasonable, appropriate, or necessary limits in one
4 proceeding and in one improvement district, by causing such improvements
5 ~~the same~~ in whole or in part to be paved, repaved, curbed, or recurbed,
6 ~~or~~ the grades to be changed or graded, ~~or~~ the paving to be resurfaced or
7 relaid, or any combination of such work to be done, including a change of
8 grade and grading or either or both, or construction of malls, either
9 street or sidewalk, or streets and sidewalks, on any of the streets or
10 ways within such districts. The city may also include in such districts
11 the replacement, or repair of sidewalks. In addition to the creation of
12 districts lying wholly within the corporate limits, the city may create
13 such districts on streets lying partly within the city and partly without
14 the corporate limits.

15 Sec. 98. Section 14-392, Revised Statutes Cumulative Supplement,
16 2020, is amended to read:

17 14-392 (1) For the purpose of covering in whole or in part the
18 costs of any of the improvements and costs incident thereto, authorized
19 in sections 14-384 to 14-3,127, or costs incident to such improvements,
20 including grading done in combination with any other improvements, a the
21 city may:

22 (a) Assess ~~assess~~ the property within an ~~the~~ improvement district or
23 the property benefited by change of grade or grading when not made in
24 combination with other improvements, to the full extent of the special
25 benefits ~~thereby~~ conferred upon the respective lots, tracts, and parcels
26 of land; or

27 (b) If ~~if~~ the city council finds that there are common benefits
28 enjoyed by the public at large without reference to the ownership of
29 property abutting or adjacent to the improvement or improvements, or that
30 there is a common benefit to the property embraced within such ~~the~~
31 district or districts, ~~the city may~~ assess the costs of such improvement

1 or improvements against all the property included in such district or
2 districts. 7

3 (2) All such assessments shall be:

4 (a) Done according to such rules as the city council sitting as a
5 board of equalization, shall adopt for the distribution or adjustment of
6 the costs of the improvement or improvements; and 7

7 (b) Equalized ~~All such assessments shall be equalized,~~ levied, and
8 collected as special assessments.

9 Sec. 99. Section 14-393, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 14-393 Whenever it is desired to establish or to change the
12 previously established grade of any street, highway, boulevard, main
13 thoroughfare, controlled-access facility, connecting link, major traffic
14 street, alley, or part of such street, highway, boulevard, thoroughfare,
15 facility, link, or alley thereof, such establishment or change may be
16 authorized by a the city. Such authorization shall state the proposed
17 grade by elevations or other definite data and shall refer to a plat with
18 specifications fully detailing and showing the established grade or the
19 amount of change in the grade line, which plat shall remain on file in
20 the city offices. The authorization for and the order establishing or
21 changing the previous grade may include the establishment of or the
22 change of the previously established grade on any number of intersecting
23 or connecting streets which may be reasonably appropriate and necessary
24 to a proper adjustment of grade lines to the principal grade line
25 proposed to be changed or to include the change of grade on cross streets
26 so that traffic on such cross streets may pass under the street to the
27 principal grade line to be changed by a subway or over the street to the
28 principal grade line on a bridge, viaduct, or overpass.

29 Sec. 100. Section 14-394, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 14-394 A The city is authorized to change the grade of any street,

1 ~~boulevard,~~ highway, boulevard, main thoroughfare, controlled-access
2 facility, connecting link, major traffic street, alley, or part of such
3 street, highway, boulevard, thoroughfare, facility, link, or alley
4 ~~thereof~~ when a petition for a proper and satisfactory change of grade has
5 been signed and filed by the record owners of a majority of the frontage
6 of taxable property abutting upon that part of the street of which the
7 change of grade is proposed. A petition for the order changing the grade
8 may include the change of grade of any number of intersecting or
9 connecting streets which may be reasonably appropriate and necessary to a
10 proper adjustment of grades. In such event the sufficiency of the
11 petition shall be determined by a consideration of the total frontage
12 feet of taxable property upon all the streets or parts of such streets
13 ~~thereof~~ upon which it is proposed to change the grades.

14 Sec. 101. Section 14-395, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 14-395 A The city may authorize any street, ~~boulevard,~~ highway,
17 boulevard, main thoroughfare, controlled-access facility, connecting
18 link, major traffic street, alley, or part of such street, highway,
19 boulevard, thoroughfare, facility, link, or alley ~~thereof~~ graded to a
20 grade as established or changed in accordance with section 14-393.

21 Sec. 102. Section 14-396, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 14-396 A The city may order any street or alley or part of such
24 street or alley ~~thereof~~ graded to an established grade whenever there is
25 filed an approved petition of the record owners of a majority of the
26 frontage of taxable property upon that part of the street proposed to be
27 graded.

28 Sec. 103. Section 14-397, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 14-397 In order to cover the entire cost of changing the grade or
31 grading, as provided by sections 14-384 to 14-3,127, of any street,

1 boulevard, highway, main thoroughfare, controlled-access facility,
2 connecting link, major traffic street, alley, or part thereof, including
3 ~~as well,~~ intersections and damages awarded, ~~a~~ the city is authorized to
4 levy special assessments to the extent of the special benefits conferred
5 by the improvement on the lots and parcels of land especially benefited
6 by reason of the grading of any street or part thereof whether such
7 property abuts on or is in the vicinity of the street or the part of the
8 street so graded. All such special assessments shall be equalized,
9 levied, and collected in the manner provided by law for the equalization,
10 levying, and collection of special assessments. All grading shall be done
11 to the full width of the street unless for good and sufficient reason the
12 city finds that such grading shall be done to ~~directs~~ a different width.

13 Sec. 104. Section 14-398, Revised Statutes Cumulative Supplement,
14 2020, is amended to read:

15 14-398 Under the methods provided in sections 14-384 to 14-3,127 to
16 grade streets, ~~boulevards,~~ highways, boulevards, main thoroughfares,
17 controlled-access facilities, connecting links, major traffic streets,
18 alleys, and parts of such streets, highways, boulevards, thoroughfares,
19 facilities, links, or alleys thereof, any number of intersecting and
20 connecting streets reasonably required and proper and necessary to the
21 better and improved use of the streets may be authorized to be graded in
22 one ~~and the same~~ proceeding. The cost of such grading thereof as provided
23 in sections 14-384 to 14-3,127 may be assessed upon property specially
24 benefited as a special assessment. In such instances, in determining the
25 sufficiency of either an authorized protest or petition, the total
26 frontage of taxable property on all sides on all of the streets to be
27 graded shall be taken into consideration.

28 Sec. 105. Section 14-399, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 14-399 All petitions authorized by sections 14-384 to 14-3,127 for
31 changing the grade of streets or grading streets shall contain provisions

1 waiving damages on account of of such grading thereof, and such petitions as
2 well as protests authorized shall be signed and executed and filed in the
3 manner required for petitions for street improvements.

4 Sec. 106. Section 14-3,100, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 14-3,100 After the grade of any street or alley shall be finally
7 changed or the grading of such street or alley thereof finally ordered as
8 provided in sections 14-384 to 14-3,127 and before any assessments are
9 levied, a committee of at least three disinterested residents of the city
10 shall be appointed by the city to appraise the damages caused by the
11 change of grade or grading. The committee shall promptly make an
12 appraisal of and report its award of such damages as the committee ~~it~~
13 determines have been occasioned by such change of grade or grading. Prior
14 to entering upon their duties, such appraisers shall take and file such
15 oath as may be required by law ~~or ordinance required~~. The committee shall
16 hold meetings on such reasonable notice to the interested parties as the
17 city may from time to time provide, and may take testimony with respect
18 to the question of damages. The committee shall report its award to the
19 city and the city shall ~~thereupon~~ have the authority to approve such
20 report ~~the same~~, to change or modify any award on reasonable notice to
21 the interested parties, or to reject the entire report or the award as to
22 any particular property. The appraisers appointed under this section
23 shall be entitled to fees for their time spent which shall be determined
24 in such manner as the city shall from time to time provide.

25 Sec. 107. Section 14-3,101, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 14-3,101 Whenever an award of damages for a change in grade or
28 grading has been finally approved such damages ~~the same~~ may be assessed
29 to the extent of the special benefits conferred by the improvement
30 against the lots and parcels of land abutting upon or in the vicinity of
31 the improvements made. Within sixty days after such assessment the award

1 of damages shall become due and payable and they must be paid by warrants
2 drawn against ~~a the special assessment fund thus created~~ for such
3 purpose. Any person feeling aggrieved by reason of an award of damages or
4 failure to award sufficient damages may appeal to the district court of
5 the county within which the property is located within the time and in
6 the manner provided by law for such appeals.

7 Sec. 108. Section 14-3,102, Revised Statutes Cumulative Supplement,
8 2020, is amended to read:

9 14-3,102 Whenever it is desired to make any improvement or
10 improvements authorized in section 14-385, where the costs of such
11 improvement or improvements are to be assessed against the adjacent and
12 abutting property benefited by such improvement or improvements thereby,
13 and no petition has been filed for such improvement or improvements
14 ~~therefor~~ in accordance with section 14-391, the city ~~for that purpose~~ may
15 propose such improvement or improvements stating the specific character
16 of the improvement or improvements ~~thus~~ to be made. The city shall cause
17 to be published in the official newspaper a brief notice of such proposal
18 stating the character of the improvement or improvements proposed
19 ~~thereby~~, and shall give additional notice to the property owners in the
20 improvement district or districts, or proposed improvement district or
21 districts, as required by section 25-520.01. If within thirty days after
22 giving notice thereafter the owners of fifty-one percent of the taxable
23 property abutting upon the street or streets, or part or parts of such
24 street or streets ~~thereof~~ proposed to be improved protest against such
25 project, such work shall not be done. In the absence of such protest, the
26 city shall be authorized to proceed with the work as proposed. The cost
27 and expense of such improvement or improvements thereof, as provided by
28 law, may be assessed against the property within the improvement district
29 or districts specially benefited to the extent of such benefits as a
30 special assessment. Where assessment against the property within the
31 improvement district or districts specially benefited is not made, or

1 where the improvement or improvements are on a main thoroughfare, major
2 traffic street, or connecting link, or made pursuant to sections 14-3,103
3 to 14-3,106, this section shall not apply.

4 Sec. 109. Section 14-3,103, Revised Statutes Cumulative Supplement,
5 2020, is amended to read:

6 14-3,103 A ~~The~~ city may construct or repair sidewalks along any
7 street or part thereof, or any boulevard or part thereof, of such
8 material and in such manner as the city ~~it~~ deems necessary and assess the
9 cost of such construction or repair ~~thereof~~ upon abutting property. Such
10 assessments except for temporary sidewalks and sidewalk repairs shall be
11 equalized and levied as special assessments. The city shall cause the
12 construction of sidewalks on at least one side of every major traffic
13 street and main thoroughfare in the city, excluding freeways,
14 expressways, controlled-access facilities, and other streets deemed by
15 the city to demonstrate no or very limited demand for pedestrian use, and
16 may assess the cost of such construction ~~thereof~~ upon abutting property.
17 Such construction shall be completed within a reasonable time, based upon
18 an annual review of construction program priorities and available funding
19 sources.

20 Sec. 110. Section 14-3,105, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 14-3,105 Before any sidewalk shall be constructed or repaired by the
23 city as provided in section 14-3,103, the owner or owners of the lots or
24 lands to be assessed shall be given notice to construct or repair such
25 sidewalk and shall have twenty days after the giving of such notice
26 within which to construct or repair such sidewalk ~~the same~~. Such notice
27 shall be served or published as directed by ordinance and if the notice
28 be by publication it shall be sufficient to address such notice to the
29 owners generally. The city shall give an additional notice by registered
30 letter or certified mail directed to the last-known address of such
31 owners or their agents, but failure to give such additional notice shall

1 not invalidate the proceedings, or the special assessments for such
2 sidewalk.

3 Sec. 111. Section 14-3,106, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:

5 14-3,106 In case the owner or owners shall fail to construct or
6 repair a such sidewalk as provided in section 14-3,105 directed, the city
7 may construct or repair such sidewalk or cause such work ~~the same~~ to be
8 done and assess the cost of such work ~~thereof~~ upon the abutting property
9 as a special assessment ~~assessments~~. Where the owner or owners of
10 abutting property fail to keep in repair the sidewalk adjacent to such
11 property thereto, the owner or owners ~~they~~ shall be liable for all
12 damages or injuries occasioned or recovered by reason of the defective or
13 dangerous condition of such sidewalk.

14 Sec. 112. Section 14-3,107, Revised Statutes Cumulative Supplement,
15 2020, is amended to read:

16 14-3,107 (1)(a) ~~(1)~~ Except as provided in subsection (2) of this
17 section, a the city may:

18 (i) Vacate ~~vacate~~ or narrow any street, highway, main thoroughfare,
19 controlled-access facility, connecting link, boulevard, major traffic
20 street, or alley upon petition of the owners of seventy-five percent of
21 the taxable frontage feet abutting upon such street or alley proposed to
22 be vacated and asking for such vacation; ~~or~~

23 (ii) For the city, ~~for~~ purposes of construction of a controlled-
24 access highway or to conform to a master plan of the city, ~~may,~~ without
25 petition having been filed for such vacation ~~therefor~~, vacate any street
26 or alley or any part thereof in the city.

27 (b) Whenever a street is vacated or narrowed, the part so vacated
28 shall revert to the abutting owners on the respective sides of such
29 street ~~thereof~~, except that if part or all of the vacated street lies
30 within the State of Nebraska but one side or any part of the street is
31 adjacent to the boundary of the State of Nebraska, all of the street

1 lying within the State of Nebraska or that part lying within the State of
2 Nebraska shall revert to the owner of the abutting property lying wholly
3 within the State of Nebraska.

4 (c) The city may open, improve, and make passable any street,
5 highway, boulevard, main thoroughfare, controlled-access facility,
6 connecting link, major traffic street, or alley. For purposes of this
7 subsection, open refers to the adaptation of the surface of the street to
8 the needs of ordinary travel but does not necessarily require the grading
9 to an established grade.

10 (d) The costs of any of the improvements mentioned in this
11 subsection, except as otherwise provided in sections 14-384 to 14-3,127,
12 to the extent of special benefits ~~thereby~~ conferred, may be assessed
13 against the property specially benefited ~~thereby~~ as special assessments.

14 (e) When the city vacates all or any portion of a street, highway,
15 main thoroughfare, controlled-access facility, connecting link,
16 boulevard, major traffic street, or alley pursuant to this subsection,
17 the city shall, within thirty days after the effective date of the
18 vacation, file a certified copy of the vacating ordinance or resolution
19 with the register of deeds for the county in which the vacated property
20 is located to be indexed against all affected lots.

21 (2)(a) ~~(2)~~ The city may vacate any minimal secondary right-of-way in
22 the manner described in this subsection. The city may vacate any segment
23 of such right-of-way by ordinance without petition and without convening
24 any committee for the purpose of determining any damages if all affected
25 abutting properties have primary access to an otherwise open and passable
26 public street right-of-way. An abutting property shall not be determined
27 to have primary access if such abutting property has an existing garage
28 and such garage is not accessible without altering or relocating such
29 garage.

30 (b) Title to such vacated rights-of-way shall vest in the owners of
31 abutting property and become a part of such property, each owner taking

1 title to the center line of such vacated street or alley adjacent to such
2 owner's property subject to the following:

3 (i) ~~(a)~~ There is reserved to the city the right to maintain,
4 operate, repair, and renew sewers now existing on such property; ~~there~~
5 and

6 (ii) ~~There (b) there~~ is reserved to the public utilities and cable
7 television systems the right to maintain, repair, renew, and operate
8 installed water mains, gas mains, pole lines, conduits, electrical
9 transmission lines, sound and signal transmission lines, and other
10 similar services and equipment and appurtenances above, on, and below the
11 surface of the ground for the purpose of serving the general public or
12 abutting properties, including such lateral connection or branch lines as
13 may be ordered or permitted by the city or such other utility or cable
14 television system and to enter upon the premises to accomplish such
15 purposes at any and all reasonable times.

16 (c) The city shall, within thirty days after the effective date of
17 the vacation, file a certified copy of the vacating ordinance or
18 resolution with the register of deeds for the county in which the vacated
19 property is located to be indexed against all affected lots.

20 (d) For purposes of this subsection, minimal secondary right-of-way
21 means any street or alley which either is unpaved, has substandard
22 paving, or has pavement narrower than sixteen feet and which is a
23 secondary means of access to or from any property abutting the portion to
24 be vacated.

25 Sec. 113. Section 14-3,108, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 14-3,108 A ~~The~~ city shall have the right to control and direct all
28 work upon the public streets. The city may adopt any and all reasonable
29 regulations relating to excavations in the streets or public grounds by
30 any and all parties, including waterworks, gas, and other franchised
31 corporations or public contractors, ~~and to~~ enforce such regulations, ~~and~~

1 impose such penalties for the violation of such regulations thereof as
2 may be deemed proper.

3 Sec. 114. Section 14-3,109, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 14-3,109 ~~A~~ The city shall have the power to compel any water
6 company, gas company, or other person, corporation, or firm owning or
7 controlling any pipe or other underground conduits or other appliances
8 usually installed under the surface of the streets, to provide for and
9 construct all connections that may be deemed necessary for the future, to
10 the curb or property lines in all streets, highways, boulevards,
11 controlled-access facilities, main thoroughfares, connecting links, major
12 traffic streets, or alleys to be paved, repaved, or otherwise improved in
13 such manner and in conformity with such plans as may be determined by the
14 city upon. If any such companies or other parties shall neglect to carry
15 out such construction or fail to make the connections required within
16 thirty days after such connections ~~the same~~ shall have been ordered, the
17 city shall be empowered to cause such connections ~~the same~~ to be done.
18 ~~For and for~~ the purpose of paying for such connections, ~~therefor~~ the cost
19 thereof shall be deducted from such accounts as the city may have with
20 such companies or persons.

21 Sec. 115. Section 14-3,111, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 14-3,111 No contract for any of the improvements provided by
24 sections 14-384 to 14-3,127 shall be let unless first the city shall have
25 made a detailed estimate of the costs of the contemplated improvement,
26 nor shall any such contract be let until after the city has advertised
27 for and received bids for the performance of such work. If no bid is
28 received within the estimate, no award shall be made upon any bids
29 received until after fifteen days after the time for receiving bids under
30 such advertisement shall have expired. Within such time anyone desiring
31 to do so may file a bid within the estimate and award may be made on such

1 ~~bid thereon~~ in like manner as if such said bid had been received in
2 pursuance to the advertisement calling for bids. All improvements
3 authorized by sections 14-384 to 14-3,127 shall be done under contract
4 with the lowest responsible bidder, except that when bids are called for
5 by advertisement for grading in a street or alley and no bid is received
6 within the estimate, the city may enter into a contract to do such
7 grading without further advertisement for bids if the contract price be
8 within the estimate and the contract be entered into within thirty days
9 after the time for receiving bids under the advertisement calling for
10 bids therefor.

11 Sec. 116. Section 14-3,112, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 14-3,112 Nothing in sections 14-384 to 14-3,127 shall be construed
14 as in any way abridging, modifying, or limiting the authority or right
15 ~~heretofore~~ granted to and now possessed by any city as provided by
16 ~~metropolitan city under general~~ law to improve any road, highway, or
17 boulevard leading into such city for a distance not to exceed six miles
18 from the corporate limits of such city thereof, nor as modifying the
19 procedure under such grant or the power or authority to issue bonds in
20 connection with such improvements therewith, but such authority is hereby
21 expressly recognized and the power so granted by ~~general~~ law shall not be
22 subject to any of the limitations contained in sections 14-384 to
23 14-3,127.

24 Sec. 117. Section 14-3,113, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 14-3,113 (1) A ~~The~~ city is authorized to improve intersections,
27 spaces opposite alleys, and spaces opposite property not subject to
28 special assessment, with the like material in the manner provided in
29 sections 14-384 to 14-3,127 for improving streets whenever a street,
30 highway, boulevard, main thoroughfare, controlled-access facility, major
31 traffic street, or alley is ordered to be improved at the time of

1 improving such street and in such event is authorized to include in such
2 improvement of such intersection and spaces the construction,
3 replacement, or repair of sidewalks in such intersections and spaces
4 ~~therein~~ and, except as may be otherwise provided, pay for all such
5 improvements from funds provided for the purpose of improving
6 intersections if (a) the first priority in the expenditure of funds for
7 such purposes is given to improvements within street improvement
8 districts and (b) the city maintains, in a separate fund, not less than
9 twenty-five thousand dollars to be expended solely for the purpose of
10 improving intersections.

11 (2) Such sidewalk construction, replacement, or repair may be
12 included either in the contract for curbing at an intersection or in the
13 contract for paving such intersections and spaces ~~the same~~.

14 Sec. 118. Section 14-3,114, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 14-3,114 All petitions for improvements provided for in sections
17 14-384 to 14-3,127 shall be upon printed forms prescribed by the city
18 ~~blanks~~ and shall describe the street to be improved and improvement
19 desired. ~~The city shall from time to time prescribe the form of such~~
20 ~~blanks~~. Signatures to such petitions shall have no conditions attached
21 and all signatures shall be acknowledged before a notary public.

22 Sec. 119. Section 14-3,115, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 14-3,115 A The city shall, when it creates an improvement district
25 for paving, repaving, curbing, or guttering, or other improvements of
26 like character, prepare an estimate of the cost of such improvement and
27 shall thereafter advertise for and receive bids upon such material as may
28 be designated by the city for such improvement. The advertisements,
29 specifications for bids, and petitions designating materials shall
30 contain such information and be worded in such language as the city may
31 from time to time direct. All bids shall be received and opened at the

1 same time as provided by ordinance except as otherwise provided in
2 section 14-3,111. The city may reject any and all bids.

3 Sec. 120. Section 14-3,116, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 14-3,116 All petitions for the purpose of designating material as
6 provided in section 14-3,115 shall be on printed forms ~~blanks~~ furnished
7 by the city upon application and shall contain such information and shall
8 be worded in such language as the city may from time to time direct.

9 Sec. 121. Section 14-3,117, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 14-3,117 Whenever a petition for an improvement is filed with ~~a~~ the
12 city, the hour, day, month, and year when such petition is ~~so~~ filed shall
13 be officially marked upon such petition and such petition shall be
14 recorded in such manner as the city may from time to time provide.

15 Sec. 122. Section 14-3,118, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 14-3,118 Petitions for improvements provided for in sections 14-384
18 to 14-3,127 after having been filed with the city shall not be returned
19 or withdrawn, nor shall any person be allowed to add, cancel, erase, or
20 withdraw or in any way modify any signature or writing on such petitions
21 ~~thereon~~. Where two or more petitions are filed for the same improvement
22 they shall be considered and taken together as one petition.

23 Sec. 123. Section 14-3,119, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 14-3,119 Petitions for improvements provided for under sections
26 14-384 to 14-3,127 shall be examined and certified for sufficiency as the
27 city may provide. Certificates as to sufficiency when properly filed as
28 provided by the city shall be prima facie evidence of the truth and
29 correctness of the matter ~~therein~~ certified in such petition. If such
30 certificates show the petition for any improvement to be irregular,
31 illegal, or insufficient it shall be the duty of the city to give notice

1 by publication for three successive days in the official newspaper of the
2 city of such irregularity, illegality, or insufficiency and the property
3 owners within any improvement district ~~such districts~~ may at any time
4 file supplemental petitions for such improvement and such supplemental
5 petitions shall be considered and taken as a part of the original
6 petition. Such supplemental petitions shall be examined and certified as
7 in the case of the original petition.

8 Sec. 124. Section 14-3,120, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 14-3,120 If the certificates required by section 14-3,119 show that
11 the petition is regular, legal, and sufficient the city shall cause a
12 copy of the petition to be published for three days in the official
13 newspaper of the city with a notice ~~thereto~~ attached directing the
14 property owners generally in the improvement district that they shall
15 have thirty days from the first day of publication of the petition and
16 notice to file a protest with the city against the regularity or the
17 sufficiency of the petition or signatures on such petition ~~thereon~~.

18 Sec. 125. Section 14-3,121, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 14-3,121 (1) The property owners in any improvement district shall
21 have thirty days from the first day of publication of the petition and
22 notice as provided in section 14-3,120 to file with the city a protest
23 against the regularity, legality, or sufficiency of the petition or any
24 signature on such petition ~~thereon~~. Such protest shall be verified by the
25 party making the protest ~~same~~, who shall state under oath and set forth
26 with particularity all the alleged defects in the petition, and if the
27 protest relates to the ownership of any property, it shall give the name
28 and address of the true owner of such property ~~thereof~~ and shall state
29 under oath that such protest is made in good faith.

30 (2) At any time within ten days after the expiration of the time for
31 filing the protest, supplemental petitions for the improvement may be

1 filed and when so filed shall be considered as a part of the original
2 petition. The ~~, but the~~ property owners within such district shall have
3 ten days from the date of the filing of such supplemental petitions in
4 which to file a protest against the regularity, legality, or sufficiency
5 of any of the signatures on such supplemental petition ~~thereon~~ or against
6 the original petition as so supplemented. No further notice of the filing
7 of such supplemental petition shall be required and such supplemental
8 petition need not be published.

9 (3) When any such protest has been filed with the city within the
10 times specified, the improvement petitioned for shall not be ordered
11 until the city shall have given the party protesting a hearing upon such
12 protest and shall have, upon the evidence, found, adjudged, and
13 determined the petition to be regular, legal, and sufficient and not then
14 until after the time has expired for perfecting an appeal from such
15 finding, judgment, and determination. Any protesting party or parties may
16 appeal from such finding, judgment, and determination in the manner
17 provided by section 14-813.

18 Sec. 126. Section 14-3,122, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 14-3,122 In case a protest is filed under section 14-3,120 or
21 14-3,121, the city shall have the power and responsibility ~~it shall be~~
22 ~~its duty~~ to hear, determine, and adjudicate the objections raised by any
23 protest in all matters relating to regularity, legality, and sufficiency
24 of such petition and supplemental petition upon such notice, to the party
25 protesting, of the time, place, and purpose of the hearing as the city
26 may from time to time provide.

27 Sec. 127. Section 14-3,123, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 14-3,123 In case no protest is filed within the time provided in
30 section 14-3,121, the city shall have the power and responsibility,
31 without further notice, to find, adjudge, and determine that such

1 petition is regular, legal, and sufficient.

2 Sec. 128. Section 14-3,124, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 14-3,124 In all specifications for materials to be used in paving,
5 curbing, and guttering of every kind, ~~a~~ the city shall establish a
6 standard or standards of strength and quality, to be demonstrated by
7 physical, chemical, or other tests within the limits of reasonable
8 variations. In every instance the materials shall be so described in the
9 specifications, either by standard or quality, to permit genuine
10 competition between contractors so that there may be two or more bids by
11 individuals or companies in no manner connected with each other and no
12 material shall be specified which shall not be subject to such
13 competition.

14 Sec. 129. Section 14-3,125, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 14-3,125 ~~A~~ The city shall give the property owners within any
17 improvement district ~~the~~ such opportunity to designate, by petition to be
18 filed with the city, ~~the~~ specified material which such property owners
19 desire to be used in the improvement of the street or alley or other
20 grounds within such improvement ~~the~~ district.

21 Sec. 130. Section 14-3,126, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 14-3,126 The property owners within an improvement district may
24 designate the material to be used in the improvement or construction of
25 streets or alleys or other grounds within such ~~the~~ district by petition,
26 signed by a majority of such property owners ~~thereof~~, filed with the city
27 within thirty days after notice of the proposed improvement.

28 Sec. 131. Section 14-3,128, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 14-3,128 (1) Any city of the metropolitan class is hereby authorized
31 and empowered to issue and sell special assessment bonds to cover the

1 cost of the work of construction of any and all public improvements to be
2 paid for by special assessments which such city is authorized by law to
3 make.

4 (2) Any special assessments levied on account of such work shall
5 constitute a sinking fund for the payment of interest and principal on
6 the bonds as the bonds become due.

7 (3) The city council shall have the power to determine the
8 denominations of such bonds, and the date, time, and manner of payment.

9 (4) Such bonds shall not be sold or exchanged for less than the par
10 value of such bonds thereof and shall bear interest payable semiannually.

11 (5) Special assessment bonds issued as authorized in this section
12 shall not be chargeable against the debt limit of any ~~metropolitan-class~~
13 city of the metropolitan class issuing such bonds.

14 Sec. 132. Section 14-401, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 14-401 For the purpose of promoting the health, safety, and morals
17 ~~or the~~ general welfare of the community, the city council in a city of
18 the metropolitan class may ~~is hereby empowered to~~ regulate and restrict
19 the height, number of stories, and size of buildings and other
20 structures, the percentage of a lot that may be occupied, the size of
21 yards, courts, and other open spaces, the density of population, and the
22 location and use of buildings, structures, and land for trade, industry,
23 residence, or other purposes. Such regulations may provide for that a
24 board of appeals that may determine and vary ~~their~~ application of such
25 regulations in harmony with their general purpose and intent, and in
26 accordance with general or specific rules ~~therein~~ contained in such
27 regulations.

28 Sec. 133. Section 14-402, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 14-402 (1) For any or all of the purposes listed in section 14-401,
31 the city council of a city of the metropolitan class may divide the city

1 municipality into districts of such number, shape, and area as may be
2 deemed best suited to carry out the purposes of sections 14-401 to
3 14-418. Within such districts the city council may regulate, restrict, or
4 prohibit the erection, construction, reconstruction, alteration, or use
5 of buildings, structures, or land. All such regulations shall be uniform
6 for each class or kind of buildings throughout each district, but the
7 regulations applicable to one district may differ from those applicable
8 to other districts.

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

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

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

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

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

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

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

5 (b) The city council may not require additional standards unless
6 such standards are uniformly applied to all single-family dwellings in
7 the zoning district.

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

10 (3) For purposes of this section, manufactured home means ~~shall mean~~

11 (a) a factory-built structure which is to be used as a place for human
12 habitation, which is not constructed or equipped with a permanent hitch
13 or other device allowing it to be moved other than to a permanent site,
14 which does not have permanently attached to its body or frame any wheels
15 or axles, and which bears a label certifying that it was built in
16 compliance with National Manufactured Home Construction and Safety
17 Standards, 24 C.F.R. 3280 et seq., promulgated by the United States
18 Department of Housing and Urban Development, or (b) a modular housing
19 unit as defined in section 71-1557 bearing a seal in accordance with the
20 Nebraska Uniform Standards for Modular Housing Units Act.

21 Sec. 134. Section 14-403, Revised Statutes Cumulative Supplement,
22 2020, is amended to read:

23 14-403 (1) Regulations adopted pursuant to sections 14-401 to
24 14-418 ~~Such regulations~~ shall comply with the Municipal Density and
25 Missing Middle Housing Act and be made in accordance with a comprehensive
26 plan and designed to (a) lessen congestion in the streets, ~~(b) ; to~~
27 ~~secure safety from fire, panic, and other dangers,~~ (c) ; to promote
28 health and the general welfare, (d) ; to provide adequate light and air,
29 (e) ; to prevent the overcrowding of land, (f) ; to secure safety from
30 flood, (g) ; to avoid undue concentration of population, (h) ; to
31 facilitate the adequate provision of transportation, water, sewerage,

1 schools, parks and other public requirements, and (i) ~~to~~ promote
2 convenience of access.

3 (2) Such regulations shall be made with reasonable consideration,
4 among other things, as to the character of the district and its peculiar
5 suitability for particular uses, and with a view to conserving the value
6 of buildings and encouraging the most appropriate use of land throughout
7 the city such municipality. Whenever the city council shall determine
8 that the use or contemplated use of any building, structure, or land will
9 cause congestion in the streets, increase the danger from fire or panic,
10 imperil public safety, cause undue concentration or congregation of
11 people, or impede transportation, the city council may include in such
12 regulations requirements for alleviating or preventing such conditions
13 when any change in use or zoning classification is requested by the
14 owner.

15 Sec. 135. Section 14-404, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 14-404 A ~~The city of the metropolitan class~~ shall provide for the
18 manner in which ~~such~~ regulations and restrictions adopted pursuant to
19 sections 14-401 to 14-418 and the boundaries of ~~such~~ districts created
20 under section 14-402 shall be determined, established, and enforced, and
21 from time to time amended, supplemented, or changed. The city shall not
22 determine the boundaries of any district or impose any regulations or
23 restrictions until after the appropriate planning board of the city has
24 made recommendations on such regulations, restrictions, or boundary
25 changes thereon, and no such regulation, restriction, or boundary change
26 shall become effective until after a public hearing ~~in relation thereto,~~
27 at which citizens shall have an opportunity to be heard. At least one
28 day's notice of the time, place, and purpose of such hearing shall be
29 published in the official newspaper or a legal newspaper in or paper or a
30 paper of general circulation in such city municipality, and not less than
31 ten days before such hearing.

1 Sec. 136. Section 14-405, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 14-405 Regulations ~~Such regulations~~, restrictions, and boundaries
4 adopted pursuant to sections 14-401 to 14-418 may from time to time be
5 amended, supplemented, changed, modified, or repealed. When a protest
6 against a change of boundaries is presented to the city clerk at least
7 six days prior to the city council vote on such change and such change is
8 not in accordance with the comprehensive development plan, such change
9 shall not become effective except by a favorable vote of five-sevenths of
10 all members of the city council. Such ~~The~~ protest shall be in writing,
11 signed, and sworn and acknowledged pursuant to section 64-206 by the
12 required owners. For purposes of this section, the required owners means
13 those fee simple owners of record as recorded by the county register of
14 deeds owning at least twenty percent of the area: (1) Included in the
15 proposed change; (2) abutting either side of the proposed change; (3)
16 abutting the rear of the proposed change; (4) abutting the front of the
17 proposed change; or (5) directly opposite of the proposed change on the
18 other side of a dedicated public right-of-way and extending fifty feet on
19 either side of such opposite lot.

20 Sec. 137. Section 14-406, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 14-406 The lawful use of land existing on April 1, 1925, although
23 such use does not conform to sections 14-401 to 14-418 ~~the provisions~~
24 ~~hereof~~, may be continued, but if such nonconforming use is abandoned, any
25 future use of such land ~~said premises~~ shall be in conformity with ~~the~~
26 ~~provisions of~~ sections 14-401 to 14-418. The lawful use of a building
27 existing on April 1, 1925, may be continued, although such use does not
28 conform with sections 14-401 to 14-418 ~~the provisions hereof~~, and such
29 use may be extended throughout the building, provided no structural
30 alterations, except those required by law or ordinance, are made in such
31 building ~~therein~~. If no structural alterations are made, a nonconforming

1 use of a building may be changed to another nonconforming use of the same
2 or a higher classification. Whenever a use district shall be changed, any
3 then existing nonconforming use in such changed district may be continued
4 or changed to a use permitted in that district if , ~~provided~~ all other
5 regulations governing the new use are complied with. Whenever a
6 nonconforming use of a building has been changed to a more restricted use
7 or to a conforming use such use shall not thereafter be changed to a less
8 restricted use.

9 Sec. 138. Section 14-408, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 14-408 (1) The city council of a city of the metropolitan class may
12 provide for the appointment of a zoning board of appeals consisting of
13 five regular members. Two additional alternate members shall be appointed
14 and designated as first alternate and second alternate members, either or
15 both of whom may attend any meeting and may serve as voting and
16 participating members of the zoning board of appeals with the authority
17 of a regular board member at any time when less than the full number of
18 regular board members is present and capable of voting. If both alternate
19 members are present when only a single regular member is absent, the
20 first alternate member shall serve for the balance of the meeting.

21 (2) Upon the expiration of the initial terms of such regular and
22 alternate members, all members and alternates shall be appointed for a
23 term of five years. The city council ~~appointing authority~~ shall have the
24 power to remove any regular or alternate member of the zoning board of
25 appeals for cause and after public hearing. Vacancies shall be filled for
26 the unexpired term of a regular or alternate member whose place has
27 become vacant.

28 (3) All meetings of the zoning board of appeals shall be held at the
29 call of the chairperson and at such other times as such board may
30 determine. Such chairperson, or in his or her absence the acting
31 chairperson, may administer oaths and compel the attendance of witnesses.

1 All meetings of the zoning such board of appeals shall be open to the
2 public. The zoning Such board of appeals shall keep minutes of its
3 proceedings, showing the vote of each member upon every question, or if
4 absent or failing to vote, indicating such fact, and shall also keep
5 records of its examinations and other official actions.

6 (4) Every rule or regulation, every amendment or repeal of such rule
7 or regulation thereof, and every order, requirement, decision, or
8 determination of the zoning board of appeals shall immediately be filed
9 in the office of such ~~the~~ board and shall be a public record.

10 Sec. 139. Section 14-409, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 14-409 A zoning Such board of appeals appointed pursuant to section
13 14-408 shall hear and decide appeals from and review any order,
14 requirement, decision, or determination made by an administrative
15 official charged with the enforcement of any ordinance adopted pursuant
16 to sections 14-401 to 14-418. The zoning board of appeals ~~It~~ shall also
17 hear and decide all matters referred to it or upon which it is required
18 to pass under any such ordinance. The concurring vote of four members of
19 the zoning board of appeals shall be necessary to reverse any order,
20 requirement, decision, or determination of any such administrative
21 official, or to decide in favor of the applicant any matter upon which it
22 is required to pass under any such ordinance or to affect any variation
23 in such ordinance.

24 Sec. 140. Section 14-410, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 14-410 Any Such appeal heard pursuant to section 14-409 may be
27 taken by any person aggrieved or by an officer, department, board, or
28 bureau of the city municipality. Such appeal shall be taken within such
29 time as shall be prescribed by the zoning board of appeals by general
30 rule, by filing with the officer from whom the appeal is taken and with
31 the zoning board of appeals a notice of appeal, specifying the grounds

1 ~~for such appeal thereof.~~ The officer from whom the appeal is taken shall
2 ~~forthwith~~ transmit to the zoning board of appeals all the papers
3 constituting the record upon which the action appealed from was taken. An
4 appeal stays all proceedings in furtherance of the action appealed from,
5 unless the officer from whom the appeal is taken certifies to the zoning
6 board of appeals, after the notice of appeal shall have been filed with
7 such officer ~~him~~, that by reason of facts stated in the certificate a
8 stay would, in such officer's ~~his~~ opinion, cause imminent peril to life
9 or property, in which case proceedings shall not be stayed otherwise than
10 by a restraining order which may be granted by the zoning board of
11 appeals or by a court of record on application, on notice to the officer
12 from whom the appeal is taken and on a showing of due cause ~~shown~~.

13 Sec. 141. Section 14-411, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 14-411 The zoning board of appeals shall fix a reasonable time for
16 the hearing of the appeal or other matter referred to it pursuant to
17 section 14-409 and give due notice of such hearing ~~thereof~~ to the parties
18 and decide such appeal or other matter ~~the same~~ within a reasonable time.
19 Upon the hearing, any party may appear in person or by agent or by
20 attorney. The zoning board of appeals may reverse or affirm, wholly or
21 partly, or may modify the order, requirement, decision, or determination
22 appealed from and shall make such order, requirement, decision, or
23 determination as in its opinion ought to be made in the premises, and to
24 that end shall have all the powers of the officer from whom the appeal is
25 taken. Where there are practical difficulties or unnecessary hardships in
26 the way of carrying out the strict letter of such ordinance, the zoning
27 board of appeals shall have the power in passing upon appeals, to vary or
28 modify the application of any of the regulations or provisions of such
29 ordinance relating to the use, construction, or alteration of buildings
30 or structures or the use of land, so that the spirit of the ordinance
31 shall be observed, public safety and welfare secured, and substantial

1 justice done.

2 Sec. 142. Section 14-412, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 14-412 The zoning board of appeals shall have specific power to
5 grant special permits to the state, or any political subdivision thereof,
6 and to public utilities for public service purposes, although the
7 application may be in conflict with the provisions of ordinances or
8 regulations adopted under the authority of sections 14-401 to 14-418,
9 except ; ~~Provided,~~ that such permits ~~the permit~~ shall be granted upon
10 such conditions as the zoning board of appeals may deem necessary,
11 proper, or expedient, to promote the objects of such ~~said~~ sections.

12 Sec. 143. Section 14-413, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 14-413 Any person or persons, jointly or severally aggrieved by any
15 decision of the zoning board of appeals, or any officer, department,
16 board, or bureau of a city of the metropolitan class ~~the municipality~~,
17 may present to the district court a petition, duly verified, setting
18 forth that such decision is illegal, in whole or in part, and specifying
19 the grounds of such illegality. Such petition must be presented to the
20 court within thirty days after the filing of the decision in the office
21 of the zoning board of appeals.

22 Sec. 144. Section 14-414, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 14-414 If, upon the hearing of a petition filed pursuant to section
25 14-413 , it appears ~~shall appear~~ to the district court that testimony is
26 necessary for the proper disposition of the matter, the court ~~it~~ may take
27 evidence or appoint a referee to take such evidence as the court ~~it~~ may
28 direct and report such evidence ~~the same~~ to the court with ~~his~~ findings
29 of fact and conclusions of law, which shall constitute a part of the
30 proceedings upon which the determination of the court shall be made. The
31 court may reverse or affirm, wholly or partly, or may modify the decision

1 brought up for review. Costs shall not be allowed against the zoning
2 board_of_appeals, unless it shall appear to the court that such board ~~it~~
3 acted with gross negligence or in bad faith or with malice in making the
4 decision appealed from. All issues in any proceeding under sections
5 14-408 to 14-414 shall have preference over all other civil actions and
6 proceedings.

7 Sec. 145. Section 14-415, Revised Statutes Cumulative Supplement,
8 2020, is amended to read:

9 14-415 A The city_of_the_metropolitan_class, in addition to other
10 remedies, may institute any appropriate action or proceedings to prevent
11 an unlawful erection, construction, reconstruction, alteration,
12 conversion, maintenance, or use of any building or structure in violation
13 of any ordinance or regulations enacted or issued pursuant to sections
14 14-401 to 14-418, to restrain, correct, or abate such violation, to
15 prevent the occupancy of the building, structure, or land, or to prevent
16 any illegal act, conduct, business, or use in or about such premises.
17 Such ~~The~~ ordinance or regulations shall be enforced by the city as the
18 city council ~~it~~ may provide. In addition to, and not in restriction of
19 any other powers, the city may cause any building, structure, place, or
20 premises to be inspected and examined and to order in writing the
21 remedying of any condition found to exist in or at such building,
22 structure, place, or premises ~~therein or thereat~~ in violation of any
23 provision of the ordinance or regulations made under authority of such
24 sections. The owner, general agent, lessee, or tenant of a building or
25 premises or of any part of such building or premises where a violation of
26 any provision of the ordinance or regulations has been committed or shall
27 exist or the general agent, architect, builder, contractor, or any other
28 person who commits, takes part, or assists in any such violation or who
29 maintains any building or premises in which any such violation shall
30 exist shall be guilty of a Class IV misdemeanor for a first or second
31 violation and a Class II misdemeanor for a third or subsequent violation,

1 if the third or subsequent violation is committed within two years after
2 the commission of the prior violation.

3 Sec. 146. Section 14-416, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 14-416 Wherever the regulations made under authority of sections
6 14-401 to 14-418 require a greater width or size of yards, courts, or
7 other open spaces, or require a lower height of building or less number
8 of stories, or require a greater percentage of lot to be left unoccupied,
9 or impose other higher standards than are required in any other statute,
10 local ordinance, or regulation, the provisions of the regulations made
11 under authority of such ~~said~~ sections shall govern. Wherever the
12 provisions of any other statute, local ordinance, or regulation require a
13 greater width or size of yards, courts, or other open spaces, or require
14 a lower height of building or a less number of stories, or require a
15 greater percentage of lot to be left unoccupied, or impose other higher
16 standards than are required by the regulations made under authority of
17 such ~~said~~ sections, the provisions of such statute, local ordinance, or
18 regulation shall govern.

19 Sec. 147. Section 14-417, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 14-417 Where ~~there already exist~~ a city planning commission and a
22 zoning board of appeals in a city of the metropolitan class already
23 exist, their continuance is hereby authorized without further act of the
24 city council. All ordinances, rules and regulations, hearings, orders, or
25 decisions existing or in effect on April 1, 1925, or substituted or in
26 effect thereafter, shall continue in effect, except insofar as any such
27 ordinances, rules and regulations, hearings, orders, or decisions shall
28 be in conflict with the provisions of sections 14-401 to 14-418 hereof.

29 Sec. 148. Section 14-418, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 14-418 The powers granted in sections 14-401 to 14-417 may be

1 exercised by the authorities in whom the powers are vested in such ~~said~~
2 sections over a such city of the metropolitan class and the
3 extraterritorial zoning jurisdiction ~~all territory not over three miles~~
4 ~~beyond the limits~~ of such city.

5 Sec. 149. Section 14-419, Revised Statutes Cumulative Supplement,
6 2020, is amended to read:

7 14-419 (1) The extraterritorial zoning jurisdiction of a city of the
8 metropolitan class shall consist of the unincorporated area three miles
9 beyond and adjacent to its corporate boundaries.

10 (2) The city council, in cities of the metropolitan class, shall
11 have the power by ordinance to regulate, within the corporate limits of
12 the city or within the extraterritorial zoning jurisdiction of the city
13 ~~three miles of the corporate limits~~, except as to construction on farms
14 for farm purposes, (a) ~~(1)~~ the minimum standards of construction of
15 buildings, dwellings, and other structures, in order to provide safe and
16 sound condition of such buildings, dwellings, and other structures
17 ~~thereof~~ for the preservation of health, safety, security, and general
18 welfare, and as to electric wiring, heating, plumbing, pipefitting, sewer
19 connections, ventilation, size of habitable rooms, and the method of
20 constructing buildings, and to provide for inspection of such buildings,
21 dwellings, and other structures ~~thereof~~ and building permits, (b) ~~(2)~~ the
22 removal and tearing down of buildings, dwellings, and other structures in
23 such areas which constitute nuisances because of the dilapidated, unsafe,
24 or rundown condition or conditions, and (c) ~~(3)~~ except as to the United
25 States of America, the State of Nebraska, any county of the state, or any
26 other city or village in the state, the nature, kind, and manner of
27 constructing streets, alleys, sidewalks, curbing or abridging curbs,
28 driveway approaches constructed on public ~~rights-of-way~~ right-of-way, and
29 sewers.

30 (3) A city of the metropolitan class shall have the authority to
31 regulate land use within the extraterritorial zoning jurisdiction of such

1 city as may be provided by law in addition to those powers provided in
2 this section.

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

5 Sec. 150. Section 14-420, Revised Statutes Cumulative Supplement,
6 2020, is amended to read:

7 14-420 (1) A city of the metropolitan class shall provide written
8 notice of any properly filed request for a change in the zoning
9 classification of a subject property to the owners of adjacent property
10 in the manner set out in this section.

11 (2) Initial notice of the proposed zoning change on the subject
12 property shall be sent to the owners of adjacent property by regular
13 United States mail, postage prepaid, to the owner's address as it appears
14 in the records of the office of the county register of deeds, postmarked
15 at least ten working days prior to the planning board public hearing on
16 the proposed change. The initial notice shall also be provided at least
17 ten working days prior to the hearing to any registered neighborhood
18 association when the subject property is located within the boundary of
19 the area of representation of such association in the manner requested by
20 the association. Each neighborhood association desiring to receive such
21 notice shall register with the city the area of representation of such
22 association and provide the name of and contact information for the
23 individual designated to receive notice on behalf of such association and
24 the requested manner of service, whether by email or first-class or
25 certified mail. The registration shall be in accordance with any rules
26 and regulations adopted and promulgated by the city. Such notice shall
27 describe the subject property or give its address, describe the nature of
28 the zoning change requested, and contain the date, time, and location of
29 the planning board hearing.

30 (3) A second notice of the proposed zoning change on the subject
31 property shall be sent to the same owners of adjacent property who were

1 provided with notice under subsection (2) of this section. Such notice
2 shall be sent by regular United States mail, postage prepaid, to the
3 owner's address as it appears in the records of the office of the county
4 register of deeds, postmarked at least ten working days prior to the city
5 council public hearing on the proposed change. Such notice shall describe
6 the subject property or give its address, describe the nature of the
7 zoning change requested, and contain the date, time, and location of the
8 city council public hearing.

9 (4) No additional or further notice beyond that required by
10 subsections (2) and (3) of this section shall be necessary in the event
11 that the scheduled planning board or city council public hearing on the
12 proposed zoning change is adjourned, continued, or postponed until a
13 later date.

14 (5) The requirements of this section shall not apply to proposed
15 changes in the text of the zoning code itself or any proposed changes in
16 the zoning code affecting whole classes or classifications of property
17 throughout the jurisdiction of the city.

18 (6) Except for a willful or deliberate failure to cause notice to be
19 given, no zoning decision made by a city of the metropolitan class either
20 to accept or reject a proposed zoning change with regard to a subject
21 property shall be void, invalidated, or affected in any way because of
22 any irregularity, defect, error, or failure on the part of the city or
23 its employees to cause notice to be given as required by this section if
24 a reasonable attempt to comply with this section was made. No action to
25 challenge the validity of the acceptance or rejection of a proposed
26 zoning change on the basis of this section shall be filed more than one
27 year following the date of the formal acceptance or rejection of the
28 zoning change by the city council.

29 (7) Except for a willful or deliberate failure to cause notice to be
30 given, the city and its employees shall not be liable for any damage to
31 any person resulting from any failure to cause notice to be given as

1 required by this section when a reasonable attempt was made to provide
2 such notice. No action for damages resulting from the failure to cause
3 notice to be provided as required by this section shall be filed more
4 than one year following the date of the formal acceptance or rejection of
5 the proposed zoning change by the city council.

6 (8) For purposes of this section:

7 (a) Adjacent property shall mean any piece of real property any
8 portion of which is located within three hundred feet of the nearest
9 boundary line of the subject property or within one thousand feet of the
10 nearest boundary line of the subject property if the proposed zoning
11 change involves a heavy industrial district classification;

12 (b) Owner shall mean the owner of a piece of adjacent property as
13 indicated on the records of the office of the county register of deeds as
14 provided to or made available to the city no earlier than the last
15 business day before the twenty-fifth day preceding the planning board
16 public hearing on the zoning change proposed for the subject property;
17 and

18 (c) Subject property shall mean any tract of real property located
19 within the boundaries of a city of the metropolitan class or within the
20 extraterritorial zoning jurisdiction of a city of the metropolitan class
21 which is the subject of a properly filed request for a change of its
22 zoning classification.

23 Sec. 151. Section 14-501, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 14-501 The city council of a city of the metropolitan class shall
26 annually or biennially ~~and within the first week of January, if possible,~~
27 appropriate money and credits of the city in such amounts as may be
28 deemed necessary and proper and set such money and credits ~~the same~~ aside
29 to the following designated funds to be known as statutory funds: (1) For
30 the fire department of the city, (2) for the police department of the
31 city, (3) ~~for the health department of the city,~~ (4) for the public

1 library, ~~(5) for the purposes of the welfare board,~~ and ~~(4) (6)~~ for the
2 purpose of paying judgments and costs. The amounts so appropriated and
3 set aside to such funds respectively shall be the maximum amounts that
4 may be appropriated to or expended from such funds within the fiscal year
5 or biennial period for the purposes for which such funds respectively are
6 created.

7 Sec. 152. Section 14-501.01, Reissue Revised Statutes of Nebraska,
8 is amended to read:

9 14-501.01 A city of the metropolitan class may adopt biennial
10 budgets for biennial periods if such budgets are provided for by a home
11 rule city charter provision. For purposes of this section:

12 (1) Biennial budget means a budget that provides for a biennial
13 period to determine and carry on the city's financial and taxing affairs;
14 and

15 (2) Biennial period means the two fiscal years comprising a biennium
16 commencing in odd-numbered or even-numbered years.

17 Sec. 153. Section 14-502, Revised Statutes Cumulative Supplement,
18 2020, is amended to read:

19 14-502 (1) The city council of a city of the metropolitan class
20 shall, at the same time as the appropriation of statutory funds as
21 provided in section 14-501, appropriate, from the remaining amount of tax
22 levy of such year and from revenue to be derived from all other sources
23 available for such purposes, money and credits of the city and set such
24 money and credits ~~the same~~ aside to funds to be designated department
25 funds. The department funds shall be of the same number and of the same
26 designation as the departments into which the government of the city is
27 divided for administration under the commission plan of government.

28 (2) The amount so appropriated and set aside to each of the funds
29 respectively shall be an amount deemed sufficient and necessary to take
30 care of the expenses in such department for the fiscal year or biennial
31 period for which the appropriation is made. The amount thus appropriated

1 to each of such departments respectively may be divided and subdivided
2 for the purpose of expenditure as the city council may direct, but shall
3 be the maximum amount which may be appropriated to any such department
4 for the fiscal year or biennial period, or which may be expended for the
5 purpose of such department for the fiscal year or biennial period.

6 (3) Any transfer of duties or burdens of one department to another,
7 after an appropriation has been made, shall carry with it a just and
8 equitable pro rata proportion of the appropriation.

9 (4) The amounts so appropriated to the several department funds
10 shall be used only for the purpose of paying the expenses and liabilities
11 for which appropriated. The city council shall, at the time of the
12 appropriation, estimate the total credits available from taxes levied and
13 other sources for municipal purposes for the fiscal year or biennial
14 period, and the amount remaining after deducting therefrom the amounts
15 appropriated for statutory and department funds shall be the
16 miscellaneous expense fund. The money and credits in the miscellaneous
17 expense fund may be used from time to time to pay the miscellaneous
18 expenses and obligations of the city for which an appropriation has not
19 been made or which are not properly included within the purposes of the
20 appropriation to any of the other funds.

21 Sec. 154. Section 14-503, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 14-503 The balances remaining in any of the funds created by
24 sections 14-501 and 14-502 and against which lawful obligations have not
25 been created shall at the expiration of each fiscal year or biennial
26 period be transferred to the general sinking fund of the city by the
27 department of finance accounts and finances.

28 Sec. 155. Section 14-504, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 14-504 As soon as the apportionment of funds has been made pursuant
31 to sections 14-501 and 14-502, the department of finance accounts and

1 ~~finances~~ shall open an account with each such fund authorized to be
2 established by sections 14-501 and 14-502 and shall place a credit to
3 each such fund of ninety percent of the tax levy apportioned to it.
4 Thereafter the department of finance shall credit such funds pro rata
5 with money coming to the city from taxation and other sources which are
6 applicable to current expense purposes until all such credits shall equal
7 one hundred percent of such apportionment. ~~Such~~ ~~The foregoing~~ pro rata
8 credits in excess of ninety percent shall not apply to the miscellaneous
9 expense fund, but the miscellaneous expense fund shall be credited with
10 all money collected and applicable to current expense purposes after the
11 other funds have received the full one hundred percent of their
12 appropriation.

13 Sec. 156. Section 14-505, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 14-505 All receipts received by a city of the metropolitan class
16 derived from the county road fund shall be credited to the fund provided
17 for the maintenance of parks. All receipts from franchises or royalties
18 derived from lighting companies received by a city of the metropolitan
19 class shall be credited to the funds for ~~lighting streets and~~ public
20 works. All grounds; and all receipts hereafter collected for permits
21 issued by the planning engineering department or for paving repairs to
22 streets shall be placed in, and credited to the funds fund for the
23 departments department of public works or planning improvements. Such
24 receipts shall be added to the maximum amounts that may be expended from
25 such funds.

26 Sec. 157. Section 14-506, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 14-506 The city council of a city of the metropolitan class shall at
29 no time draw warrants or create obligations against any of the funds
30 provided in sections 14-501 and 14-502 in excess of the amount credited
31 to such funds thereto at the time of drawing the warrant or creating the

1 obligation. The director ~~Nor shall the superintendent~~ of any department
2 shall not draw or cause to be drawn a warrant or create or cause to be
3 created an obligation against the appropriation to such director's his
4 department in excess of the amount credited to such department thereto.

5 Sec. 158. Section 14-507, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 14-507 The money and credits in each fund authorized and created by
8 sections 14-501 and 14-502 shall be devoted strictly to the purposes for
9 which the fund is created and no part of such money and credits thereof
10 shall be transferred or diverted in any manner or for any purpose. Any
11 transfer or diversion of the money or credits from any of the funds to
12 another fund or to a purpose other and different from that for which
13 appropriated shall render any city council member ~~councilman~~ voting for
14 such transfer or diversion therefor liable on such member's his official
15 bond for the amount so diverted or used, except that ; ~~Provided,~~
16 inspectors of public works paid from special funds may receive pay for
17 their services from the general fund of the city monthly as other
18 employees. Upon the completion of such work, and the levy and collection
19 of the special fund to pay for such work ~~the same~~, or the sale of bonds
20 for public works or improvements, an amount equal to that paid such ~~said~~
21 inspectors from the general fund may be taken from such special funds and
22 returned to the general fund from which such amount ~~it~~ was temporarily
23 taken, ; and the city council is hereby authorized to include the cost of
24 inspection in such special funds to be levied and collected.

25 Sec. 159. Section 14-508, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 14-508 Neither the city council nor any officer of a the city of the
28 metropolitan class ~~or superintendent of a department~~ shall expend or
29 incur obligations for the expenditure of more money than has been
30 provided and appropriated for the purposes for which the expenditure or
31 obligations for expenditure are made. Any contract or obligation calling

1 for an expenditure in excess of the money and credits provided and
2 appropriated to the purposes for which such contract or obligation is
3 created, shall be void and shall not be enforceable against the city, and
4 the city shall refuse to recognize the validity of such contract thereof
5 or to pay or satisfy any such obligation. The ~~foregoing~~ limitations and
6 ~~those contained~~ in sections 14-506 to 14-508 and ~~14-507~~ shall not apply
7 to additional expenditures and obligations unavoidably made necessary in
8 efforts to abate or control an extreme or unusual outbreak or epidemic of
9 disease or to expenditures made imperatively necessary by the occurrence
10 of some unforeseen or uncontrollable disaster in ~~to~~ the city ~~at large~~ or
11 ~~a considerable section thereof~~. Expenditures for the emergency purposes
12 in this section specified shall be made only in pursuance of an ordinance
13 duly passed reciting the conditions making necessary the further
14 appropriation of funds, and the expenditures of such appropriation, shall
15 be limited exclusively to the purposes for which made.

16 Sec. 160. Section 14-509, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 14-509 (1) It shall be malfeasance in office for any officer of a
19 city of the metropolitan class to:

20 (a) Attempt ~~To attempt~~ to incur, to incur, to attempt to pay, or to
21 pay any obligation prohibited by sections 14-501 to 14-508; or

22 (b) Attempt ~~shall be malfeasance in office on the part of the city~~
23 ~~officer participating therein. To attempt~~ to transfer, to transfer, or to
24 use any of the money or credits appropriated to a fund, to another fund
25 or to other and different purposes and uses than for which such money or
26 credits were appropriated ~~shall be held to be malfeasance in office on~~
27 ~~the part of the officer participating therein.~~

28 (2) The creation or attempted creation of obligations not authorized
29 by sections 14-101 to 14-2004 ~~this act~~ or prohibited by such sections
30 ~~thereby~~ shall render the members of the city council voting for such
31 obligations ~~therefor~~ liable to the city for the amount of the obligation

1 so created or the amount of money or credits unlawfully diverted or used,
2 and ~~the~~ voting for such obligations shall be prima facie evidence of
3 malfeasance in office.

4 ~~(3) The Thereupon it shall become the duty of the~~ city attorney
5 shall forthwith to proceed to enforce by suit in the courts of the state
6 such liability against the delinquent officers and the sureties on their
7 bonds. In the event of the refusal or failure of the city attorney ~~so~~ to
8 proceed as provided in this section ~~above directed~~, any a taxpayer may
9 demand in writing that the city attorney proceed as provided in this
10 section ~~directed herein~~, and on the city attorney's ~~his~~ failure so to do
11 within thirty days of such demand ~~thereafter~~, such taxpayer may commence
12 the action provided for in this section ~~herein authorized~~ on the part of
13 the city attorney in the name of the taxpayer and prosecute such action
14 ~~the same~~ to final judgment. The taxpayer shall, however, as a condition
15 of the ~~his~~ right to commence and prosecute such suit, give such security
16 for costs as may be directed by the court.

17 Sec. 161. Section 14-510, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 14-510 (1) Warrants of a the city of the metropolitan class shall be
20 drawn by the city comptroller ~~upon the treasurer~~ and shall be signed by
21 the mayor and city comptroller and shall state the particular fund or
22 appropriation to which such warrant ~~the same~~ is chargeable and the person
23 to whom payable. Money of the city shall not be otherwise paid except in
24 instances where it is otherwise specifically provided by law.

25 (2) A The city of the metropolitan class may adopt by ordinance an
26 imprest system of accounting for the city and authorize the establishment
27 of an imprest vendor, payroll, or other account for the payment of city
28 warrants in accordance with any guidelines issued by the Auditor of
29 Public Accounts for county imprest accounts.

30 Sec. 162. Section 14-511, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 14-511 At the first meeting of the city council of a city of the
2 metropolitan class in each month, the city council ~~it~~ shall provide, by
3 ordinance, for the payment of all indebtedness of the city incurred
4 during the preceding month, or at any time prior to such preceding month
5 ~~thereto~~, except those liabilities for wages of laborers and allowed
6 claims for overtime, the payment of which may be provided for weekly but
7 in the same manner as provided for in sections 14-101 to 14-2004 ~~this~~
8 ~~act~~. Money of the city shall not be expended except as ~~in this act~~
9 specified by law. The ordinance providing for the payment of money shall
10 be duly passed by a majority vote of the entire city council, and the
11 ayes and nays on such ordinance ~~thereon shall be called and~~ recorded in
12 the proceedings of the city council.

13 Sec. 163. Section 14-512, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 14-512 (1) The city council of a city of the metropolitan class
16 shall provide and maintain a sinking fund for the payment of the general
17 bonds of the city and the interest on such bonds ~~thereon~~. Such sinking
18 fund shall be maintained from the following sources of revenue:

19 (a) ~~(1)~~ Amounts raised by taxation for that purpose;

20 (b) Balances ~~(2) balances~~ transferred at the end of each fiscal year
21 or biennial period from the several funds provided for in sections 14-501
22 and 14-502; and

23 (c) Such ~~(3) such~~ other amounts and sums as may be transferred to
24 such sinking fund ~~thereto~~ by the city council.

25 (2) Money and credits in the sinking fund shall be held inviolate,
26 shall not be transferred to any other fund, and shall be used for the
27 purpose of paying (a) the interest on the general bonds of the city, (b)
28 maturing bonds of the city, and (c) bonds of the city which may be paid
29 before maturity.

30 (3) The money and credits of such sinking fund ~~thereof~~ when not used
31 or needed for the purposes specified in this section may temporarily be

1 invested in registered general warrants of the city ~~or of the school~~
2 ~~district situated within the city~~ under such conditions as will enable
3 such money and credits ~~the same~~ to be obtained and available at any time
4 desired for the purposes specified in this section.

5 Sec. 164. Section 14-513, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 14-513 The city comptroller of a city of the metropolitan class
8 ~~comptroller~~ shall deduct from the amount of any credit or warrant all
9 amounts which the payee may owe the city, and where there has been an
10 assignment of such credit or warrant the city comptroller thereof ~~he~~
11 shall likewise deduct as well all amounts which the assignee may owe the
12 city. Should the amounts owing exceed the amount of the warrant, the
13 amounts thus deducted shall be credited pro tanto on the obligations
14 owing the city. An assignment of the claim shall not defeat the right of
15 the city to deduct the amount of the debt from the amount due the
16 claimant. The claimant or the claimant's ~~his~~ assignee may appeal from the
17 action of the city comptroller in so deducting any amount from the claim
18 in the manner provided for appeals in section 14-813. ~~The city treasurer~~
19 ~~may likewise deduct from the amount of any warrant city taxes and special~~
20 ~~assessments which have not been deducted by the comptroller.~~

21 Sec. 165. Section 14-514, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 14-514 (1) The city council of a city of the metropolitan class
24 shall annually certify to the county clerk of the county in which the
25 city is located, by resolution, the tax upon the taxable value of all the
26 taxable property in such city, not to exceed fifty cents on each one
27 hundred dollars, which the city desires to be levied as taxation for all
28 municipal purposes for the ensuing year, subject to the levy limitations
29 contained in section 77-3442.

30 (2) In addition to the tax set forth in subsection (1) of this
31 section, the city council shall also and further certify not less than

1 fourteen cents on each one hundred dollars and such tax as may be
2 necessary to pay bond issues maturing within the year or bond issues
3 maturing in the near future. The ~~the~~ object of this requirement is
4 ~~being~~ to create a fund to accomplish a partial retirement of the bonded
5 obligations of the city in such a manner as to avoid unusual and heavy
6 levies during particular years when large maturities occur.

7 (3) The proceeds derived from each respective levy provided for in
8 subsections (1) and (2) of this section shall be devoted exclusively and
9 entirely to the purposes for which such ~~the~~ levy is made. The
10 certification provided for under such subsections shall be made before
11 the county board of equalization has made its tax levy for each
12 respective year.

13 Sec. 166. Section 14-515, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 14-515 Bonds of a the city of the metropolitan class shall be
16 prepared under the direction of the city council, shall be signed by the
17 mayor and countersigned and registered by the city comptroller, and shall
18 be sold and disposed of by and under the direction of the city council.
19 Such bonds ~~They~~ shall be delivered by the city finance director
20 ~~superintendent of the department of accounts and finances~~, who shall
21 report the proceeds from such bonds ~~therefrom~~ to the city treasurer in
22 all cases except where an exchange of bonds is directed. The purpose of
23 the issue of bonds shall be stated in such bonds ~~therein~~ and the proceeds
24 received from the sale shall be used for no other purpose. Whenever an
25 issue of bonds is required to be submitted to the electors for authority
26 to issue such bonds ~~the same~~, the proposition submitting such question
27 shall contain but a single issue and but one subject, shall specify the
28 maximum amount proposed for issue and state distinctly the purpose for
29 which such bonds are to be issued ~~the same is to issue~~. Bonds of the city
30 shall not be sold or exchanged for less than par value of such bonds
31 ~~thereof~~ and shall bear interest payable semiannually. Interest coupons at

1 the rate of interest specified may be attached to such bonds annexed
2 ~~thereto~~. Interest coupons may be signed by the ~~lithographed signatures of~~
3 ~~the~~ mayor and city clerk. Bonds shall be made payable at the office or
4 place provided by general law for the payment of bonds of the city. Where
5 this section, in its application to water bonds or bonds issued for the
6 extension or improvement of a gas plant or other public utility, is in
7 conflict with any provision which has been or may be made by statute
8 respecting such bonds, the latter shall control.

9 Sec. 167. Section 14-516, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 14-516 The city council of a city of the metropolitan class may
12 issue annually bonds not to exceed five hundred thousand dollars, for the
13 purpose of constructing main sewers, and to be denominated sewer bonds.
14 Such bonds shall be issued in accordance with the provisions of section
15 14-515, and the proceeds from such bonds ~~therefrom~~ shall not be used for
16 any other purpose than to construct main sewers.

17 Sec. 168. Section 14-517, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 14-517 (1) ~~Cities~~ of the metropolitan class ~~in the State of~~
20 ~~Nebraska~~ are hereby authorized and empowered to issue and sell special
21 assessment sewer bonds, such ~~said~~ bonds not to exceed two hundred
22 thousand dollars, without a vote of the electors, and to use the proceeds
23 of such bonds for the purpose of constructing or reconstructing storm or
24 sanitary sewers where at least five-sixths of the cost of such sewers
25 ~~same~~ will be borne by some agency of the government of the United States
26 of America.

27 (2) All principal and interest of such bonds shall be payable solely
28 from the proceeds of special assessments levied and collected on real
29 estate within special assessment sewer districts and, as shall be recited
30 in such bonds, such city shall incur no liability, obligation, or
31 indebtedness of any kind or nature on such bonds ~~thereon~~, and the city

1 shall not pledge its credit, its general taxing power, or any part of
2 such credit or general taxing power thereof to support or pay such bonds
3 ~~the same~~. Such bonds shall be sold or exchanged for not less than the par
4 value of such bonds ~~thereof~~ and shall bear interest at a rate not to
5 exceed the rate of interest specified in section 45-104.01, as such rate
6 may from time to time be adjusted by the Legislature, payable
7 semiannually.

8 (3) Special assessments levied for the purpose of paying such bonds
9 shall be made payable in ten equal annual installments. The first
10 installment shall be due and delinquent fifty days from the date of levy,
11 the second, one year from date of levy, and a like installment shall be
12 due and delinquent annually thereafter until all such installments are
13 paid. Each of such ~~said~~ installments, except such as are paid within
14 fifty days from the date of levy, shall draw interest at a rate not to
15 exceed the rate of interest specified in section 45-104.01, as such rate
16 may from time to time be adjusted by the Legislature, from the date of
17 levy ~~aforsaid~~ until such bonds ~~the same~~ shall become delinquent, and
18 after such bonds ~~the same~~ shall become delinquent, shall draw interest at
19 the rate specified in section 45-104.01, as such rate may from time to
20 time be adjusted by the Legislature. Such assessment shall be collected
21 and enforced as in other cases of special assessments.

22 (4) All such special assessments and all interest accruing on such
23 special assessments ~~thereon~~ in any special assessment sewer district in
24 which such bonds are issued and sold shall constitute a sinking fund and
25 shall be used solely for the purpose of paying the interest on the bonds
26 so issued and sold as such bonds accrue ~~the same accrues~~ and for paying
27 the principal sum of such bonds at the maturity of such bonds ~~thereof~~.

28 (5) All powers ~~herein~~ granted in this section are ~~further~~ and in
29 addition to any other powers which may now have been or hereafter may be
30 conferred upon ~~any~~ such cities ~~city~~.

31 Sec. 169. Section 14-518, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 14-518 The powers granted in section 14-517 shall be subject to the
3 conditions set forth in this section. ~~conditioned upon the following:~~ A
4 petition for the creation of a special assessment sewer ~~such~~ district and
5 the issuance of special assessment sewer ~~such~~ bonds shall be filed with
6 the city clerk of the ~~such~~ city, signed by the owners of sixty percent of
7 the real estate contained in any such special assessment sewer district.
8 At the time of the filing of such petition, the city clerk shall cause to
9 be published in the official newspaper of such ~~said~~ city for not less
10 than three consecutive days the plan of assessment and amounts proposed
11 to be assessed against each parcel of real estate in such proposed
12 district. Any person signing such petition shall have the absolute right
13 within ten days after such petition ~~the same~~ shall have been filed with
14 the city clerk to withdraw such person's ~~his~~ name from such petition,
15 ~~therefrom~~ and in such event such person's ~~his~~ name shall not be counted
16 in computing the sixty percent.

17 Sec. 170. Section 14-519, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 14-519 The city council of a city of the metropolitan class may ~~is~~
20 ~~authorized to~~ issue bonds for the purpose of constructing public comfort
21 stations. The city council may issue bonds for such purpose without a
22 vote of the electors in an amount not exceeding fifty thousand dollars in
23 any one year.

24 Sec. 171. Section 14-520, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 14-520 The city council of a city of the metropolitan class may
27 issue bonds for the purpose of constructing an armory in the ~~any~~ city ~~of~~
28 ~~the metropolitan class~~ if the issuance of such bonds is first authorized
29 by a majority of the electors of such city voting on such proposition.
30 This section shall not be applicable to the acquisition of real estate
31 for armory purposes and its conveyance to the State of Nebraska as

1 provided in sections 18-1001 to 18-1006.

2 Sec. 172. Section 14-521, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 14-521 The city council of a city of the metropolitan class may is
5 ~~authorized to~~ issue bonds, as provided in this section~~provided~~, for the
6 purpose of improving lands, lots, or grounds purchased, appropriated, or
7 acquired for parks, parkways, boulevards, or playgrounds. Bonds so issued
8 shall be known as park bonds and the issuance of such bonds thereof
9 except as ~~herein~~ provided in this section shall be governed by the
10 ~~general provisions of~~ section 14-515. The city council may issue in any
11 one year and without a vote of the electors one hundred thousand dollars
12 of such bonds. The city council may also issue such bonds if ~~the same are~~
13 authorized by a majority vote of the electors of the city voting on the
14 proposition at a general city election or a special election called for
15 that purpose. A part of the proceeds from the sale of such bonds may be
16 used to pay for improvements upon streets, sidewalks, or thoroughfares
17 abutting upon or immediately adjacent to parks, parkways, boulevards, and
18 playgrounds when such costs would otherwise be chargeable to the city.

19 Sec. 173. Section 14-522, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 14-522 The city council of a city of the metropolitan class may
22 issue bonds of the city not to exceed thirty thousand dollars in any one
23 year for the purpose of erecting fire stations ~~engine houses~~.

24 Sec. 174. Section 14-523, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 14-523 The city council of a city of the metropolitan class may
27 issue bonds not to exceed in amount two hundred and twenty-five thousand
28 dollars for the construction, remodeling, or completion of a municipal
29 auditorium, except that ~~. But~~ no such bonds shall be issued until
30 authorized by the electors of such city ~~thereof~~ by a majority of those
31 voting on the question ~~thereon~~.

1 Sec. 175. Section 14-524, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 14-524 In addition to the authority expressly granted to the city
4 council of a city of the metropolitan class to issue bonds for stated
5 purposes, the city council may ~~is authorized to~~ issue bonds for the
6 following general purposes in, ~~on~~ compliance with the requirements of
7 section 14-515: (1) To construct subways and conduits when authorized by
8 a vote of the electors, (2) to renew or to fund or refund outstanding
9 bonds, (3) to construct necessary buildings for the use of the city when
10 authorized by a vote of the electors, (4) to construct necessary bridges
11 when authorized by a vote of the electors, (5) to acquire property and to
12 construct gas works, waterworks, electric light plants, or power plants,
13 when authorized by a vote of the electors, (6) to pay off floating
14 indebtedness of the city, but the total amount of bonds issued for such
15 purpose shall not exceed five hundred thousand dollars and not then until
16 authorized by a vote of the electors, and (7) for any necessary or proper
17 municipal purpose or use, when authorized so to do by a vote of the
18 electors of the city.

19 Sec. 176. Section 14-525, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 14-525 The bonded indebtedness of a ~~the~~ city of the metropolitan
22 class shall not at any time exceed in the aggregate five percent of the
23 taxable value of the taxable property within its corporate limits. The
24 value shall be determined from the assessment of the taxable value of the
25 property of the city. In order to arrive at the net amount of the
26 aggregate indebtedness referred to in this section, there shall be
27 deducted from the total bonded indebtedness of the city and excepted from
28 such indebtedness ~~therefrom~~ bonds issued to acquire a ~~the~~ water plant or
29 ~~and the~~ gas plant and any bonds which may be issued to acquire or
30 construct electric light or power plants or other utility plants or
31 systems when a charge for the service is provided sufficient to pay the

1 ~~bonded obligations for such plants or systems therefor and pledges made~~
2 ~~to that end,~~ bonds which may be issued to construct subways or conduits
3 when the revenue charged for the use of such may be sufficient to retire
4 ~~such~~ the bonds ~~and is pledged to that end,~~ and all other bonds the
5 payment of which is secured by pledges of a special assessment sinking
6 fund in the nature of a sinking fund of any character other than the
7 general sinking fund of the city. There shall be included in such
8 indebtedness all floating indebtedness of the city which under section
9 14-524 may be funded by the issuance of bonds.

10 Sec. 177. Section 14-526, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 14-526 A city of the metropolitan class shall not issue bonds Bonds
13 in excess of two hundred and fifty thousand dollars ~~may not be issued~~ in
14 any one year, except for renewal or refunding to fund floating
15 indebtedness or district improvement bonds, to finance grading, to
16 finance public improvements, sewers, and intersections, to erect police
17 stations ~~and workhouses,~~ to acquire existing utility property, to
18 construct, remodel, or complete a municipal auditorium, to pay for
19 property purchased or acquired in condemnation proceedings, for a public
20 library, subways and conduits, and useful and needed public buildings, to
21 pay for the construction and maintenance of gas works, waterworks,
22 electric light plants, or power plants, or any other public utility
23 authorized by sections 14-101 to 14-2004 this act, or for land to be used
24 for any such purpose therefor.

25 Sec. 178. Section 14-527, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 14-527 Bonds of a the city of the metropolitan class shall not be
28 issued without a vote of the electors in the manner provided for in
29 sections 14-101 to 14-2004 this act except to finance the following which
30 may be issued by the city council without such vote: (1) Street ~~To~~
31 ~~finance street~~ improvements, grading, renewal, or refunding; (2) police

1 ~~stations station~~, not to exceed one hundred thousand dollars in any one
2 year; (3) ~~parks park~~, not to exceed one hundred thousand dollars in any
3 one year; (4) ~~sewers sewer~~, not to exceed five hundred thousand dollars
4 in any one year; (5) public comfort ~~stations station~~, not to exceed fifty
5 thousand dollars in any one year; (6) fire ~~stations engine-house~~, not to
6 exceed thirty thousand dollars in any one year; and (7) ~~acquisition to~~
7 ~~pay for the acquisition~~ of existing utility systems or plants by
8 condemnation proceedings.

9 Sec. 179. Section 14-528, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 14-528 The city council of a city of the metropolitan class is
12 authorized to issue and sell bonds of the city, from time to time, to
13 finance street improvements, as provided in this section ~~in this section~~
14 ~~specified~~. The amount of bonds which may be issued and sold at any one
15 time shall not exceed the total amount of bona fide contracts actually
16 entered into for the kinds of street improvements included within this
17 section and for the financing of which provisions have not otherwise been
18 made. The proceeds from bonds sold under the authority of this section
19 may be used and employed to finance or to aid in financing the classes
20 and kinds of improvement, inclusive of all proper intersection charges,
21 designated in this section, including paving ~~to wit: Paving~~, repaving,
22 surfacing and renewing surfaces, changing character of paving, guttering,
23 reguttering, curbing and recurbing, ~~and~~ improvements made in combination
24 as authorized in section 14-391, and macadamizing streets, avenues,
25 alleys, and public thoroughfares of the city.

26 Sec. 180. Section 14-529, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 14-529 Bonds issued under the authority of the provisions of section
29 14-528 shall be denominated bonds to finance street improvements, shall
30 be issued and sold in accordance with the provisions of section 14-515
31 governing the issuance and sale of bonds, and shall bear an interest rate

1 not greater than the rate of interest specified in such ~~said~~ section
2 regarding ~~as respects~~ general bonds of the city. Such bonds so issued may
3 be made payable in not less than five years and in not more than twenty
4 years from date of issue.

5 Sec. 181. Section 14-530, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 14-530 (1) The proceeds from the sale of bonds ~~herein~~ authorized
8 under section 14-528, together with all special taxes and assessments to
9 be levied for the classes of improvements designated in such section
10 ~~14-528~~, and the proceeds in the nature of all earnings and income from
11 the investment and use of such proceeds, ~~thereof~~ shall be used and
12 employed to finance such classes of improvements, inclusive of all proper
13 intersection charges.

14 (2) All such proceeds ~~proceedings~~ shall be credited to a fund to be
15 designated special assessment sinking fund, and, except such part of such
16 fund ~~thereof~~ as may be required to pay proper intersection charges, shall
17 be kept and maintained within such fund. The accumulations in such ~~this~~
18 fund, less the amounts of such fund ~~thereof~~ necessary to pay proper
19 intersection charges from time to time, shall constitute a sinking fund
20 to pay interest as it accrues and finally to pay at maturity all bonds
21 issued and sold under the provisions of this section ~~hereof~~, except such
22 part of such fund ~~thereof~~ as has been devoted to the payment of proper
23 intersection charges.

24 (3) The proportion of bonds authorized under this section ~~hereunder~~
25 and necessary to pay proper intersection charges, inclusive of interest
26 on such bonds ~~thereon~~, shall be paid and redeemed from the general
27 sinking fund of the city.

28 (4) In all cases where taxes and special assessments levied under
29 section 14-533 have been paid and have been credited to the special
30 assessment sinking fund, such taxes and special assessments as well as
31 all other credits in such ~~said~~ fund may be used to finance other

1 improvements, but only to the extent which will leave the fund available
2 to pay all bonds issued to finance street improvements and interest on
3 such bonds ~~thereon~~ when maturing or due, except such part as by this
4 section is charged to the general sinking fund of the city.

5 Sec. 182. Section 14-531, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 14-531 The city finance department of a city of the metropolitan
8 class ~~accounts and finances~~ shall establish and maintain a fund to be
9 designated fund to finance intersections. Immediately upon the completion
10 of the work of any contract for improvements ~~herein~~ authorized by this
11 section, the city engineer shall carefully estimate and ~~correctly~~ certify
12 to the city council the ~~exact~~ amount which has been spent in the
13 performance of such contract for proper intersection purposes. The city
14 council shall at once carefully examine such certification and either
15 approve or reject the amount so certified. If such certification ~~it~~ is
16 rejected, further certifications shall be required until a proper amount
17 has been certified, which shall be approved. As soon as approved, the
18 city finance department ~~of accounts and finances~~ shall charge the special
19 assessment sinking fund with the full amount as approved and shall credit
20 the fund to finance intersections with a like amount. Just before each
21 interest payment date an account shall be correctly and exactly stated
22 between such ~~said~~ funds so as to apportion as properly and exactly as
23 possible the respective interest charge against each fund. Both such The
24 ~~two~~ funds ~~above mentioned~~ shall be continuously kept and maintained so
25 that the fund to finance intersections will show exactly or approximately
26 the total amount of bonds which has been devoted to the payment of
27 intersection charges.

28 Sec. 183. Section 14-532, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 14-532 A city of the metropolitan class ~~The avails and proceeds of~~
31 ~~the special assessment sinking fund~~ may, when not required for any of the

1 purposes heretofore specified in section 14-530, be temporarily invest
2 funds contained in the special assessment sinking fund invested in
3 securities of the United States Government, the State of Nebraska, the
4 city, the county containing such city Douglas County, metropolitan city,
5 school district of such city, or any publicly owned and operated
6 municipal utilities of such city. All thereof; but all such investments
7 shall be made so as to be closed out and realized upon whenever the
8 proceeds so invested are needed for the purpose specified in such said
9 section. The proceeds of the special assessment sinking fund, insofar as
10 required, may be used to complete the work under a contract where the
11 contractor fails or refuses to perform such work.

12 Sec. 184. Section 14-533, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 14-533 Upon the completion of the work under any contract authorized
15 by sections 14-528 to 14-532, the city council of a city of the
16 metropolitan class is authorized to levy and assess, in the usual manner,
17 special taxes and assessments to the extent of benefits conferred by such
18 work thereby to pay the costs of the improvements less the amount of
19 proper intersection costs under such contract, all of which taxes and
20 special assessments shall constitute a sinking fund, as and for the
21 purposes specified in section 14-530.

22 Sec. 185. Section 14-534, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 14-534 Before any street, avenue, alley, or thoroughfare is graded
25 within a city of the metropolitan class, the city engineer shall make a
26 careful and detailed estimate of the total cost of such grading, and
27 shall report such estimate ~~the same~~ to the city council as an approximate
28 estimate of such cost. If such estimate is approved by the city council,
29 ~~thereupon~~ a contract may be let for the grading in the manner provided
30 for letting improvement contracts, except that such ~~which~~ contract,
31 ~~however,~~ shall not exceed in total amount the approved approximate

1 estimate.

2 Sec. 186. Section 14-535, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 14-535 As soon as any ~~such~~ contract is let pursuant to section
5 14-534, the city council of a city of the metropolitan class ~~is thereupon~~
6 authorized to issue ~~and dispose of~~ bonds of the city in amounts
7 sufficient to pay for the total work to be done under such contract.
8 Unless bonds are issued ~~disposed of~~ for such purpose, the contract shall
9 not be performed and shall not be binding upon the city. Bonds issued
10 under the provisions of section 14-534 ~~hereof~~ shall be denominated
11 grading bonds, and shall state upon the face of such bonds ~~thereof~~ the
12 street or part of street to be graded from the proceeds of such bonds
13 ~~thereof~~. Such bonds shall be due and payable in five years from date of
14 such bonds ~~thereof~~, shall draw interest at a rate not to exceed the rate
15 of interest specified in section 45-104.01, as such rate may from time to
16 time be adjusted by the Legislature, payable semiannually, shall have
17 interest coupons attached ~~annexed~~, and shall not be sold or disposed of
18 below par. ~~The , and the~~ proceeds from such bonds ~~therefrom~~ shall be used
19 only for the purpose of paying the costs of the grading for which issued.
20 Such bonds may be sold or disposed of in the manner deemed best or
21 advisable. As the work of grading progresses, partial estimates may be
22 allowed and paid and the final estimates paid as soon as allowed.

23 Sec. 187. Section 14-536, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 14-536 Upon the completion of any grading of a street, avenue,
26 alley, or thoroughfare, the city council of a city of the metropolitan
27 class shall levy special assessments in the manner provided in sections
28 14-501 to 14-566 ~~special assessments~~, to the extent of the benefits, to
29 cover the total costs of such grading. Special assessments so levied
30 shall be made payable as provided in section 14-537. All installments
31 shall draw interest at a rate not to exceed the rate of interest

1 specified in section 45-104.01, as such rate may from time to time be
2 adjusted by the Legislature, from the time of levy until due, and the
3 rate specified in section 45-104.01, as such rate may from time to time
4 be adjusted by the Legislature, whenever such installments become
5 delinquent. All such special assessments and all interest accruing on
6 such special assessments ~~thereon~~ shall constitute a sinking fund and
7 shall be used only for the purpose of paying the interest on the bonds
8 issued in that connection as such interest ~~the same~~ accrues and of paying
9 the principal sum of the bonds at the maturity of such bonds ~~thereof~~.

10 Sec. 188. Section 14-538, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 14-538 Whenever any special tax or assessment upon any lot, land, or
13 parcel ~~or lots, lands or parcels~~ of land within a city of the
14 metropolitan class is found to be invalid, uncollectible, and void, is or
15 ~~shall be~~ adjudged to be void by a court of competent jurisdiction, or is
16 paid under protest and recovered by suit, because of any defect,
17 irregularity, or invalidity, in any of the proceedings or on account of
18 the failure to observe and comply with any of the conditions,
19 prerequisites, and requirements of any statute or ordinance, the mayor
20 and city council shall have the power to relevy such special tax or
21 assessment ~~the same~~ upon such the said lot, land, or parcel ~~or lots,~~
22 ~~lands or parcels~~ of land ~~lands~~ in the same manner as other special taxes
23 and assessments are levied, without regard to whether the formalities,
24 prerequisites, and conditions, prior to equalization, have been met ~~had~~
25 or not.

26 Sec. 189. Section 14-539, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 14-539 Within a city of the metropolitan class, in ~~In~~ case the lots
29 and real estate abutting upon that part of the street ordered paved as
30 shown upon any ~~such~~ plat or map are not of uniform depth, as well as in
31 all cases where, in the discretion of the city council sitting as a board

1 of equalization, it is just and proper so to do, such ~~the~~ board shall
2 have the right and authority to fix and determine the depth to which the
3 real estate shall be charged and assessed with the cost of such
4 improvement, without regard to the line of such lots. Such assessments
5 shall ~~, the same~~ to be fixed and determined upon the basis of benefits
6 accruing to the real estate by reason of such improvement. The provisions
7 of this section, in regard to the depth to which real estate may be
8 charged and assessed, shall apply to all special assessments.

9 Sec. 190. Section 14-540, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 14-540 In cases of omission, mistake, defect, or any irregularity in
12 the preliminary proceedings on any special assessment within a city of
13 the metropolitan class, the city council shall have power to correct such
14 mistake, omission, defect, or irregularity, and levy or relevel a special
15 assessment on any or all property within an improvement ~~in the~~ district,
16 in accordance with the special benefits to the property on account of
17 such improvement as found by the city council sitting as a board of
18 equalization. The city council shall deduct from the benefits and allow
19 as a credit, before such relevel, an amount equal to the sum of the
20 installments paid on the original levy.

21 Sec. 191. Section 14-541, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 14-541 Special assessments may be levied by the city council of a
24 city of the metropolitan class for the purpose of paying the cost of
25 constructing or reconstructing sewers or drains within the city, such
26 assessments to be levied on the real estate benefited by the sewer so
27 constructed or reconstructed to the extent of the benefits to such
28 property. Such assessments shall ~~, to~~ be determined, equalized, levied,
29 and collected as in other cases for special assessments. Where the city
30 council, sitting as a board of equalization, shall find the benefits to
31 be equal and uniform, the levy may be according to the front footage of

1 lots or real estate benefited, or according to such other rule as such
2 ~~the city council, sitting as a board of equalization,~~ may adopt for the
3 distribution or adjustment of cost upon the lots or real estate benefited
4 by the improvement.

5 Sec. 192. Section 14-542, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 14-542 When public improvements are made upon a street or part
8 thereof and there are lots or grounds belonging to a the city of the
9 metropolitan class but held or used as a part of any utility system or
10 plant owned by such city ~~it~~, either abutting upon or adjacent to such
11 street or embraced within any improvement district, such property shall
12 not be subject to special assessments for the costs of the improvement,
13 but the costs of improving one-half, or such parts of the costs as might
14 otherwise be assessed against such property, shall be paid out of the
15 water fund, gas fund, or other fund available for such purpose and
16 created to pay the costs of operation of such utility. The board or body
17 having charge of such fund is directed to pay such costs of such
18 improvement upon the completion of such improvement ~~thereof~~ to the city
19 treasurer, and the amount so paid shall be applied to pay the partial
20 costs of such improvement. Whenever any water main is laid by a
21 metropolitan utilities district in a street of a city of the metropolitan
22 class and there are lots or grounds abutting upon such street or embraced
23 within any improvement district which are owned and controlled by the
24 city, one-half the cost of constructing such water main in front of such
25 lot or grounds, if special benefits equal such an amount, to be
26 determined by the metropolitan utilities district, but not to exceed
27 fifty cents per lineal front foot, shall be paid out of the general fund
28 of the city. The city council shall provide for the payment of such costs
29 to the metropolitan utilities district.

30 Sec. 193. Section 14-543, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 14-543 For purposes of sections 14-101 to 14-2004:

2 (1) Lot means ~~The word lot as used in this act shall be taken to~~
3 ~~mean~~ a lot as described and designated upon the recorded plat of a any
4 ~~such~~ city of the metropolitan class, and in case there is no recorded
5 plat of any such city, ~~it shall mean~~ a lot as described and designated
6 upon any generally recognized map of such city; -

7 (2) Lands means ~~The word lands shall mean~~ any unsubdivided real
8 estate in a city of the metropolitan class; and -

9 (3) Street includes ~~The word street shall be deemed to include~~
10 boulevards, avenues, alleys, ~~and~~ lanes, or any form of public roadway in
11 a the city of the metropolitan class.

12 Sec. 194. Section 14-544, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 14-544 A special assessment within a city of the metropolitan class
15 shall not be declared void or invalid because the city council sitting as
16 a said board of equalization has included in the total cost of the
17 improvement (1) the cost of inspection under the direction of the city
18 engineer, (2) the cost of such grading, filling, or street repairs
19 incidental to such improvement, (3) the additional cost of maintenance or
20 repair of such improvement included in the contract for such work, and
21 (4) the cost of removing obstructions and removing and lowering pipes
22 owned and controlled by the city.

23 Sec. 195. Section 14-545, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 14-545 All special assessments to cover the cost of any public
26 improvements ~~herein~~ authorized by sections 14-101 to 14-2004 shall be
27 levied and assessed on all lots, parts of lots, lands, and real estate
28 specially benefited by such improvement, or within the improvement
29 district created for the purpose of making such improvement, to the
30 extent of the benefits to such lots, parts of lots, lands, and real
31 estate by reason of such improvements, such benefits to be determined by

1 the city council sitting as a board of equalization. Where the board of
2 equalization finds ~~they shall find~~ such benefits to be equal and uniform,
3 such assessment may be according to the foot frontage, and may be
4 prorated and scaled back from the line of such improvements according to
5 such rules as the board of equalization deems ~~shall consider~~ fair and
6 equitable.

7 Sec. 196. Section 14-546, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 14-546 It shall be sufficient in any case in making a levy or
10 assessment of any tax within a city of the metropolitan class, to
11 describe the lot or piece of ground as such lot or piece of ground the
12 ~~same~~ is platted and recorded, although such lot or piece of ground the
13 ~~same~~ belongs to several persons. ~~If ; but in case~~ any lot or piece of
14 ground belongs to several persons, the owner of any part of such lot or
15 piece of ground ~~thereof~~ may pay such owner's ~~his~~ proportion of the tax on
16 such lot or piece of ground, and such ~~his~~ proper share may be determined
17 by the city treasurer.

18 Sec. 197. Section 14-547, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 14-547 (1) In all cases when special assessments are authorized by
21 sections 14-101 to 14-2004 ~~this act~~, except as otherwise provided, before
22 any special tax or assessment is levied, it shall be the duty of the city
23 council to sit as a board of equalization for one or more days each month
24 as the city council shall elect. The city council shall by rule provide
25 for the day or days on which such meetings shall be held ~~and for the~~
26 ~~opening and closing hours of such meetings~~. Notice of the date, time, and
27 place of such meeting or meetings shall be published in the official
28 newspaper for at least three days, the first publication to be at least
29 seven days prior to the first session of the board of equalization. A
30 majority of all members elected to the city council shall constitute a
31 quorum for the transaction of any business properly brought before the

1 board of equalization ~~them~~, but a less number may adjourn from time to
2 time and compel the attendance of absent members. The proceedings of such
3 board of equalization shall not be invalidated by the absence of a quorum
4 during the ~~meeting advertised hours of sitting~~ but the city clerk or some
5 member of the board of equalization shall be present to receive
6 complaints and applications and to give information. No final action
7 shall be taken by the board of equalization except by a quorum in open
8 session. When sitting as a board of equalization, the city council may
9 adopt such reasonable rules as to the manner of presenting complaints and
10 applying for remedy and relief as shall seem just.

11 (2) The city council may appoint one or more suitable persons to act
12 as a referee for the board of equalization. The city council may direct
13 that any protest filed shall be heard in the first instance by the
14 referee in the manner provided for the hearing of protests by the board
15 of equalization. Upon the conclusion of the hearing in each case, the
16 referee shall transmit to the board of equalization all papers relating
17 to the case, together with his or her findings and recommendations in
18 writing. The board of equalization, after considering all papers relating
19 to the protest and the findings and recommendations of the referee, may
20 make the order recommended by the referee or any other order in the
21 judgment of the board of equalization required by the findings of the
22 referee, may hear additional testimony, or may set aside such findings
23 and hear the protest anew.

24 (3) If a referee is not appointed, the board of equalization shall
25 hear and determine all such complaints and shall equalize and correct
26 such assessment.

27 (4) After final deliberation and after all corrections and
28 equalization of assessments have been made, the city council may levy
29 such special assessments by ordinance at a regular meeting ~~thereafter~~.
30 The ordinance levying a special assessment shall be final and binding as
31 the final order or judgment of a court of general jurisdiction.

1 (5) After the passage of such ordinance no court shall entertain any
2 action for relief against such special assessment, except upon appeal
3 from such final order, which remedy shall be deemed exclusive.

4 Sec. 198. Section 14-548, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 14-548 Any person who has filed a written complaint before the board
7 of equalization pursuant to section 14-547 shall have the right to appeal
8 to the district court of the county within which such city of the
9 metropolitan class is located, by filing a good and sufficient bond in
10 the sum of not less than fifty dollars and not more than double the
11 amount of the assessment complained of, conditioned for the faithful
12 prosecution of such appeal, and if the judgment of special assessment is
13 sustained, to pay the amount of such judgment, interest, and costs. Such
14 bond shall be approved and appeal taken as specified in section 14-813.
15 The district court shall hear the appeal as in equity and without a jury
16 and determine anew all questions raised before the city. If the court
17 finds such assessment to be valid, it shall render a decree for the
18 amount of the assessment, interest, and costs, and declare such
19 assessment, interest, and costs ~~the same~~ a lien upon the lots or lands so
20 assessed. If the court finds that the tax is invalid it shall order a
21 relevy of such assessment or enter such decree as may be just and
22 equitable.

23 Sec. 199. Section 14-549, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 14-549 Any All special assessment within a city of the metropolitan
26 class, ~~assessments~~ except when payable in installments, shall be deemed
27 delinquent if not paid within fifty days after the passage and approval
28 of the ordinance levying such special assessment ~~the same~~, and interest
29 at the rate specified in section 45-104.01, as such rate may from time to
30 time be adjusted by the Legislature, payable in advance, shall be paid on
31 any all delinquent special assessment ~~assessments~~ from the time such

1 special assessment ~~the same~~ shall become delinquent.

2 Sec. 200. Section 14-550, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 14-550 When any special assessment is levied within a city of the
5 metropolitan class, it shall be the duty of the city clerk to deliver to
6 the city treasurer a certified copy of the ordinance levying such special
7 assessment tax, and the city clerk shall append ~~thereto~~ a warrant to such
8 ordinance requiring the city treasurer to collect such special assessment
9 ~~assessments~~. It shall be the duty of the city clerk to immediately give
10 notice by mail to the owners of the property so assessed, or their
11 agents, if the addresses of such persons can be ascertained, that such
12 assessment assessments will become delinquent on a certain date.

13 Sec. 201. Section 14-553, Revised Statutes Cumulative Supplement,
14 2020, is amended to read:

15 14-553 (1) The city treasurer of a city of the metropolitan class
16 shall be a member of the finance department of such city and shall give
17 bond or evidence of equivalent insurance in an amount as required by the
18 finance director of such city. The city treasurer shall be liable for the
19 safekeeping and proper disbursement of all funds and money of the city
20 collected or received by him or her. He or she shall keep his or her
21 books and accounts in such manner as to show the amount of money
22 collected by him or her from all sources, the condition of each fund into
23 which such money ~~the same~~ has been placed, and the items of disbursement
24 of such funds ~~thereof~~.

25 (2) The city treasurer shall annually complete continuing education
26 through a program approved by the Auditor of Public Accounts, and proof
27 of completion of such program shall be submitted to the Auditor of Public
28 Accounts.

29 Sec. 202. Section 14-556, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 14-556 (1) The city treasurer of a city of the metropolitan class

1 shall place all funds of the city, ~~as the same accrue,~~ on deposit in such
2 banks, capital stock financial institutions, or qualifying mutual
3 financial institutions within the city as shall agree to pay the highest
4 rate of interest for the use of such funds so deposited. The city council
5 is hereby directed to advertise for bids for rates for the deposit of
6 such funds as provided in this section ~~is hereby contemplated.~~

7 (2) The banks, capital stock financial institutions, or qualifying
8 mutual financial institutions referred to in subsection (1) of this
9 section, so selected, shall:

10 (a) Give bond to the city for the safekeeping of such funds, and
11 such city shall not have on deposit in any bank, capital stock financial
12 institution, or qualifying mutual financial institution giving a guaranty
13 bond more than the amount insured or guaranteed by the Federal Deposit
14 Insurance Corporation plus the maximum amount of the bond given by the
15 bank, capital stock financial institution, or qualifying mutual financial
16 institution or in any bank, capital stock financial institution, or
17 qualifying mutual financial institution giving a personal bond more than
18 the amount insured or guaranteed by the Federal Deposit Insurance
19 Corporation plus one-half of the amount of the bond of the bank, capital
20 stock financial institution, or qualifying mutual financial institution.
21 All bonds of such banks, capital stock financial institutions, or
22 qualifying mutual financial institutions shall be deposited with and held
23 by the city treasurer; or

24 (b) Give security as provided in the Public Funds Deposit Security
25 Act.

26 (3) The fact that a stockholder, director, or other officer of such
27 bank, capital stock financial institution, or qualifying mutual financial
28 institution is also serving as mayor, as a member of the city council, as
29 a member of a board of public works, or as any other officer of the city
30 ~~such municipality~~ shall not disqualify such bank, capital stock financial
31 institution, or qualifying mutual financial institution from acting as a

1 depository for such ~~city municipal~~ funds.

2 (4) Section 77-2366 shall apply to deposits in capital stock
3 financial institutions.

4 (5) Section 77-2365.01 shall apply to deposits in qualifying mutual
5 financial institutions.

6 Sec. 203. Section 14-557, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 14-557 All general municipal taxes levied upon real estate within a
9 city of the metropolitan class shall be a first lien upon the real estate
10 upon which such taxes are ~~it is~~ levied and take priority over all other
11 encumbrances and liens on such real estate ~~thereon~~. All special
12 assessments regularly levied within a city of the metropolitan class
13 shall be a perpetual lien on the real estate assessed from the date of
14 levy until paid irrespective of the county in which such real estate is
15 situated, but shall be subject to all general taxes. The lien of all
16 general municipal taxes levied on personal and real property within a
17 city of the metropolitan class shall be governed by the general revenue
18 laws of this state.

19 Sec. 204. Section 14-558, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 14-558 It shall be the duty of the city treasurer of a city of the
22 metropolitan class to proceed as soon as practicable after any personal
23 tax becomes delinquent, or prior to such delinquency ~~thereto~~ whenever the
24 city treasurer shall believe that any person, firm, or corporation is
25 about to dispose of any personal property on which a tax has been levied,
26 to collect such delinquent taxes ~~the same~~ by ~~distress and~~ sale of the
27 personal property of such person, firm, or corporation if any such
28 property can be found within such city. No demand of taxes shall be
29 necessary, but it shall be the duty of every person owing any municipal
30 tax or taxes in such cities to pay such taxes at the city ~~attend at the~~
31 treasurer's office ~~and pay the same~~.

1 Sec. 205. Section 14-559, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 14-559 All municipal taxes and all special assessments in such
4 cities of the metropolitan class shall be paid in cash. The city
5 treasurer may sue for the recovery of any tax, in the ~~his own~~ name of as
6 city treasurer, or in the name of the city, and shall have all the rights
7 of a creditor in such suits and in the enforcement of a judgment or
8 decree.

9 Sec. 206. Section 14-560, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 14-560 No warrant, other than the warrant of the county clerk issued
12 to the county treasurer under the general revenue law, shall be necessary
13 for the collection of the general taxes levied for ~~such~~ cities of the
14 metropolitan class.

15 Sec. 207. Section 14-562, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 14-562 Whenever any municipal tax or taxes levied by a city of the
18 metropolitan class for any former year shall remain uncollected because
19 of any defect, error, or irregularity in either the power or manner of
20 making the levy of such taxes ~~thereof~~, it shall be lawful for the city
21 ~~council of such city~~ to again levy a tax upon the property so delinquent
22 in lieu of such former tax or taxes, and at the same rate, and upon the
23 same assessment as such former tax or taxes were levied, and such tax or
24 taxes shall be inserted in the tax list, and shall be collected in the
25 same manner as other general taxes. The city council may, at any time,
26 correct any error or defect, or supply any omission in the assessment or
27 listing of any property subject to municipal tax made for the purpose of
28 taxation for the then current fiscal year, and may require any and all
29 persons to appear and answer under oath as to their possession or control
30 of personal property subject to municipal taxation.

31 Sec. 208. Section 14-563, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 14-563 Notwithstanding any provision of a home rule charter, funds
3 of ~~a the city of the metropolitan class~~ available for such purpose may be
4 invested in securities of the United States, the State of Nebraska, ~~the a~~
5 ~~city of the metropolitan class~~, a county in which such city ~~of the~~
6 ~~metropolitan class~~ is located, ~~or a school district of such city~~, in the
7 securities of municipally owned and operated public utility property and
8 plants of such city, or in the same manner as funds of the State of
9 Nebraska are invested, except that the city treasurer may purchase
10 certificates of deposit from and make time deposits in banks, capital
11 stock financial institutions, or qualifying mutual financial institutions
12 selected as depositories of city funds. Section 77-2366 shall apply to
13 deposits in capital stock financial institutions. Section 77-2365.01
14 shall apply to deposits in qualifying mutual financial institutions.

15 Sec. 209. Section 14-564, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 14-564 (1) During the month of December of each year, the city
18 council of a city of the metropolitan class shall prepare, or cause to be
19 prepared, a list of all supplies required for each office and department
20 or board of the city for the ensuing year. Such list shall designate
21 clearly the quantity and quality of the articles required, but shall not
22 specify the particular product of any manufacturer.

23 (2)(a) The city council may negotiate directly with a sheltered
24 workshop for such supplies pursuant to section 48-1503.

25 (b) ~~If In the event~~ the city council does not negotiate with a
26 sheltered workshop, the city clerk shall advertise for bids on the
27 articles in such list for at least three successive days in the official
28 newspaper. Such advertisement shall state, in substance, that at a
29 certain stated regular meeting of the city council, bids will be received
30 and opened for all such supplies, and it shall be sufficient in such
31 advertisement to describe the articles in a general way and refer to such

1 list as being on file in the office of the city clerk. Such bids shall be
2 received at the first regular meeting of the city council held after such
3 advertisement has been completed, and awards shall be made at the next
4 regular meeting thereafter. Bidders shall not be required to bid on all
5 items included in such estimates, nor upon all items in one class. The
6 city council may accept the lowest and best bid on any item or items and
7 may reject any and all bids.

8 (3) Other or additional supplies not exceeding the value of one
9 hundred dollars for any officer or board may be purchased on the request
10 of the mayor and city comptroller.

11 Sec. 210. Section 14-565, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 14-565 The list described in section 14-564 shall include any and
14 all supplies or equipment for public improvements, street cleaning or
15 repairs, or horses, hose, engines, vehicles, or implements used by the
16 park board, fire department, or police department. A list of such
17 supplies may be made and advertised for at any time upon request of the
18 proper board or department ~~of officers~~, but subject to such ~~said~~ section
19 as to the bids and newspapers and advertisement for bids. Such ~~The said~~
20 list shall not include the books, documents, or other papers or material
21 purchased by the library board.

22 Sec. 211. Section 14-566, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 14-566 (1) At the beginning of the term of each city council in a
25 city of the metropolitan class, the city clerk ~~purchasing agent~~ shall
26 advertise for three days in each daily legal newspaper in or of general
27 circulation in the city for proposals for publishing in such daily legal
28 ~~some daily~~ newspaper, published in the English language and otherwise
29 meeting the requirements ~~of a legal newspaper~~ fixed by state law, all
30 public advertisements, notices, ordinances, resolutions, city council
31 proceedings, and all other matter published by the city. In addition to

1 considering the rate bid for printing, the city clerk purchasing agent
2 may give weight to the character of circulation, quality of printing,
3 plant, delivery service, and responsibility of the bidders in determining
4 the lowest and best bid. The city clerk He may also consider the
5 advantage of the same plant's combining publication of ordinances and
6 providing an ordinance publishing service to subscribers.

7 (2) The city clerk purchasing agent shall notify the city council
8 clerk of the city clerk's his selection of the official newspaper, which
9 shall continue as such throughout the term of the city council. The city
10 council may order additional publication of any of its proceedings in any
11 other qualified legal newspaper or publication.

12 (3) If at any time, the designated official newspaper ceases regular
13 publication or is not giving service satisfactory to the city council,
14 the city clerk purchasing agent shall recommend another qualified legal
15 newspaper to the city council and, upon approval of the city council,
16 such legal newspaper it shall become the official newspaper.

17 (4) In case of refusal or neglect of the official newspaper to
18 publish any required notice, the city clerk shall post such notice on the
19 city's website and it in a conspicuous place in the city hall, and the
20 city clerk he shall keep a written record of such posting witnessed by
21 two persons. The record of such posting shall be evidence that such
22 posting the same was done as required and shall be sufficient to fulfill
23 the requirement of publication.

24 (5) The city shall not be without an official newspaper more than
25 thirty days at a time.

26 Sec. 212. Section 14-567, Revised Statutes Cumulative Supplement,
27 2020, is amended to read:

28 14-567 (1) ~~Beginning December 31, 1998, through December 31, 2017,~~
29 ~~the pension board of a city of the metropolitan class shall file with the~~
30 ~~Public Employees Retirement Board an annual report on each retirement~~
31 ~~plan established by such city pursuant to section 401(a) of the Internal~~

~~1 Revenue Code and shall submit copies of such report to the Auditor of
2 Public Accounts. The Auditor of Public Accounts may prepare a review of
3 such report pursuant to section 84-304.02 but is not required to do so.
4 The annual report shall be in a form prescribed by the Public Employees
5 Retirement Board and shall contain the following information for each
6 such retirement plan:~~

- ~~7 (a) The number of persons participating in the retirement plan;~~
- ~~8 (b) The contribution rates of participants in the plan;~~
- ~~9 (c) Plan assets and liabilities;~~
- ~~10 (d) The names and positions of persons administering the plan;~~
- ~~11 (e) The names and positions of persons investing plan assets;~~
- ~~12 (f) The form and nature of investments;~~
- ~~13 (g) For each defined contribution plan, a full description of
14 investment policies and options available to plan participants; and~~
- ~~15 (h) For each defined benefit plan, the levels of benefits of
16 participants in the plan, the number of members who are eligible for a
17 benefit, and the total present value of such members' benefits, as well
18 as the funding sources which will pay for such benefits.~~

~~19 If a plan contains no current active participants, the pension board
20 may file in place of such report a statement with the Public Employees
21 Retirement Board indicating the number of retirees still drawing
22 benefits, and the sources and amount of funding for such benefits.~~

~~23 (2) Through December 31, 2017, if such retirement plan is a defined
24 benefit plan which was open to new members on January 1, 2004, in
25 addition to the reports required by section 13-2402, the pension board of
26 a city of the metropolitan class shall cause to be prepared an annual
27 report and shall file the same with the Public Employees Retirement Board
28 and the Nebraska Retirement Systems Committee of the Legislature and
29 submit to the Auditor of Public Accounts a copy of such report. The
30 Auditor of Public Accounts may prepare a review of such report pursuant
31 to section 84-304.02 but is not required to do so. If the pension board~~

1 ~~does not submit a copy of the report to the Auditor of Public Accounts~~
2 ~~within six months after the end of the plan year, the Auditor of Public~~
3 ~~Accounts may audit, or cause to be audited, the city. All costs of the~~
4 ~~audit shall be paid by the city. The report shall consist of a full~~
5 ~~actuarial analysis of each such retirement plan established by the city.~~
6 ~~The analysis shall be prepared by an independent private organization or~~
7 ~~public entity employing actuaries who are members in good standing of the~~
8 ~~American Academy of Actuaries, and which organization or entity has~~
9 ~~demonstrated expertise to perform this type of analysis and is unrelated~~
10 ~~to any organization offering investment advice or which provides~~
11 ~~investment management services to the retirement plan. The report to the~~
12 ~~Nebraska Retirement Systems Committee shall be submitted electronically.~~

13 ~~(1) Each (3)(a) Beginning December 31, 2018, and each December 31~~
14 ~~thereafter, for a defined benefit plan the pension board or its designee~~
15 ~~shall prepare and electronically file an annual report with the Auditor~~
16 ~~of Public Accounts and the Nebraska Retirement Systems Committee of the~~
17 ~~Legislature. If such retirement plan is a defined benefit plan which was~~
18 ~~open to new members on January 1, 2004, the report shall be in addition~~
19 ~~to the reports required by section 13-2402. The report shall be on a form~~
20 ~~prescribed by the Auditor of Public Accounts and shall include, but not~~
21 ~~be limited to, the following information:~~

22 ~~(a) (i) The levels of benefits of participants in the plan, the~~
23 ~~number of members who are eligible for a benefit, the total present value~~
24 ~~of such members' benefits, and the funding sources which will pay for~~
25 ~~such benefits; and~~

26 ~~(b) (ii) A copy of a full actuarial analysis of each such defined~~
27 ~~benefit plan. The analysis shall be prepared by an independent private~~
28 ~~organization or public entity employing actuaries who are members in good~~
29 ~~standing of the American Academy of Actuaries, and which organization or~~
30 ~~entity has demonstrated expertise to perform this type of analysis and is~~
31 ~~unrelated to any organization which offers investment advice or provides~~

1 investment management services to the retirement plan.

2 (2) (b) The Auditor of Public Accounts may prepare a review of such
3 report pursuant to section 84-304.02 but is not required to do so. If the
4 pension board does not submit a copy of the report to the Auditor of
5 Public Accounts within six months after the end of the plan year, the
6 Auditor of Public Accounts may audit, or cause to be audited, the pension
7 board. All costs of the audit shall be paid by the pension board.

8 Sec. 213. Section 14-568, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 14-568 Notwithstanding any home rule charter or statutory provisions
11 or restrictions, any municipal bidding procedure may be waived by the
12 city council of a city of the metropolitan class when required to comply
13 with any federal grant, loan, or program.

14 Sec. 214. Section 14-601, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 14-601 The city council of a city of the metropolitan class shall
17 have the power, and the it shall be its duty to appoint a chief of
18 police, and all other members of the police force to the extent that
19 funds may be available to pay their salaries, and as may be necessary to
20 protect citizens and property, and maintain peace and good order.—The
21 council may appoint and define the duties of not to exceed two police
22 matrons.

23 Sec. 215. Section 14-602, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 14-602 The chief of police of a city of the metropolitan class shall
26 have the supervision and control of the police force of the city, ~~subject~~
27 ~~to the orders of the superintendent of police.~~ All orders relating to the
28 direction of the police force shall be given through the chief of police
29 or, in the chief's ~~his~~ absence, the officer in charge of the police
30 force.

31 Sec. 216. Section 14-603, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 14-603 The chief of police of a city of the metropolitan class shall
3 be the principal ministerial officer of the city corporation. His or her
4 jurisdiction and that of his or her officers in the service of process in
5 all criminal cases and in cases for the violation of city ordinances
6 shall be coextensive with the county. The chief of police or his or her
7 officers shall take bail in allailable cases for the appearance before
8 the county court of persons under arrest, but such bail shall be subject
9 to the approval of the county court.

10 Sec. 217. Section 14-604, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 14-604 The chief of police of a city of the metropolitan class shall
13 be subject to the orders of the mayor in the suppression of riots, ~~and~~
14 tumultuous disturbances, ~~and~~ breaches of the peace. He or she may pursue
15 and arrest any person fleeing from justice in any part of the state and
16 shall ~~forthwith~~ bring all persons arrested by him or her ~~arrested~~ before
17 the county court for trial or examination. He or she may receive and
18 execute any proper authority for the arrest and detention of criminals
19 fleeing or escaping from other places or states.

20 Sec. 218. Section 14-605, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 14-605 The chief of police of a city of the metropolitan class shall
23 have, in the discharge of his or her proper duties, like powers and be
24 subject to like responsibilities as a county sheriff ~~sheriffs~~ in similar
25 cases.

26 Sec. 219. Section 14-606, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 14-606 Each police officer of a city of the metropolitan class shall
29 give a bond, shall have the same powers as a county sheriff ~~sheriffs~~ in
30 arresting all offenders against the laws of the state, and may arrest all
31 offenders against the ordinances of the city with or without a warrant.

1 In discharge of their duties as police officers, they shall be subject to
2 the immediate orders of the chief of police.

3 Sec. 220. Section 14-607, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:

5 14-607 It shall be the duty of police officers of a city of the
6 metropolitan class to ~~make a daily report to the chief of police of the~~
7 ~~time of lighting and extinguishing of all public lights and lamps upon~~
8 ~~their beats, and also any lamps that may be broken or out of repair. They~~
9 ~~shall also~~ report to the chief of police ~~same office~~ any defect in any
10 sidewalk, street, alley, or other public highway, ~~or~~ the existence of ice
11 or dangerous obstructions on the walks or streets, ~~a~~ ~~or~~ break in any
12 sewer, any ~~or~~ disagreeable odors emanating from inlets to sewers, or any
13 violation of the health laws or ordinances of the city. Suitable forms
14 ~~blanks~~ for making such reports shall be furnished to the chief of police
15 by the city department of public works ~~electrician and health~~
16 ~~commissioner~~. Such reports shall be transmitted by the chief of police
17 ~~transmitted~~ to the proper officers of the city. In case of any violation
18 of laws or ordinances, ~~the~~ police officer making report shall report the
19 facts to the appropriate prosecuting authority. Such police officers ~~They~~
20 shall also perform such other duties as may be required by ordinance.

21 Sec. 221. Section 14-609, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 14-609 All members or appointees of the police department of a city
24 of the metropolitan class shall be subject to removal by the city council
25 in the same manner as provided for members of the fire department.

26 Sec. 222. Section 14-702, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 14-702 The city council of a city of the metropolitan class shall
29 employ a chief of the fire department and all other officers,
30 firefighters, and assistants as may be proper and necessary for the
31 effective service of the fire department to the extent and limit that the

1 funds provided by the city council for that purpose will allow. Each fire
2 department applicant shall, as a condition of employment, submit to the
3 city a full set of his or her fingerprints along with written permission
4 authorizing the city to forward the set of fingerprints to the Federal
5 Bureau of Investigation, through either the Nebraska State Patrol or the
6 city police department, to facilitate a check of his or her criminal
7 history record information by the Identification Division of the Federal
8 Bureau of Investigation. The fingerprint check provided for in this
9 section shall be solely for the purpose of confirming information
10 provided by the fire department applicant.

11 Sec. 223. Section 14-704, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 14-704 (1) All members or appointees of the fire department of a
14 city of the metropolitan class shall be subject to removal by the city
15 council under such rules and regulations as may be adopted, and whenever
16 the city council shall consider and declare such removal necessary for
17 the proper management or discipline, or for the more effective working or
18 service of the fire department.

19 (2) No member or officer of the fire department shall be discharged
20 for political reasons, nor shall a person be employed by or taken into
21 such department for political reasons.

22 (3) Before a firefighter fireman can be discharged, charges must be
23 filed against such firefighter him before the city council and a hearing
24 had on such charges thereon, and an opportunity given such firefighter
25 member to defend against such charges, but this provision shall not be
26 construed to prevent peremptory suspension of such member by such
27 member's his superiors in case of misconduct or neglect of duty or
28 disobedience to orders. Whenever any such suspension is made, charges
29 shall be at once filed before the city council by the person ordering
30 such suspension, and a trial had on such charges thereon.

31 (4) The city council shall have the power to enforce the attendance

1 of witnesses and the production of books and papers, and to administer
2 oaths to such witnesses ~~them~~ in the same manner and with like effect and
3 under the same penalties as in the case of magistrates exercising civil
4 and criminal jurisdiction under the statutes of the State of Nebraska.
5 The city council ~~It~~ shall have such other powers and perform such other
6 duties as may be authorized or defined by ordinance.

7 Sec. 224. Section 14-709, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 14-709 (1) Any person who is a sworn member of an organized and
10 paid fire department of any city of the metropolitan class and who is an
11 authorized arson investigator for such city in order to determine the
12 cause, origin, and circumstances of fires shall be classified as a peace
13 officer while on duty and in the course of any such investigation. Such
14 person shall possess the same powers of arrest, search, ~~and seizure,~~ and
15 the securing and service of warrants as police officers of such city.

16 (2) While on duty and in the course of any such investigation, an
17 arson investigator ~~such person~~ may carry such weapons as may be necessary
18 but only if such investigator ~~that person~~ has satisfactorily completed a
19 training program offered or approved by the Nebraska Police Standards
20 Advisory Council or equivalent training offered by such city and
21 certified by the city council. Such training need not include exposure to
22 vehicle and traffic law, traffic control and accident investigation, or
23 first aid.

24 (3) An arson investigator ~~Such person~~ shall, in addition to having
25 have been an active member of an organized fire department for a minimum
26 of six years, ~~and shall~~ meet the minimum qualifications and training
27 standards established by the city for all firefighters.

28 (4) Any arson investigator ~~person~~ granted the powers enumerated in
29 this section may exercise such powers only while on duty and during the
30 course of investigating the cause, origin, and circumstances of a fire.

31 Sec. 225. Section 14-804, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 14-804 Before any claim against a the city of the metropolitan
3 class, except officers' salaries earned within twelve months or interest
4 on the public debt is allowed, the claimant or the claimant's his agent
5 or attorney shall verify such claim ~~the same~~ by his affidavit, stating
6 that the several items ~~therein~~ mentioned in such affidavit are just and
7 true and the services charged ~~therein~~ or articles furnished, as the case
8 may be, were rendered or furnished as ~~therein~~ charged in such affidavit,
9 and that the amount ~~therein~~ charged and claimed in such affidavit is due
10 and unpaid, allowing all just credits. The city comptroller and the
11 comptroller's his deputy shall have authority to administer oaths and
12 affirmations in all matters required by this section. All claims against
13 the city must be filed with the city clerk ~~comptroller~~. When the claim of
14 any person against the city is disallowed, in whole or in part, by the
15 city council, such person may appeal from the decision of such said city
16 council to the district court of the same county, as provided in section
17 14-813.

18 Sec. 226. Section 14-805, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 14-805 Upon the rejection or disallowance of any claim against a
21 city of the metropolitan class, it shall be the duty of the city clerk to
22 notify the claimant or the claimant's his agent or attorney of such fact,
23 unless such notice is waived in writing. Such notice may be served by any
24 person authorized by the city clerk and must be served within ten days
25 from the rejection of such claim. The notice and return of such notice
26 shall ~~thereon must~~ be filed with the city clerk ~~comptroller~~.

27 Sec. 227. Section 14-806, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 14-806 No bill or claim for labor, salary, or material, or for extra
30 service or overtime or account of any kind against a the city of the
31 metropolitan class, after such bill or claim ~~it~~ has been adversely

1 reported on and rejected by the city administration ~~under which it has~~
2 ~~been incurred~~, and no bill, account, or claim, not presented or claimed
3 within eighteen months after such bill, account, or claim ~~it~~ was incurred
4 and payable, shall be allowed or authorized to be paid by the any mayor
5 and city council except through the judgment of a court of competent
6 jurisdiction. These provisions shall apply equally to any modification of
7 the same account in whatever form such account ~~it~~ may be presented.

8 Sec. 228. Section 14-807, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 14-807 In all cases of damage arising under the provisions of
11 sections 14-101 to 14-2004, ~~this act~~ the party or parties whose property
12 is damaged or sought to be taken by the provisions of such sections ~~this~~
13 ~~act~~ shall have the right to appeal from such assessment of damages, but
14 such appeal shall not delay the appropriation of the property sought to
15 be taken, ~~or~~ delay the improvement proposed, or retard the change of
16 grade sought to be made. In no case shall a the city of the metropolitan
17 class be liable for the costs or interest on such appeal, unless the
18 party appealing shall be adjudged entitled, upon the appeal, to a greater
19 amount of damage than was awarded. The remedy by appeal ~~herein~~ allowed by
20 this section shall be ~~deemed and held to be~~ exclusive.

21 Sec. 229. Section 14-808, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 14-808 The corporate name of each city of the metropolitan class
24 ~~city~~ shall be The City of, and all process or notice
25 whatever affecting any such city shall be served in the manner provided
26 for service of a summons in a civil action.

27 Sec. 230. Section 14-809, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 14-809 The city attorney of a city of the metropolitan class shall
30 have the power to:

31 (1) Intervene ~~intervene~~ in any suit or proceeding when the rights of

1 the city are involved, or where the city is a proper party; -

2 ~~(2) Waive He shall also have power to waive~~ the issuance and service
3 of summons and may enter a voluntary appearance when in the city
4 attorney's ~~his~~ opinion the interests of the city may require it; ~~and -~~

5 ~~(3) Confess He shall have power to confess judgment, but only~~ when
6 authorized by the city council, ~~and not otherwise.~~

7 Sec. 231. Section 14-810, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 14-810 If a the city of the metropolitan class shall refuse or
10 neglect to defend any suit at law or in equity brought against such city
11 ~~it~~, any resident taxpayer may defend such said suit on ~~its~~ behalf of such
12 city at the cost of the city, not including attorney's fees.

13 Sec. 232. Section 14-811, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 14-811 Any ordinance or resolution granting, extending, changing, or
16 modifying the terms and conditions of a franchise in a city of the
17 metropolitan class shall not be passed until at least four weeks ~~shall~~
18 have elapsed after its introduction or proposal, and not until such
19 resolution or ordinance has been published daily for at least two weeks
20 in the official newspaper of the city. Such ordinance or resolution ~~it~~
21 shall not become effective or binding until submitted to the electors and
22 approved by a majority vote of such electors ~~thereof~~. Submission to the
23 electors shall be made as provided in section 14-202. A new franchise
24 shall not hereafter be granted or any modification or extension of any
25 existing franchise made unless an annuity or royalty be provided and
26 reserved to the city to be based either upon a fixed reasonable amount
27 per year or a fixed percentage of the earnings under the operation of the
28 franchise so granted, and not then until such franchise ~~the same~~ has been
29 submitted to a vote and approved by the electors at a general city
30 election or special election called for that purpose.

31 Sec. 233. Section 14-812, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 14-812 Lands, houses, money, debts due to a city of the metropolitan
3 class ~~the city~~, and property, and assets of every description belonging
4 to any such metropolitan city, shall be exempt from taxation, execution,
5 and sale. Judgments against such ~~the said~~ city shall be paid out of the
6 judgment fund, or out of a special fund created for such ~~the~~ purpose.

7 Sec. 234. Section 14-813, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 14-813 (1) Whenever the right of appeal is conferred by sections
10 14-101 to 14-2004 ~~this act~~, the procedure, unless otherwise provided,
11 shall be substantially as provided in this section. ~~follows:~~

12 (2) The claimant or appellant shall, within twenty days after the
13 date of the order complained of, execute a bond to the such city of the
14 metropolitan class with sufficient surety to be approved by the city
15 clerk, conditioned for the faithful prosecution of such appeal, and the
16 payment of all costs adjudged against the appellant. Such bond shall be
17 filed in the office of the city clerk.

18 (3) Upon the request of the appellant and the payment by the
19 appellant to the city clerk or his or her designee of the estimated cost
20 of preparation of the transcript, the city clerk shall cause a complete
21 transcript of the proceedings of the city relating to its decision to be
22 prepared. The cost of preparing the transcript shall be calculated in the
23 same manner as the calculation of the fee for a court reporter for the
24 preparation of a bill of exceptions as specified by rules of practice
25 prescribed by the Supreme Court. At such time as the completed transcript
26 is presented to the appellant, the appellant shall pay the amount of the
27 cost of preparation in excess of the estimated amount already paid or
28 shall receive a refund of any amount in excess of the actual cost.

29 (4)(a) An appellant determined to be indigent shall not be required
30 to pay a bond or any costs associated with such transcript preparation.

31 (b) For purposes of this section, indigent means the inability to

1 financially pursue the appeal without prejudicing the appellant's ability
2 to provide economic necessities for the appellant or the appellant's
3 family. Indigency shall be determined by the court having jurisdiction
4 over the appeal upon motion of the appellant. The court shall make a
5 reasonable inquiry to determine the appellant's financial condition and
6 shall consider such factors as the appellant's income, the availability
7 to the appellant of other resources, including real and personal
8 property, bank accounts, social security benefits, and unemployment or
9 other benefits, the appellant's normal living expenses, the appellant's
10 outstanding debts, the number and age of the appellant's dependents, and
11 other relevant circumstances.

12 (5) It shall be the duty of the claimant or appellant to file a
13 petition in the district court as in the commencement of an action within
14 thirty days after the date of the order or award appealed from, and he or
15 she shall also file such transcript before answer day. The proceedings of
16 the district court shall thereafter be the same as on appeal from the
17 county board.

18 (6) Any taxpayer may appeal from the allowance of any claim against
19 the city by giving a bond and complying with this section.

20 (7) This section shall not be so construed as to prevent the city
21 council from once reconsidering its action on any claim or award upon ten
22 days' notice to the interested parties ~~interested~~.

23 Sec. 235. Section 14-814, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 14-814 A city of the metropolitan class shall not be liable for any
26 tort or act of negligence of the metropolitan utilities district or of
27 any other utility board or body with full and independent powers of
28 control, or for torts or acts of negligence of any of the officers or
29 employees of such metropolitan utilities district or other board or body
30 which may in any way result from, grow out of, or be connected with the
31 maintenance, management, control, or operation of any water system or

1 plant, any gas system or plant, or any other public utility system or
2 plant which the city may acquire or own but which has been placed in the
3 control of and is maintained and operated by any such metropolitan
4 utilities district or other board or body. The city shall not be liable
5 for the debts and obligations of any such metropolitan utilities district
6 or other board or body incurred in connection with or in any way
7 pertaining to the maintenance, management, control, or operation of any
8 such plant or system by such district, board, or body of control with
9 full authority over the revenue and earnings of such system or plant.

10 Sec. 236. Section 14-816, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 14-816 All citizens of this state and other persons interested in
13 the examination of the records kept by any officer of a the city of the
14 metropolitan class, are ~~hereby fully empowered and~~ authorized to examine
15 such records ~~the same~~ free of charge during the hours the respective
16 offices may be kept open for the ordinary transaction of business. The
17 city council shall have the power to require from any officer of the city
18 at any time a report in detail of the transactions in such person's his
19 office, or any matter connected with such transactions ~~therewith~~.

20 Sec. 237. Section 14-817, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 14-817 No bond for cost, appeal, supersedeas, injunction, or
23 attachment shall be required of any city of the metropolitan class or of
24 any officer, board, commission, head of any department, agent, or
25 employee of any such city in any proceeding or court action in which such
26 ~~said~~ city of the metropolitan class or its officer, board, commission,
27 head of department, agent, or employee is a party litigant in such
28 person's or entity's ~~its or his~~ official capacity.

29 Sec. 238. Section 14-818, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 14-818 After July 19, 1980, no person shall establish a paunch

1 manure, rendering, or sewage treatment plant or facility, or an area
2 where refuse, garbage, or rubbish is disposed of within three thousand
3 three hundred feet of a residential area in a ~~metropolitan-class city of~~
4 the metropolitan class. For purposes of this section, ~~residential area~~
5 means shall mean an area designated as residential under the zoning
6 ordinances authority of such the city.

7 Sec. 239. Section 14-1201, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 14-1201 (1) Any city of the metropolitan class, including one
10 governed under a home rule charter, is ~~hereby~~ authorized and empowered
11 to:

12 (a) Acquire ~~acquire~~ by purchase, condemnation, bargain and sale,
13 lease, sublease, gift or otherwise, any bridge or viaduct, including
14 approaches and avenues, rights-of-way, ~~or easements of access to~~
15 approaches, necessary real and personal property incident to such bridges
16 or viaducts, ~~thereto~~ and franchises, special privileges, leases, and
17 contracts in connection with such bridges or viaducts; ~~and~~

18 (b) Construct ~~It is also authorized and empowered to construct~~ and
19 contract for the construction of bridges or viaducts, including all ~~of~~
20 ~~aforesaid~~ appurtenances to such bridges or viaducts, facilities, and
21 property; ~~and~~

22 (c) Repair ~~It is also authorized and empowered thereafter to repair,~~
23 maintain, extend, renew, reconstruct, replace, ~~or enlarge,~~ and ~~to~~
24 mortgage or lease, ~~and to use and operate any such bridges or viaducts as~~
25 toll or free bridges, either or both from time to time for public use and
26 travel of all kinds by railroads, street railways, bus lines, vehicles,
27 and pedestrians, and other uses, any or all as may be determined by the
28 ~~governing body of the city council.~~

29 (2) The city ~~It~~ may use such bridges or viaducts ~~same~~ for public
30 utility purposes, and fix the rates of toll or the charges for the use of
31 such bridges or viaducts ~~same,~~ and grant nonexclusive franchises for use

1 of such bridges or viaducts ~~same~~ for public utility purposes upon such
2 terms and conditions as may be prescribed by ordinance.

3 (3) The city ~~It~~ may exercise all such powers within the city limits
4 and five miles outside the city limits ~~thereof~~ within the State of
5 Nebraska, and any adjoining state, and across any navigable or
6 nonnavigable stream forming the boundary between such states after having
7 obtained authority, if any be necessary, from such states and from the
8 United States.

9 (4) The city ~~It~~ may exercise such powers directly through the
10 ~~governing body of the city~~ council or any committee of the city council
11 ~~thereof~~ or through a bridge commission created as provided in sections
12 14-1227 and 14-1244 to 14-1246, or part any one and part any other.

13 Sec. 240. Section 14-1202, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 14-1202 Any power granted by sections 14-1201 to 14-1252 to a such
16 city of the metropolitan class may be exercised by the city independently
17 or in cooperation with or aid of similar action by any other city or any
18 county in Nebraska, ~~or any city or county in an adjoining state, or the~~
19 ~~State of Nebraska, or any adjoining states, or state,~~ or the government
20 of the United States, when such other political unit has been authorized
21 by law to exercise the necessary powers. Such joint action may be
22 directly by the ~~governing body of the city~~ council through the medium of
23 a joint bridge commission subject to the same conditions provided in such
24 ~~said~~ sections for independent action.

25 Sec. 241. Section 14-1203, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 14-1203 A city of the metropolitan class ~~The cities specified in~~
28 ~~section 14-1201,~~ through its city council ~~the governing bodies thereof,~~
29 is ~~are~~ authorized and empowered to grant franchises for the nonexclusive
30 use of ~~the~~ bridges acquired under sections 14-1201 to 14-1252 to public
31 utilities upon such terms, conditions, and for such consideration as such

1 ~~city cities~~ may impose, whether incident to or part of the purchase of an
2 existing bridge and rights of utilities in connection with such bridge
3 ~~therewith~~, or otherwise, and ~~thereafter~~ to extend the duration or to
4 amend the terms and conditions of such franchise ~~thereof~~. In the case of
5 interstate bridges, any such grant shall be made by the ~~governing body of~~
6 ~~such~~ city council by ordinance and no vote of the electors of the city
7 shall be required. In no case shall such a grant be made by any bridge
8 commission.

9 Sec. 242. Section 14-1204, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 14-1204 In the event that the State of Nebraska, an adjoining state,
12 the government of the United States, either, any or all of them, should
13 agree to take over any bridge acquired by a the city of the metropolitan
14 class or in course of construction under sections 14-1201 to 14-1252 and
15 thereafter maintain and operate such bridge ~~same~~ as a free bridge at its
16 or their expense, then such city is authorized to convey such bridge on
17 such conditions to such party or parties. Such conveyance shall not be
18 made unless and until all outstanding bonds issued to finance the bridge
19 have been paid and canceled.

20 Sec. 243. Section 14-1205, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 14-1205 (1) Any such city of the metropolitan class may grant the
23 exclusive right to purchase an existing bridge or to construct a new
24 bridge, and to maintain any such bridge within a distance not exceeding
25 one mile on each side of the bridge to be so purchased or constructed,
26 for the period necessary to reimburse cost plus not exceeding eight
27 percent of such cost ~~thereof~~ for financing charges, together with
28 interest upon such ~~said~~ cost and charges, but in no event to exceed ten
29 years, subject to the condition that at the termination of such period,
30 such bridge shall become the sole property of the public and thereafter
31 be maintained and operated by the city as a toll or free bridge as such

1 city may determine from time to time in harmony with the other provisions
2 of sections 14-1201 to 14-1252 and the laws of the United States.

3 (2) Such grant shall be made in the same manner and subject to the
4 same conditions as may be provided in the home rule charter of such city
5 for the granting of franchises. Any such grant or assignment shall by
6 operation of law be subject to the following conditions:

7 (a) The number of officers and employees and the salaries, wages,
8 and compensation of such officers and employees thereof shall be
9 reasonable;

10 (b) ~~No~~ person shall be permitted free use of the bridge or use at
11 discriminatory toll;

12 (c) Tolls ~~tolls~~ shall be both adequate to hasten payment for the
13 bridge and reasonable to the public;

14 (d) Financing ~~financing~~ costs shall be reasonable and the city may
15 impose requirements and safeguards as to the conservation of funds and
16 insurance of property;

17 (e) Complete ~~complete~~ statements of operations and finances shall be
18 filed with the city clerk on bond interest dates upon completion of the
19 bridge and upon delivery of such bridge ~~same~~ to the city; and

20 (f) The ~~the~~ city shall have power to require or itself perform
21 audits and examine the books and call for any reports at any time.

22 (3) The city may enforce these obligations in any court of competent
23 jurisdiction.

24 (4) Any such assignment shall by operation of law be subject to the
25 conditions that the plans and specifications, the location, size, type,
26 and method of construction, the boundaries and approaches and the
27 estimates of cost of construction and acquisition shall ~~be first~~ be
28 submitted to the ~~governing body of the city~~ council and receive ~~its~~
29 approval before any construction may commence ~~shall be commenced~~ or any
30 contract for construction or for financing such construction ~~shall~~ be
31 entered into.

1 Sec. 244. Section 14-1206, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 14-1206 (1) If any such city of the metropolitan class desires
4 ~~shall desire~~ to purchase, lease, or sublease any existing bridge and
5 shall have received any such authority as may be necessary from the
6 government of the United States, the ~~governing body of such city~~ council
7 may determine the fair value of such bridge thereof, the appraised value
8 of which shall not exceed two million dollars, including all interests of
9 any nature in such bridge therein, and may by written resolution
10 tentatively offer the owners of such bridge thereof jointly the price so
11 determined, ~~and~~

12 (2) If ~~if~~ all such owners within ninety days thereafter shall file
13 with the city clerk of such city a duly authorized and properly executed
14 written tentative acceptance of such offer, binding themselves to accept
15 such offer ~~the same~~ and to assign such lease or sublease or convey good
16 and complete title by warranty deed when and if the necessary funds shall
17 be provided for such offer ~~therefor~~, then upon the filing of such
18 acceptance, the ~~governing body of the city~~ council may submit to the
19 electors of such city thereof, at a special election called for that
20 purpose or at any general election of such city or of the State of
21 Nebraska within one hundred and twenty days after the filing of such
22 acceptance, the question whether such purchase shall be made at the price
23 stated on the ballot and the ~~governing body of the city~~ council be
24 authorized to issue bonds of the kind or kinds stated in the proposition
25 and in any such amount as may be required to provide the necessary funds.
26 The proposition so submitted shall be carried if the majority of the
27 electors voting on such proposition shall vote in favor of such
28 proposition. ~~thereof; Provided,~~

29 (3) No ~~no~~ election and no vote of electors shall be required upon
30 the question of acquiring by purchase, lease, or sublease any existing
31 bridge or issuing revenue bonds, in an amount not to exceed two million

1 dollars as authorized by section 14-1217, for the acquisition by
2 purchase, lease, or sublease of any existing bridge, if the governing
3 ~~body of such city council determines shall determine~~ by a vote of a
4 majority of its members to dispense with such election or vote of
5 electors as to such question.

6 (4) If the proposition shall be carried at the election, or if the
7 ~~city council determines governing body shall so determine~~ to dispense
8 with such election, the tentative acceptance of the owners of such bridge
9 shall then become final and binding upon such owners ~~them~~ and may be
10 enforced in any court of competent jurisdiction.

11 (5) Such purchase may also be made subject to existing mortgages and
12 the assumption of outstanding bonds.

13 (6) If repairs, reconditioning, or reconstruction shall be necessary
14 to place any bridge so purchased or to be purchased in safe, efficient,
15 or convenient condition, the ~~governing body of the city council may shall~~
16 ~~be empowered to~~ issue additional revenue bonds to provide funds for such
17 ~~that~~ purpose in an amount not to exceed fifteen percent of the purchase
18 price of such bridge.

19 (7) Any proposition submitted to the electors shall be published on
20 three consecutive days in the official newspaper of the city to be
21 completed not less than ten days before the date of the election.

22 (8) ~~If and when the governing body of any such city council~~
23 ~~determines shall determine~~ to dispense with such election or vote of the
24 electors, or if a proposition is ~~shall have been~~ submitted to a vote of
25 the electors ~~thereof~~ and carried at such election, the city council may
26 ~~such governing body is hereby authorized and empowered to~~ exercise all
27 power and authority reasonably necessary and incidental to the exercise
28 of the powers ~~herein~~ granted in this section.

29 Sec. 245. Section 14-1207, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 14-1207 If any ~~such~~ city of the metropolitan class desires shall

1 ~~desire~~ to acquire any existing bridge or lease of such bridge thereof or
2 all interests in such bridge therein by the exercise of the power of
3 eminent domain, and ~~has~~ ~~shall have~~ received any such authority as ~~may be~~
4 necessary from the government of the United States, such city ~~it~~ may
5 exercise such power in such manner as Congress may require. ~~If , and if~~
6 the manner is not prescribed by Congress, the procedure to condemn
7 property shall be exercised in the manner set forth in sections 76-704 to
8 76-724.

9 Sec. 246. Section 14-1211, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 14-1211 (1) Within ninety days after a final condemnation award
12 pursuant to section 14-1207 has been made, ~~the governing body of the city~~
13 council of such city of the metropolitan class shall, if such city
14 council ~~it~~ elects to proceed further, introduce an ordinance providing
15 for the submission to the electors of the city the question whether such
16 award shall be confirmed and the property be taken and bonds of the kind
17 or kinds determined by the ~~governing body of the city~~ council, and stated
18 upon the ballot, shall be issued in the amount of the award.

19 (2) Such proposition shall be submitted within ninety days after the
20 ordinance becomes effective at a special election called for that purpose
21 or at any general city or state election, and shall be carried if a
22 majority of the electors voting on such proposition ~~thereon~~ shall vote in
23 favor of such proposition thereof.

24 (3) No election and no vote of electors shall be required upon the
25 question of acquiring by condemnation any bridge or issuing revenue bonds
26 as authorized by section 14-1217 for the acquisition by condemnation of
27 any existing bridge, if the ~~governing body of such city~~ council
28 determines shall determine by a vote of a majority of its members to
29 dispense with such election or vote of electors as to such question.

30 Sec. 247. Section 14-1212, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 14-1212 If ~~a~~ such proposition is carried pursuant to section
2 14-1211, or if the city council of a city of the metropolitan class
3 determines ~~governing body shall so determine~~ to dispense with such
4 election, title to the property to be appropriated shall at once vest in
5 such ~~said~~ city, and the right to possession shall vest in such ~~said~~ city
6 as soon as money in the amount of such ~~said~~ award is on deposit with the
7 county judge.

8 Sec. 248. Section 14-1215, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 14-1215 (1) Notwithstanding any limitation or requirement contained
11 in the city home rule charter of a city of the metropolitan class or
12 imposed by other laws upon the limit of indebtedness, the issuance of
13 bonds, the vote of the electors, or the exercise of the power of eminent
14 domain in or by such city, the city council of such city may ~~governing~~
15 ~~body thereof is authorized and empowered to issue and dispose of~~ general
16 obligation bonds to the amount of fifty thousand dollars, or any part
17 thereof, in any one calendar year, to finance preliminary work, including
18 investigation, soundings, employment of engineers and architects, and any
19 other useful work, or appropriate expenses in connection with the
20 proposed acquisition or construction of any bridge, bridges, or viaducts,
21 and the preliminary financing of such bridges or viaducts thereof.

22 (2) Such bonds shall be short-term bonds not to exceed three years,
23 redeemable at par on any semiannual interest date upon ten days' notice
24 by publication once in the official newspaper, and may be sold at a
25 discount of not more than two percent. The proceeds of the sale of such
26 bonds may be advanced by the ~~governing body of the city council~~ to a
27 bridge commission created as provided in sections 14-1227 and 14-1244 to
28 14-1246, to be expended by such commission in preliminary work or for
29 costs of operation and maintenance or interest charges as may be
30 necessary.

31 (3) Whether expended by the ~~governing body of the city council~~ or by

1 a bridge commission, the amount so expended shall constitute a prior and
2 first lien upon revenue derived from the operation of the bridge in
3 connection with which such expenditures have been ~~made had~~, and shall be
4 repaid as soon as possible and used by the ~~governing body of the city~~
5 council to purchase or redeem such said short-term bonds.

6 (4) The amount of such bonds shall be included as a part of the cost
7 of the bridge and shall be repaid out of the proceeds of any bonds issued
8 for permanent financing.

9 Sec. 249. Section 14-1216, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 14-1216 (1) To finance any of the purposes or powers provided for
12 in sections 14-1201 to 14-1252, the ~~governing body of any such city~~
13 council of a city of the metropolitan class shall in the first instance
14 determine whether any purchase, condemnation, or construction authorized
15 by such said sections shall be financed by bonds which are general
16 obligations of the city and which may also be supported by a lien or
17 mortgage on the bridge itself or upon the collection of tolls to be
18 derived from the use of such bridge therefrom, or both, or by revenue
19 bonds as provided for in section 14-1217 and which are charged solely
20 against the revenue to be derived from such bridge through the collection
21 of tolls, or part one kind of bonds and part the other.

22 (2) The city council ~~It~~ shall not have authority to purchase,
23 condemn, nor construct any bridge nor to issue any bonds, except the
24 preliminary bonds specially authorized by section 14-1215, until first
25 authorized by the majority vote of the electors voting on such
26 proposition, which proposition shall indicate the method of acquiring the
27 bridge and the kind or kinds of bonds, at a special election called for
28 that purpose or at any general city or state election. ~~No ; Provided, no~~
29 election and no vote of electors shall be required upon the question of
30 acquiring or constructing any bridge or issuing revenue bonds as
31 authorized by section 14-1217, for the acquisition or construction of any

1 bridge located more than one mile from any existing bridge, other than a
2 railroad bridge, if the ~~governing body of such city~~ council determines
3 ~~shall determine~~ by a vote of the majority of its members to dispense with
4 such election or vote of electors as to such question.

5 (3) This grant of power to issue bonds is in addition to any other
6 power which may now have been or hereafter may be conferred upon such
7 city, and shall be free from the restrictions now imposed by the home
8 rule charter of the city upon the issuance of bonds and incurring of
9 indebtedness, and subject only to the provisions of the Constitution of
10 Nebraska.

11 (4) At an such election under subsection (2) of this section, the
12 proposition shall be separate as to the bonds for each bridge to be
13 acquired or constructed and the amount of bonds may be either a specific
14 amount equal to the estimated total cost of every nature plus not to
15 exceed twenty-five percent, or may be general and authorize the issuance
16 of bonds in such amount as may be found necessary from time to time to
17 complete the acquisition, construction, and equipment of the bridge and
18 all costs incident to such bridge ~~thereto~~, or may be part one and part
19 the other.

20 (5) For all purposes of financing, the total cost of any improvement
21 authorized by sections 14-1201 to 14-1252 may include every item of
22 expense in connection with the project, and among other items shall also
23 include the cost of acquiring every interest of every nature and of every
24 person in any existing bridge; ~~τ~~ the cost of constructing the
25 superstructure, roadway, and substructure of any bridge; ~~τ~~ the approaches
26 and avenues or rights-of-way of access to such bridge; ~~thereto~~ and
27 necessary real estate in connection with such bridge; ~~therewith,~~ toll
28 houses; ~~and~~ equipment ~~thereof~~ and of such the bridge; ~~τ~~ franchises,
29 easements, rights, or damages incident to or consequent upon the complete
30 project expenses preliminary to construction, including investigation and
31 expenses incident to such construction; ~~thereto,~~ and prior to and during

1 construction the proper traffic estimates; ~~7~~ interest upon bonds; and all
2 such other expenses as after the beginning of operation would be properly
3 chargeable as cost of operation, maintenance, and repairs.

4 Sec. 250. Section 14-1217, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 14-1217 ~~A city~~ Cities of the metropolitan class ~~is~~ are hereby
7 authorized to provide funds for the purposes of sections 14-1201 to
8 14-1252 by the issuance of revenue bonds of such ~~city~~ cities, the
9 principal and interest of which bonds shall be payable solely from the
10 special funds ~~herein~~ provided in such sections for such payment and as to
11 which, as shall be recited in such bonds ~~therein~~, the city shall incur no
12 indebtedness of any kind or nature and to support which the city shall
13 not pledge its credit nor its taxing power nor any part of such credit or
14 taxing power ~~thereof~~. Such bonds may, at the option of the ~~governing body~~
15 ~~of such city council~~, be supported by mortgage or by deed of trust.

16 Sec. 251. Section 14-1218, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 14-1218 Revenue ~~Such revenue bonds~~ issued pursuant to section
19 14-1217 shall bear interest payable semiannually, and shall mature in not
20 more than twenty years from their date or dates and may be made
21 redeemable at the option of the city of the metropolitan class issuing
22 such bonds ~~the same~~ at not more than the par value of such bonds ~~thereof~~
23 plus a premium of five percent, under such terms and conditions as the
24 ~~governing body of the city council~~ may fix prior to the issuance of such
25 bonds.

26 Sec. 252. Section 14-1219, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 14-1219 The ~~governing body of the city~~ council of a city of the
29 metropolitan class shall provide the form of any such bonds issued
30 pursuant to section 14-1217, including coupons to be attached to such
31 bonds ~~thereto~~ to evidence interest payments, which bonds shall be signed

1 by the mayor and countersigned and registered by the city comptroller,
2 under the city's seal, and which coupons shall bear the facsimile
3 signature of such ~~said~~ mayor and the city clerk, and shall fix the
4 denomination or denominations of such bonds and the place or places of
5 payment of the principal and interest of such bonds ~~thereof~~ which may be
6 at the office of the city treasurer, ~~or~~ any bank or trust company in the
7 State of Nebraska ~~or in the city of New York, State of New York~~. All
8 bonds authorized by sections 14-1215 to 14-1217 and 14-1223 shall be and
9 shall have and are hereby declared to have all the qualities and
10 incidents of negotiable instruments under the Uniform Commercial Code of
11 the state without, however, constituting the revenue bonds ~~herein~~
12 authorized in such sections an indebtedness of the city issuing such
13 bonds ~~the same~~. The ~~governing body of the city council~~ may provide for
14 the registration of such bonds in the name of the owner as to the
15 principal alone or as to both principal and interest.

16 Sec. 253. Section 14-1220, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 14-1220 Revenue ~~Such~~ bonds issued pursuant to section 14-1217 by a
19 city of the metropolitan class may be sold in such manner as the
20 ~~governing body of the city council~~ may determine to be for the best
21 interests of the city, taking into consideration the financial
22 responsibility of the purchaser, ~~and~~ the terms and conditions of the
23 purchase, ~~and~~ the availability of the proceeds of the bonds when required
24 for payment of the costs. Any ~~÷~~ such sale shall ~~to~~ be at not less than
25 ninety-two cents on the dollar and accrued interest.

26 Sec. 254. Section 14-1221, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 14-1221 The proceeds of any revenue ~~such~~ bonds issued by a city of
29 the metropolitan class pursuant to section 14-1217 shall be deposited in
30 the first instance with the city treasurer and thereafter with such
31 depositories as the bridge commission shall direct and the ~~governing body~~

1 ~~of the city council~~ shall approve, shall be secured in such manner and to
2 such extent as the ~~governing body of the city council~~ and the bridge
3 commission shall require, shall be used solely for the payment of the
4 cost of ~~such the~~ bridges and costs incident ~~to such bridges~~ thereto, and
5 shall be drawn upon over the signatures of the ~~chairperson~~ chairman or
6 ~~vice-chairperson~~ vice-chairman of the bridge commission and the secretary
7 and treasurer ~~of the bridge commission~~ thereof, and under such further
8 restrictions, if any, as the ~~governing body of the city council~~ may
9 provide. If the face amount of such bonds, less any discount on the sale
10 ~~of such bonds~~ thereof, shall exceed such cost, the surplus shall be paid
11 into ~~such funds~~ the fund hereinafter provided for the payment of the
12 principal and interest of such bonds.

13 Sec. 255. Section 14-1222, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 14-1222 The ~~governing body of the city council~~ of a city of the
16 ~~metropolitan class~~ shall have the right to purchase for investment of
17 other funds, and the bridge commission and the ~~governing body of the city~~
18 ~~council~~ shall have the right to purchase for retirement and cancellation,
19 any of such bonds that may be outstanding, at the market price, but at
20 not exceeding one hundred ~~and~~ five percent and accrued interest and not
21 exceeding the price, if any, at which ~~such bonds~~ the same shall in the
22 same year be redeemable, but all bonds redeemed or purchased out of funds
23 provided by the sale of bridge bonds shall ~~forthwith~~ be canceled and
24 shall not ~~again~~ be reissued issued.

25 Sec. 256. Section 14-1223, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 14-1223 Prior to the preparation of definitive bonds issued pursuant
28 to sections 14-1201 to 14-1222, the ~~governing body of the city council~~ of
29 a city of the metropolitan class may, under like restrictions, issue
30 temporary bonds with or without coupons, exchangeable for definitive
31 bonds upon the issuance of the latter.

1 Sec. 257. Section 14-1224, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 14-1224 ~~(1) The governing body of the city council of a city of the~~
4 metropolitan class may enter into an agreement with any competent bank or
5 trust company as trustee for the holders of ~~such~~ bonds issued pursuant to
6 sections 14-1201 to 14-1224, setting forth the duties of the city and the
7 bridge commission in respect to the construction, maintenance, operation,
8 and insurance on all funds, the insurance of money on hand or on deposit
9 and the rights and remedies of such ~~said~~ trustee and the holders of such
10 bonds, and restricting the individual right of action of bondholders as
11 is customary in trust agreements respecting bonds of corporations.

12 (2) Such ~~Said~~ trust agreement may:

13 (a) Contain ~~contain~~ such provisions for protecting and enforcing the
14 rights and remedies of the trustee and approval by the original bond
15 purchasers of the appointment of consulting engineers and of the security
16 given by the bridge contractors and by any bank or trust company in which
17 the proceeds of bonds or bridge tolls or other money of the bridge
18 commission shall be deposited, and may provide that no contract for
19 construction shall be made without the approval of the consulting
20 engineers; -

21 (b) Contain ~~Said~~ ~~trust agreement may further contain~~ provisions and
22 covenants that all or any deposited money shall be secured, as may be
23 ~~therein~~ provided in such agreement, by surety company bonds or otherwise,
24 and that investments of any or all money shall be prohibited, except as
25 ~~therein~~ provided in such agreement, or shall be regulated as ~~therein~~
26 provided in such agreement, and that insurance upon the bridge and all
27 property connected with such bridge ~~therewith~~, also use and occupancy
28 insurance, shall be carried to the extent and under the conditions
29 ~~therein~~ provided in such agreement; and -

30 (c) Include ~~Such~~ ~~trust agreement may also include~~ a covenant that
31 until the revenue bonds secured by such agreement and the interest on

1 ~~such bonds thereon shall~~ have been paid, the city will charge and collect
2 for transit over any or all other bridges, then or thereafter owned by
3 such city, rates of tolls which may be fixed in such covenant or may be
4 based upon principles and premises set forth in such covenant. The tolls
5 ~~thereafter~~ collected pursuant to such covenant shall be applied as
6 provided in section 14-1226, or for the acquisition or construction or
7 the maintenance and operation, in whole or in part, of any bridge or
8 bridges now owned or hereafter acquired or constructed by such city or as
9 may be otherwise provided by law.

10 Sec. 258. Section 14-1225, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 14-1225 Neither the State of Nebraska nor any political subdivision
13 thereof shall:

14 (1) Limit ~~limit~~ or restrict the rights and powers granted in
15 sections 14-1201 to 14-1252 to the detriment of owners of outstanding
16 bonds; or

17 (2) Authorize ~~nor shall such state or political subdivision~~
18 ~~authorize~~ the construction or itself construct any competing bridge
19 within a distance of one mile on either side of the bridge unless and
20 until all of such bonds, together with the interest on such bonds
21 ~~thereon~~, have been fully paid and canceled, unless other adequate
22 provisions ~~shall~~ have been made for the protection and guaranty of such
23 bonds thereof.

24 Sec. 259. Section 14-1226, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 14-1226 (1) The rates of tolls to be charged for the use of any
27 bridge acquired or constructed under the provisions of sections 14-1201
28 to 14-1252 shall be fixed and adjusted as may be required by any law of
29 the United States, and shall be so fixed and adjusted as to provide a
30 fund sufficient to pay the interest and principal of any bonds issued
31 under sections 14-1215 to 14-1217 and 14-1223 and to provide an

1 additional fund to pay the cost of maintaining, repairing, and operating
2 such bridge. Such ~~The~~ rates may also be so fixed and adjusted as to
3 provide a reserve fund reasonably sufficient to provide for the cost of
4 the continued operation, supervision, maintenance, and repair of such
5 ~~said~~ bridge or bridges for a period not to exceed twenty-five years after
6 the removal of toll charges.

7 (2) After the provision of such ~~said~~ funds has been completed, such
8 bridge or bridges shall ~~thereafter~~ be maintained and operated free of
9 toll unless or until the charging of reasonable tolls is continued or
10 resumed by the ~~governing body of the city council or bridge~~ its
11 commission in order to finance reconstruction, extension, enlargement,
12 replacement, or renewal of that particular bridge or in aid of the
13 acquisition, construction, reconstruction, extension, enlargement,
14 replacement, or renewal of any other bridge owned in whole or in part by
15 such ~~said~~ city.

16 (3) The owners of outstanding bonds issued to finance the bridge, or
17 the authorized trustee for such owners ~~therefor~~, shall have the right to
18 compel the fixing of adequate tolls by application to any court of
19 competent jurisdiction.

20 (4) In case the city is at the same time providing for the payment
21 of more than one bridge through the collection of tolls, the tolls upon
22 such bridges may be maintained and adjusted so that each bridge shall
23 assist the financing of the other.

24 Sec. 260. Section 14-1227, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 14-1227 (1) When it has been determined by the ~~governing body of~~
27 ~~any such city council of a city of the metropolitan class~~ by resolution
28 or ordinance in the exercise of its discretion, that in the exercise of
29 the powers conferred by sections 14-1201 to 14-1252, it is expedient to
30 create a bridge commission, the mayor of such city, with the approval of
31 the ~~governing body of the city council~~, shall appoint four persons, who,

1 with the mayor, as an ex officio member, shall constitute a bridge
2 commission which shall be a public body corporate and politic under the
3 name of (insert name of city) Bridge Commission ~~bridge commission~~. Such
4 bridge commission ~~It~~ shall have power to contract, to sue and be sued,
5 and to adopt a seal and alter such seal ~~same at pleasure~~, but shall not
6 have power to pledge the credit or taxing power of the city.

7 (2) No officer or employee of such said city, except the mayor
8 ~~thereof~~, whether holding a paid or unpaid office, shall be eligible to
9 hold an appointment on such bridge ~~said~~ commission. Such appointees shall
10 be originally appointed for terms of four years. Upon the expiration of
11 such terms, appointments shall be made in like manner except that the
12 term of the four appointees shall be for one year, two years, three
13 years, and four years, respectively. Not more than two of such appointees
14 shall be members of the same political party. Vacancies shall be filled
15 for any unexpired term in the same manner as the original appointment.
16 Such bridge ~~Said~~ commission shall elect a chairperson ~~chairman~~ and vice-
17 chairperson ~~vice-chairman~~ from its members, and a secretary and treasurer
18 who need not be a member of such commission. The members of the bridge
19 commission shall receive no compensation and shall give such bonds as may
20 be required from time to time by the ~~governing body of the city~~ council.
21 The bridge commission shall fix the compensation of the secretary and
22 treasurer.

23 (3) The bridge commission shall have the power to establish bylaws,
24 rules, and regulations for its own government, and to make and enter into
25 all contracts or agreements necessary or incidental to the performance of
26 its duties and the execution of its powers. The bridge commission may
27 employ engineering, architectural, and construction experts and
28 inspectors and attorneys, and such other employees as may be necessary in
29 its opinion, and fix their compensation, and such employees ~~all of whom~~
30 shall do such work as the bridge commission shall direct. All salaries
31 and compensation for such employees shall be obligations against and be

1 paid solely from funds provided under the authority of sections 14-1201
2 to 14-1252. The office, records, books, and accounts of the bridge
3 commission shall always be maintained in the city which the bridge
4 commission represents. Such bridge commission may be charged by the
5 ~~governing body of the city~~ council with the construction of new bridges
6 or the operation, maintenance, repair, renewal, reconstruction,
7 replacement, extension, or enlargement of existing bridges, ~~or bridges~~
8 hereafter constructed.

9 Sec. 261. Section 14-1228, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 14-1228 (1) Except as provided in subsection (2) of this section,
12 the bridge ~~The commission of a city of the metropolitan class is hereby~~
13 authorized to:

14 (a) Prepare ~~prepare~~ the necessary and proper plans and
15 specifications for the construction of such bridges as may be designated
16 by the ~~governing body of the city~~ council; 7

17 (b) Select ~~to select~~ the location for such bridges ~~same~~, determine
18 the size, type and method of construction of such bridges ~~thereof~~, and ~~to~~
19 plan and fix the their boundaries and approaches of such bridges; 7

20 (c) Make ~~to make~~ the necessary estimates of the probable cost of
21 construction and the acquisition of the land and rights for the sites of
22 the abutments and approaches and avenues or easements of access to such
23 ~~the bridges in the a manner hereinafter provided by law~~; 7

24 (d) Enter ~~to enter~~ into the necessary contracts to build and equip
25 the entire bridges and the approaches and avenues or easements of access
26 to such bridges; ~~thereto~~,

27 (e) Build ~~to build~~ the superstructures and substructures and all
28 parts of such bridges; ~~thereof~~,

29 (f) Obtain ~~to obtain~~ and exercise such consent or authority as may
30 be necessary from the government of the United States and the approval of
31 the Secretary of the Army and Chief of Engineers; and 7

1 (g) Cause and to cause a survey and map to be made of all lands,
2 structures, rights-of-way, franchises, easements, or other interests in
3 lands, including lands under water and riparian rights owned by any
4 person persons, corporation, or municipality, the acquisition of which
5 may be deemed necessary for the construction of such bridges, and to
6 cause such map and survey to be filed in its office. The members of the
7 bridge commission, or its agents and employees, may enter upon such lands
8 and structures and upon lands under water notwithstanding any interests
9 in such lands or structures, for the purpose of making such surveys and
10 maps. ~~; Provided,~~

11 (2) The bridge that the commission shall not proceed to exercise or
12 carry out any authority or power granted by this section herein given it
13 to bind such bridge said commission beyond the extent to which money has
14 been provided.

15 Sec. 262. Section 14-1229, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 14-1229 No contract or agreement for the acquisition, construction,
18 reconstruction, repair, enlargement, extension, renewal, replacement, or
19 equipment of any bridge as provided in section 14-1228 ~~such bridges~~
20 exceeding ~~in amount the sum of~~ twenty-five hundred dollars shall be made
21 without advertisement for public bids, ~~which shall be opened publicly,~~
22 and an award made to the best bidder. The bridge ~~, with power in the~~
23 commission shall have the authority to reject any or all bids.

24 Sec. 263. Section 14-1230, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 14-1230 The plans and specifications, the location, size, type, and
27 method of construction, the boundaries and approaches, and the estimates
28 of cost of construction and acquisition, provided for in sections 14-1228
29 and 14-1229, shall be first submitted to the ~~governing body of the city~~
30 council and receive the its approval of the city council before final
31 adoption by the bridge commission, which shall have no power to proceed

1 further until such approval has been given ~~had~~.

2 Sec. 264. Section 14-1231, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 14-1231 No contract for acquisition, construction, or incidents
5 thereto, and no liabilities in connection with such contract ~~therewith~~
6 shall be entered into or incurred by a bridge commission of a city of the
7 metropolitan class until bonds to finance the project have been
8 authorized by the electors of the city in the method provided in section
9 14-1251, or until revenue bonds, as authorized by section 14-1217, have
10 been issued ~~and disposed of~~ by the governing body of the city council.

11 Sec. 265. Section 14-1232, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 14-1232 (1) The bridge commission of a city of the metropolitan
14 class shall:

15 (a) Operate ~~operate~~, manage, and control the bridges under the its
16 charge of such commission in their entirety; ~~τ~~

17 (b) Fix ~~fix~~ the rate of tolls of such bridges; ~~τ~~

18 (c) Establish ~~establish~~ bylaws and rules and regulations for the use
19 and operation of such bridges; ~~τ~~

20 (d) Provide ~~provide~~ for the lighting and policing of such bridges;
21 ~~thereof,~~

22 (e) Select ~~select~~ such employees as the bridge commission ~~it~~
23 deems necessary and fix their compensation; ~~τ~~ and

24 (f) If ~~if~~ and when authorized by the ~~governing body of the city~~
25 council, shall have the power to renew, replace, reconstruct, extend, ~~and~~
26 enlarge bridges; ~~τ~~

27 (2) The bridge commission ~~but~~ shall not have the power to create
28 liens upon or to mortgage any property unless first authorized by the
29 ~~governing body of the city council~~.

30 Sec. 266. Section 14-1233, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 14-1233 The bridge commission of a city of the metropolitan class
2 shall keep an accurate record of all its acts, the property entrusted to
3 the bridge commission ~~it~~, the cost of the bridge or bridges, and
4 incidents thereto, the expenditures for maintaining, repairing, and
5 operating such bridges same, and the daily tolls collected. Such ~~, which~~
6 records shall be public records and the property of the city. A
7 semiannual statement shall be published on each bond interest date in the
8 official newspaper of the city. The ~~governing body of the city council~~
9 shall have the power to examine such ~~the~~ accounts at any time, to call
10 for any reports at any time in its discretion, and to require the bridge
11 commission and its employees to appear before the city council ~~it~~ to
12 report or testify at any time.

13 Sec. 267. Section 14-1234, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 14-1234 The ~~governing body of the city council of a city of the~~
16 metropolitan class, after reasonable notice and hearing, may at any time
17 remove any member of a bridge ~~the~~ commission or discharge any employee of
18 such bridge commission for good cause shown, but not arbitrarily nor for
19 political reasons.

20 Sec. 268. Section 14-1235, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 14-1235 The accounts and statements of the bridge commission of a
23 city of the metropolitan class shall be audited by or under the direction
24 of the city comptroller semiannually and finally upon the completion of
25 the work of the bridge commission and at such other times as may be
26 directed by the ~~governing body of the city council~~. The ~~, the~~ cost of
27 such audit shall ~~thereof~~ to be charged against the funds provided for in
28 sections 14-1201 to 14-1252.

29 Sec. 269. Section 14-1236, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 14-1236 The ~~governing body of the city council of a city of the~~

1 metropolitan class, and in the absence of action by the city council ~~it~~,
2 the bridge commission of such city, shall have the power to require bonds
3 of officers and employees to require guarantees of deposited money, and
4 to insure the bridges and all property connected with such bridges
5 ~~therewith~~ against every manner of loss or injury.

6 Sec. 270. Section 14-1237, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 14-1237 Funds under control of the bridge commission of a city of
9 the metropolitan class may be invested in certificates of deposit in
10 national banks, capital stock financial institutions, or qualifying
11 mutual financial institutions or in bonds or other evidences of
12 indebtedness which are general obligations of the United States, the
13 State of Nebraska, ~~or~~ other states, or the city or the cities cooperating
14 as provided in section 14-1202, but only in such a manner as to be
15 immediately available for recapture when needed for the purposes
16 authorized in sections 14-1201 to 14-1252. Section 77-2366 shall apply to
17 deposits in capital stock financial institutions. Section 77-2365.01
18 shall apply to deposits in qualifying mutual financial institutions.

19 Sec. 271. Section 14-1238, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 14-1238 The bridge commission of a city of the metropolitan class is
22 ~~hereby~~ authorized to purchase in the State of Nebraska and in any
23 adjoining state when authorized by such state or the government of the
24 United States, if such authority be necessary, solely from funds provided
25 under the authority of sections 14-1201 to 14-1252, such lands,
26 structures, rights-of-way, franchises, easements, ~~or~~ other interests in
27 lands, including lands under water and riparian rights of any person,
28 railroad, or other public or private corporation, necessary or convenient
29 for the acquisition, construction, extension, ~~or~~ enlargement of such said
30 bridges and approaches to such bridges ~~thereto~~, upon such terms, prices, ~~or~~
31 or consideration as may be considered by such bridge commission ~~it~~ to be

1 reasonable and can be agreed upon between such bridge commission ~~it~~ and
2 the owner or owners, title to such property ~~thereto~~ to be taken in the
3 name of and to vest in the city.

4 Sec. 272. Section 14-1239, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 14-1239 Whenever it shall be necessary to condemn property in the
7 State of Nebraska for the purpose of constructing, extending, or
8 enlarging any portion of a bridge ~~the bridges~~ or the approaches to such
9 bridge ~~thereto~~, or securing avenues of access or rights-of-way leading to
10 such ~~the~~ approaches, the bridge commission of a city of the metropolitan
11 class may condemn any interests, franchises, easements, rights, ~~or~~
12 privileges, land, or improvements which may, in the its opinion of such
13 commission, be necessary for the purpose of constructing such bridge ~~the~~
14 ~~bridges~~ or approaches ~~thereto~~, or necessary for rights-of-way or avenues
15 of access leading to such ~~the~~ approaches. Condemnation shall be certified
16 to the ~~governing body of the city~~ council for its action. The procedure
17 to condemn property shall be exercised in the manner set forth in
18 sections 76-704 to 76-724. The bridge commission is further empowered to
19 exercise in any adjoining state such powers of eminent domain as may be
20 conferred upon the bridge commission by any act of Congress of the United
21 States or as may be authorized by the law of that state. No payments of
22 award in any condemnation proceedings ~~proceeds~~ or for the costs of such
23 proceedings or the expense of such proceedings ~~thereof~~, shall be made
24 except from funds provided under the authority of sections 14-1201 to
25 14-1252. Title to property condemned under this section shall be taken in
26 the name of and vest in the city.

27 Sec. 273. Section 14-1240, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 14-1240 Any individual ~~All individuals~~ or corporation ~~corporations~~
30 having buildings, structures, works, conduits, mains, sewers, wires,
31 tracks, or other obstructions in, over, upon, or adjacent to the public

1 streets, lanes, alleys, or highways or in, under, over or adjacent to the
2 river over which a bridge is ~~the bridges~~ are to be constructed by a city
3 of the metropolitan class, and which ~~shall~~ interfere with or impede the
4 progress of such bridge ~~the bridges~~ and approaches when in process of
5 construction and establishment, shall upon reasonable notice from the
6 bridge commission temporarily so shift, adjust, accommodate, or remove
7 any such interference or impediment ~~the same~~, as fully to meet the
8 exigencies occasioning such action. Upon completion of such construction,
9 the actual cost of such measures ~~thereof~~, if reasonable, otherwise the
10 reasonable cost of such measures ~~thereof~~, and other incidental damages,
11 shall be promptly paid to such person by the bridge commission. In case
12 of disagreement as to reasonable cost, the damages sustained shall be
13 ascertained and determined as provided in sections 76-704 to 76-724 and
14 shall be paid at once by the bridge commission out of funds provided for
15 in sections 14-1201 to 14-1252. Similar powers may be exercised in an
16 adjoining state if and in the manner authorized by an act of Congress or
17 the law of that state.

18 Sec. 274. Section 14-1241, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 14-1241 The ~~governing body of the city~~ council of a city of the
21 metropolitan class shall cause to be assessed the damages to property by
22 reason of the construction and operation of any ~~the complete~~ bridge
23 property and appurtenances and to pay such damages ~~same~~ out of funds
24 provided for in sections 14-1201 to 14-1252. The damages sustained shall
25 be ascertained and determined as provided in sections 76-704 to 76-724.
26 Similar powers may be exercised in an adjoining state if and in the
27 manner authorized by an act of Congress or the law of that state.

28 Sec. 275. Section 14-1242, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 14-1242 Any public ways or public works, including those of a ~~the~~
31 metropolitan utilities district, damaged or destroyed by reason of the

1 ~~construction building of a bridge such bridges~~ or approaches as provided
2 in sections 14-1201 to 14-1252 shall be restored or repaired by or at the
3 expense of the bridge commission created by a city of the metropolitan
4 class and placed in their original condition as near as practicable, or,
5 at the option of the owner ~~owners~~ of such property, such property the
6 ~~same~~ may be repaired or restored by the owner and the bridge commission
7 shall reimburse the owner for the reasonable cost of such repair or
8 restoration thereof.

9 Sec. 276. Section 14-1243, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 14-1243 Any bridge local commission of a city of the metropolitan
12 class provided for in sections 14-1227 and 14-1244 may be dissolved by
13 the ~~governing body of the city~~ council at any time after the acquisition,
14 construction, and equipment of any the complete bridge or bridges under
15 ~~within~~ its care have been completed and all the costs of such bridges
16 ~~thereof~~ have been paid from the funds provided by the bond issues
17 provided for in sections 14-1215 to 14-1217 and 14-1223. ~~The~~ Thereupon
18 ~~the governing body of the city~~ council shall assume the further duties in
19 connection with any such bridges ~~bridge~~, including the operation,
20 maintenance, and repair of such bridges ~~thereof~~, the administration of
21 funds, the collection of tolls, and all other necessary or proper acts.
22 At any time the city council ~~thereafter~~ it may create a new bridge
23 commission to effect any of the purposes ~~or objects~~ authorized by
24 sections 14-1201 to 14-1252.

25 Sec. 277. Section 14-1244, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 14-1244 (1) In case the ~~governing body of any city~~ council of a
28 city of the metropolitan class ~~designated in section 14-1201~~, having been
29 authorized by the electors as required in section 14-1251, shall at any
30 stage of the proceedings determine to cooperate with any such properly
31 authorized political subdivision in this or an adjoining state in the

1 joint acquisition and operation of any a bridge ~~or bridges~~, a joint
2 bridge commission shall be created.

3 (2) Such joint bridge commission shall be created and the members
4 selected by the action of each political unit cooperating, in the same
5 manner provided for the creation of a local bridge commission by the
6 statutes applicable to each political unit, and upon which representation
7 may be proportioned to the respective contribution of funds by the
8 political units cooperating for the purpose of such acquisition except ;
9 ~~Provided~~, that the total membership shall not exceed ten members. The
10 joint bridge commission shall select a chairperson ~~chairman~~ and a vice-
11 chairperson ~~vice-chairman~~ to represent each political subdivision
12 cooperating in the enterprise and shall maintain a single office at the
13 place selected by the joint bridge commission but for legal purposes
14 shall be domiciled within the jurisdiction of each political unit
15 cooperating and shall have the power to sue and be sued. The joint bridge
16 ~~This~~ commission shall constitute a public body corporate and politic,
17 shall select and adopt its own name, and shall be vested with such powers
18 and subject to such conditions as may be conferred and imposed by the
19 government of the United States and such powers and conditions in the
20 State of Nebraska as are conferred and imposed in sections 14-1201 to
21 14-1252 upon a local bridge commission, and such powers and subject to
22 such conditions in an adjoining state as may be conferred and imposed by
23 the laws of such state.

24 (3) The plans and specifications, the location, size, type, and
25 method of construction, the boundaries and approaches, and the estimates
26 of the costs of construction, acquisition of property, and financing,
27 shall be first submitted to the governing bodies of the political units
28 cooperating and receive their approval by resolution before final
29 adoption by the joint bridge commission, which shall not enter into
30 contracts and shall have no power to proceed further unless and until
31 such approval has been given ~~had~~.

1 (4) If such joint bridge commission is created after any work has
2 been done, any funds provided, or any liabilities incurred by the
3 governing body of the city council or by a local bridge commission, such
4 joint bridge commission shall take over, succeed to, assume and be liable
5 for such work, funds, or liabilities therefor.

6 Sec. 278. Section 14-1245, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 14-1245 A city of the metropolitan class is ~~The cities specified in~~
9 ~~section 14-1201~~ are authorized and empowered to authorize or require a
10 ~~said~~ joint bridge commission created pursuant to section 14-1244 to
11 conduct and to complete the sale of bonds provided for in sections
12 14-1215 to 14-1217 and 14-1223 at the same time and to the same purchaser
13 under the best conditions obtainable, together with the bonds of the
14 political subdivision with which such joint bridge commission it is
15 cooperating so that the benefits of a joint offering and sale may be
16 obtained. The funds derived from the sale of the bonds of all political
17 subdivisions cooperating may be mingled and shall be administered and
18 expended by the joint bridge commission as one common fund. As nearly as
19 may be, and subject to any rules and regulations which may be adopted by
20 the joint bridge commission for that purpose, the fund shall be deposited
21 and maintained in equitable proportions within the territory of each
22 political subdivision, and applied to the purchase or redemption of the
23 separate bond issues in an equitable manner. All contracts, evidences of
24 indebtedness, and payment vouchers shall be signed by the treasurer and
25 countersigned by each vice-chairperson ~~vice-chairman.~~

26 Sec. 279. Section 14-1246, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 14-1246 Title to all real and personal property and to a the
29 ~~completed~~ bridge constructed by a joint bridge commission and all its
30 appurtenances and incidents to such bridge shall vest in the political
31 subdivisions cooperating as tenants in common in the same proportion as

1 the contributions made to the joint fund as provided in section 14-1245.
2 In the event of the inability of the governing bodies of the political
3 subdivisions cooperating or ~~the their~~ joint bridge commission to agree,
4 the specific controversy may be submitted to arbitration in such manner
5 as may be agreed upon by the parties.

6 Sec. 280. Section 14-1247, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 14-1247 Any city of the metropolitan class exercising specified in
9 ~~section 14-1201 desiring to exercise~~ the power as granted in section
10 14-1202 to jointly purchase by bargain and sale any existing bridge may
11 do so either when the electors have authorized such joint purchase or
12 have authorized any independent purchase of such bridge. The ~~governing~~
13 ~~body of the city council may is authorized to~~ enter into a joint contract
14 with the other political unit as to all the conditions of purchase and
15 the conditions of subsequent reconditioning, operation, toll charges,
16 repair, maintenance, renewal, replacement, enlargement, and extension of
17 such bridge. Title to the bridge shall vest in the political units
18 cooperating as tenants in common and operation shall be by the joint
19 bridge commission provided for in section 14-1244 and subject to the
20 conditions provided with reference to such joint bridge commission.

21 Sec. 281. Section 14-1248, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 14-1248 (1) Any city of the metropolitan class specified in section
24 ~~14-1201~~ may acquire an existing bridge by entering into joint
25 condemnation proceedings with other political units, ~~as authorized by in~~
26 section 14-1202. Where the property to be condemned is situated within
27 the jurisdiction of more than one political unit or partly in the State
28 of Nebraska and partly in an adjoining state, the political units
29 cooperating shall first enter into a contract electing in what
30 jurisdiction and in which state a single joint proceeding to condemn the
31 property as an entirety shall be instituted and the proceedings shall be

1 conducted subject to the law of and in the manner provided for that
2 jurisdiction, or such proceedings may be conducted subject to the law and
3 in the manner provided by an act of Congress conferring the power of
4 condemnation where the property to be acquired is situated in more than
5 one state.

6 (2) For purposes of this section ~~this purpose~~, cities of the
7 metropolitan class in this state ~~and specified in section 14-1201~~ are
8 authorized to become parties to a single proceeding in an adjoining state
9 and to subject themselves to the law of that state governing such
10 proceedings. In the event of such joint proceedings in this state, the
11 procedure to condemn property shall be exercised in the manner set forth
12 in sections 76-704 to 76-724.

13 (3) The contract provided for in this section ~~provided for~~ shall be
14 similar to the contract provided for in section 14-1247, ~~and shall also~~
15 fix the proportionate contribution to be made by each political unit
16 cooperating, ~~and shall also~~ provide for the creation of a joint bridge
17 commission to take over the operation of the property in the event of its
18 acquisition, subject to the conditions provided in sections 14-1244 to
19 14-1250 with reference to such joint bridge commission.

20 (4) Title to the property condemned under this section shall vest in
21 the political units cooperating as tenants in common when, as, and if the
22 approval of the electors has been given ~~had~~ as provided in section
23 14-1251.

24 Sec. 282. Section 14-1249, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 14-1249 Whenever the electors of any city of the metropolitan class
27 ~~city shall~~ have authorized the construction of a bridge as provided in
28 section 14-1201, the ~~governing body of the city~~ council shall have the
29 power to construct such bridge independently or jointly with any state or
30 political unit as authorized in section 14-1202. Such cities are
31 authorized to enter into any contract which may be necessary to

1 effectuate this purpose. The title to all property thus acquired shall
2 vest in the political units cooperating as tenants in common. The actual
3 control of all construction and subsequent operation, including all
4 property necessary to the ~~completed~~ bridge, ~~and~~ all maintenance and
5 repair of such bridge thereof, and all funds and the collection and
6 custody of tolls, shall vest in a joint bridge commission as provided in
7 section 14-1244. Such joint bridge, ~~which~~ commission and its control
8 shall not be terminated until such tenancy in common is ~~shall be~~
9 terminated.

10 Sec. 283. Section 14-1250, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 14-1250 Any city in an adjoining state which has been properly
13 authorized by the laws of that state or the United States, may exercise
14 in the State of Nebraska any and all of the powers granted in sections
15 14-1201 to 14-1252 to cities in Nebraska, subject to the conditions and
16 requirements of such ~~said~~ sections.

17 Sec. 284. Section 14-1251, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 14-1251 (1) Elections on propositions arising in connection with
20 the exercise of any of the powers granted by sections 14-1201 to 14-1252
21 may be submitted by the ~~governing body of the city~~ council of a city of
22 the metropolitan class to the electors of such city thereof at any
23 general, city, or state election or at any special election called for
24 that purpose. ~~Any~~, ~~and any~~ proposition shall be carried if a majority of
25 the electors voting on such proposition ~~thereon~~ vote in favor of such
26 proposition thereof.

27 (2) No bridge shall be finally or irrevocably acquired, whether by
28 purchase, ~~or by~~ condemnation, or by construction, until such action and
29 the necessary financing ~~shall~~ have been approved by a majority of the
30 electors voting on the proposition at a general city or state election or
31 at a special election called for that purpose, or ~~shall~~ have been

1 approved by the ~~governing body of the city council~~, as authorized by such
2 ~~said~~ sections.

3 (3) Two or more propositions or questions may be submitted at the
4 same election and on the same ballot provided each is so presented that
5 the electors may vote separately upon each proposition. A vote of the
6 electors authorizing independent action shall be held to also authorize
7 joint action for the purpose so authorized but a vote on a proposition of
8 joint action shall not be held to authorize independent action.

9 (4) The ~~governing body of the city council~~ is hereby authorized to
10 determine what shall be included in the proposition to be stated in
11 notices of election and upon the ballots in its full discretion, except
12 that any proposition must indicate whether the bridge shall be acquired
13 by the purchase, or by the condemnation of an existing bridge, or by the
14 construction of a new bridge, and the kind of bonds to be issued to
15 finance such bridge ~~the same~~ and the amount of such bonds may be set
16 forth in any manner authorized in such ~~said~~ sections.

17 Sec. 285. Section 14-1252, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 14-1252 Any If any such city of the metropolitan class that has
20 ~~shall have~~ adopted a home rule charter ~~it~~ may exercise any powers granted
21 in sections 14-1201 to 14-1251 in the method ~~herein~~ provided by this
22 section or by ~~in~~ such other method, in whole or in part, as may from time
23 to time be provided in whole or in part by such ~~said~~ home rule charter.
24 The powers ~~hereby~~ conferred by such sections shall ~~are to~~ be exercised
25 without any restriction or limitation under the home rule ~~city~~ charter or
26 laws of the state except the provisions of the Constitution of Nebraska
27 ~~the state~~, and are supplementary and additional to powers which have been
28 or may hereafter be conferred upon the city by the laws of the state or
29 such home rule charter of the city. All powers granted or provided to be
30 conferred upon ~~the~~ bridge commissions authorized by such ~~said~~ sections
31 are likewise granted to and conferred upon and may be exercised by the

1 ~~governing body of the city council and such the governing body of the~~
2 city council may delegate to any bridge commission created for such city
3 under such ~~said~~ sections, in the discretion of such city council
4 ~~governing body~~, any or all of the powers, privileges, and rights of
5 approval and restraint conferred upon it by such ~~said~~ sections.

6 Sec. 286. Section 14-1702, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 14-1702 The Legislature finds and declares that ~~It is hereby~~
9 ~~determined and declared as a matter of legislative finding and policy:~~

10 (1) Traffic ~~That the traffic~~ in the streets of the business section
11 of ~~metropolitan~~ cities of the metropolitan class has become congested by
12 the great number of motor vehicles entering and traversing such streets,
13 and the trend is for an ever-increasing number of vehicles on such
14 streets and that, unless appropriate action is taken, the congestion will
15 become worse and constitute a public nuisance;

16 (2)(a) Such ~~(2) That (a)~~ the traffic congestion has created a hazard
17 to life, limb, and property of those using such streets, (b) the free
18 circulation of traffic of all kinds is necessary to the health, safety,
19 and general welfare of the public, and (c) any impeding of the free flow
20 of traffic might seriously affect the rapid and effective fighting of
21 fires and the disposition of the police force and emergency vehicles;

22 (3) There ~~That there~~ is insufficient space, on the streets or places
23 adjacent to such streets ~~thereto~~, to provide the required parking and
24 that convenient offstreet parking would facilitate the free flow of
25 traffic. The space below the surface of property, owned by the county for
26 courthouse sites or other public uses, and the space below the surface of
27 the streets could properly and beneficially be used for parking areas and
28 such use would promote public safety, convenience, and welfare; and

29 (4) Providing ~~That providing~~ for the relieving of traffic congestion
30 is a matter of public welfare, of general public interest, of statewide
31 concern, and within the powers reserved to the state.

1 Sec. 287. Section 14-1703, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 14-1703 As used in the Parking Authority Law sections ~~14-1701 to~~
4 ~~14-1725~~, unless the context otherwise requires:

5 (1) Authority means a parking authority ~~shall mean the body politic~~
6 ~~and corporate~~ created pursuant to the Parking Authority Law sections
7 ~~14-1701 to 14-1725~~;

8 (2) Board means the governing body of such authority, constituted as
9 is provided by section 14-1705;

10 ~~(2) Facilities shall mean the entire subsurface parking area and all~~
11 ~~improvements therein or appurtenances used in connection therewith,~~
12 ~~including entrances and exits, and all equipment, machinery, and~~
13 ~~accessories necessary or convenient for the parking of vehicles;~~

14 (3) City means ~~shall mean~~ the city of the metropolitan class which
15 requested the Governor to establish a parking authority within the city;

16 (4) County means ~~shall mean~~ the county in Nebraska where the
17 authority is located; and

18 (5) Facilities means the entire subsurface parking area and all
19 improvements in such parking area or appurtenances used in connection
20 with such parking area, including entrances and exits, and all equipment,
21 machinery, and accessories necessary or convenient for the parking of
22 vehicles.

23 ~~(5) The authority shall be deemed located in the county where the~~
24 ~~city requesting the establishment of the authority is located; and~~

25 ~~(6) Board shall mean the governing body of such authority,~~
26 ~~constituted as is provided by section 14-1705.~~

27 Sec. 288. Section 14-1704, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 14-1704 The Governor shall establish a parking authority whenever
30 requested by the city council ~~governing body~~ of a city of the
31 metropolitan class in which the county seat is located. The authority

1 shall be established by the Governor issuing a proclamation declaring the
2 existence of such an authority and filing a copy of such proclamation
3 ~~thereof~~ with the Secretary of State. The authority shall be a body
4 corporate and politic to be known as Parking Authority,
5 therein inserting the name of the city requesting the authority. Such an
6 authority shall be a governmental subdivision of the State of Nebraska
7 with the powers and authority provided by the Parking Authority Law
8 ~~sections 14-1701 to 14-1725~~. Such authority is declared to be an
9 instrumentality of the state exercising public and essential governmental
10 functions in the performance of the powers conferred upon it by the
11 Parking Authority Law, and shall be deemed located in the county where
12 the city requesting the establishment of the parking authority is located
13 ~~sections 14-1701 to 14-1725~~.

14 Sec. 289. Section 14-1705, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 14-1705 (1) The governing body of the authority shall be a board
17 consisting of seven members, two of whom shall, ~~ex officio,~~ be the mayor
18 of the city requesting the establishment of the authority and the
19 chairperson ~~chairman~~ of the board of county commissioners of the county
20 in which ~~wherein~~ the authority is located, both serving as ex officio
21 members. Each of these ex officio members shall serve without bond during
22 their respective terms as mayor and chairperson ~~chairman~~.

23 (2) The remaining five members shall be residents of the county in
24 which the authority is located. Two of such ~~these~~ members shall be
25 originally appointed for a term of two years and three for a term of four
26 years from the date of their appointment, and thereafter the members
27 shall hold office for a term of four years and until their successors are
28 appointed and have qualified. The Governor, in making the original
29 appointments, shall designate the term of each appointee. Any vacancy, ~~in~~
30 the appointed members of the board for any reason, ~~shall be filled for~~
31 the unexpired term by an appointment by the Governor. No appointive

1 member shall hold office for more than three successive full terms.

2 (3) Each appointive member, before entering upon the duties of his
3 office, shall file with the Secretary of State an oath that such person
4 he will duly and faithfully perform to the best of such person's his
5 ability all duties of such his office, as provided in the Parking
6 Authority Law sections 14-1701 to 14-1725, and a bond in the penal sum of
7 five thousand dollars executed by one or more qualified sureties for the
8 faithful performance of all such person's his duties as a member of the
9 board of such authority. If any appointive member fails to file such oath
10 and bond with the Secretary of State within thirty days after written
11 notice of such appointment, the office shall be deemed to be vacant and a
12 new appointment made.

13 Sec. 290. Section 14-1706, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 14-1706 The board ~~authority~~ shall annually elect a chairperson and
16 vice-chairperson from its members and a secretary and treasurer who shall
17 not be a member of the board ~~authority~~. A quorum for the transaction of
18 business shall consist of four members of the board ~~authority~~. The
19 affirmative vote of four members shall be necessary for any action taken
20 by the board ~~authority~~. No vacancy in the membership shall impair the
21 right of the quorum to exercise all the rights and perform all the duties
22 of the board ~~authority~~. The members of the board ~~authority~~ shall receive
23 no compensation for services rendered, but shall be reimbursed for all
24 expenses incurred by them in the exercise of their duties in the same
25 manner as provided in section 23-1112 for county officers and employees
26 and for the cost of their bonds. The secretary and treasurer may be
27 compensated in such amounts as the board shall fix ~~authority~~ from time to
28 time ~~shall fix~~, and such persons he or she may be required to give bond,
29 in the amount prescribed by the board ~~authority~~, before entering upon the
30 ~~his or her~~ duties of as ~~such~~ secretary or ~~and~~ treasurer. The premium of
31 such bond shall be paid for by the board ~~authority~~.

1 Sec. 291. Section 14-1707, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 14-1707 (1) For the purpose of accomplishing the object and purpose
4 of the Parking Authority Law ~~sections 14-1701 to 14-1725~~, the authority
5 shall possess all the necessary powers of a public body corporate and
6 governmental subdivision of the State of Nebraska, including the
7 following powers which shall not be construed as a limitation on the
8 general powers ~~herein~~ conferred by the Parking Authority Law:

9 (a) ~~(1)~~ To adopt bylaws for the regulation of its affairs and for
10 the conduct of its business;

11 (b) ~~(2)~~ To adopt the official seal of the authority and to alter
12 such seal ~~the same at pleasure~~;

13 (c) ~~(3)~~ To maintain an office within the county where the authority
14 is located;

15 (d) ~~(4)~~ To sue and be sued in its own name;

16 (e) ~~(5)~~ To make and enter into any and all contracts and agreements
17 with any individual, public or private corporation, or agency of this
18 state or the United States, as may be necessary or incidental to the
19 performance of its duties and the execution of its powers under the
20 Parking Authority Law ~~provisions of sections 14-1701 to 14-1725~~;

21 (f) ~~(6)~~ To acquire, lease, and hold such real or personal property
22 or any rights, interest, or easements in such property ~~therein~~ as may be
23 necessary or convenient for the purpose of the authority and to sell,
24 assign, and convey such property ~~the same~~;

25 (g) ~~(7)~~ To (i) ~~(a)~~ employ a general manager, engineers, accountants,
26 attorneys, financial experts, and such other employees and agents as the
27 authority ~~it~~ may deem ~~to be~~ necessary, (ii) ~~(b)~~ fix the ~~their~~
28 compensation of such employees and agents, and (iii) ~~(c)~~ discharge such
29 employees and agents ~~the same~~;

30 (h) ~~(8)~~ To borrow money and issue and sell negotiable bonds, notes,
31 or other evidence of indebtedness, to provide for the rights of the

1 holders of such bonds, notes, or other evidence of indebtedness thereof,
2 and to pledge all or any part of the income of the authority received, as
3 provided in the Parking Authority Law sections 14-1701 to 14-1725, to
4 secure the payment thereof, except that ; ~~Provided~~, the authority shall
5 not have the power to pledge the credit or taxing power of the state or
6 any political subdivision thereof or to place any lien or encumbrance on
7 property owned by the state, the county, or the city which requested the
8 establishment of ~~used by~~ the authority;

9 (i) ~~(9)~~ To receive and accept from the federal government, or any
10 agency thereof, the State of Nebraska, or any subdivision thereof, or
11 from any person or corporation, donations or grants for or in aid of the
12 construction of ~~the~~ parking facilities, and to hold, use, and apply such
13 donations or grants ~~the same~~ for the purpose for which such donations or
14 grants or donations may have been made; and

15 (j) ~~(10)~~ To have and exercise all powers usually granted to the
16 board of directors of corporations which are necessary or convenient to
17 carry out the powers given the authority under the Parking Authority Law.
18 ~~provisions of sections 14-1701 to 14-1725;~~

19 (2) ~~(11)~~ The authority shall operate only in the county in which it
20 is located. ; ~~and~~

21 (3) ~~(12)~~ The authority shall have no rights of eminent domain.

22 Sec. 292. Section 14-1708, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 14-1708 Upon establishing an ~~the~~ authority, the county in which ;
25 ~~wherein~~ the authority is located, shall grant to the authority the right
26 to use any space below the plot of ground used as a courthouse site and
27 such portion of the surface of such ~~said~~ plot not then used by the county
28 for a courthouse ~~located thereon~~. The city shall likewise grant to the
29 authority the right to use the space below the surface of the streets
30 abutting on such ~~said~~ courthouse site including the street intersections
31 connecting such ~~said~~ streets. The governing bodies of the county and city

1 shall have the authority to execute the required grants without a vote of
2 the electorate or any authorization other than that contained in the
3 Parking Authority Law sections 14-1701 to 14-1725. All such grants shall
4 be for a period of fifty years. The authority may also acquire by lease,
5 purchase, gift, grant, or any lawful manner, such adjoining privately
6 owned property as may be necessary or convenient for the exercise of its
7 powers for the construction of entrances to or exits from its ~~parking~~
8 facilities.

9 Sec. 293. Section 14-1709, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 14-1709 The authority shall construct and maintain ~~subsurface~~
12 ~~parking~~ facilities at the location acquired under section 14-1708, with
13 all necessary entrances, exits, air vents, and other appurtenances
14 required for an efficient facilities ~~subsurface parking~~ facility. In
15 constructing and maintaining the ~~parking~~ facilities, the surface above
16 such facilities ~~the facility~~ shall not be disturbed more than shall be
17 necessary. Any portion of such location ~~thereof~~ not required by the
18 facilities ~~facility~~ shall, on completion of the facilities ~~facility~~, be
19 restored to a good usable condition. If it is necessary to relocate or do
20 other work to protect any sewer line or utility, the authority shall do
21 the necessary work or bear the expense of such relocation or other work
22 ~~thereof~~ and the authority shall reimburse the county and city for any
23 expense or liability incurred as a result of the construction or
24 maintenance of the facilities ~~facility~~. The authority shall also protect
25 the owners of private property abutting the facility against loss of
26 lateral support for improvements erected on their property at the time of
27 the construction of the facilities or reimburse such owners ~~them~~ for
28 expenses incurred as a result of the removal of such ~~said~~ support, but
29 neither the state, county, city, nor authority shall be otherwise liable
30 to such owners. The county and city shall cooperate with the authority
31 and make available to the authority without cost any information such

1 county or city ~~it~~ has that would be useful to the authority in the
2 construction of the facilities. The ~~parking~~ authority shall not construct
3 any private entrances or grant the right to others to construct private
4 entrances to its ~~parking~~ facilities.

5 Sec. 294. Section 14-1710, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 14-1710 All purchases and all contracts relating to the
8 construction, maintenance, improvement, or extension of the authority's
9 facilities, except other than ~~contracts~~ relating to the acquiring of real
10 property or some interest in such real property ~~therein~~ or contracts of
11 employment or some specialized service, involving the expenditure of two
12 thousand dollars or more, shall be let to the lowest responsible bidder
13 after not less than twenty days' public notice of request for bids.

14 Sec. 295. Section 14-1711, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 14-1711 The authority shall lease or grant concessions for the use
17 of its ~~the~~ facilities or various portions of such facilities ~~thereof~~ to
18 one or more operators to provide for the efficient operation of the
19 facilities. All leases or concessions shall be let on a competitive basis
20 and no lease or concession shall run for a period in excess of thirty
21 years. In granting any lease or concession, the authority shall retain
22 such control of the facilities as may be necessary to insure that the
23 facilities will be properly operated in the public interest and that the
24 prices charged are reasonable.

25 Sec. 296. Section 14-1712, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 14-1712 (1) The authority may from time to time borrow such money,
28 as authorized in this section or subdivision (1)(h) ~~(8)~~ of section
29 14-1707, as it may require in the exercise of its powers and duties, and
30 to evidence such borrowings and to fund or refund any bonds or interest
31 on such bonds ~~thereon~~ or other indebtedness it may have outstanding,

1 issue its negotiable bonds as ~~herein~~ provided in this section. ÷

2 (2) ~~(1)~~ The principal and interest of the bonds shall be payable
3 only out of the revenue, income, and money of the authority, and shall
4 not constitute a debt or liability of the state or any political
5 subdivision thereof, other than of the ~~this~~ authority, and neither the
6 credit nor the taxing power of the state or any political subdivision
7 thereof, other than the ~~this~~ authority, shall be pledged for the payment
8 of such ~~said~~ bonds, and all bonds shall bear on their face a statement to
9 such ~~that~~ effect. The bonds shall mature at such time or times, not
10 exceeding twenty-five years from their date, as may be determined by the
11 authority. Such bonds may be redeemable before maturity at the option of
12 the authority at such price or prices, and under such terms and
13 conditions as may be fixed by the authority prior to the issuance of the
14 bonds. The authority shall determine the form of the bonds and fix the
15 denominations and place of payment, which may be at any bank or trust
16 company within or outside ~~without~~ the state. The bonds shall be signed by
17 the chairperson ~~chairman~~ of the authority, or bear the chairperson's ~~his~~
18 facsimile signature. The seal of the authority shall be impressed on such
19 bonds ~~thereon~~, and attested by the secretary and treasurer of the
20 authority. Any coupons attached to such bonds ~~thereto~~ shall bear the
21 facsimile signature of the chairperson ~~chairman~~ of the authority. In case
22 any officer, whose facsimile signature or signature shall appear on any
23 bond or coupon, shall cease to be such officer before the delivery of
24 such bonds, such signature or such facsimile shall nevertheless be valid
25 and sufficient for all purposes, the same as if such person ~~he~~ had
26 remained in office until such delivery;

27 (3) ~~(2)~~ The bonds issued under the Parking Authority Law ~~provisions~~
28 ~~of sections 14-1701 to 14-1725~~ in negotiable form shall have and are
29 hereby declared to have all the qualities and incidents of negotiable
30 instruments under the Uniform Commercial Code of the state. The bonds may
31 be issued in coupon or in registered form, or both. The authority may

1 sell such bonds in such a manner and for such price as it determines in
2 ~~may determine to be for~~ the best interests of the authority; and

3 (4) ~~(3)~~ Prior to the preparation of definitive bonds, the authority
4 may, under like restrictions, issue interim receipts or temporary bonds,
5 with or without coupons, exchangeable for definitive bonds when such
6 bonds shall have been executed and are available for delivery. The
7 authority may also provide for the replacement of any bonds which ~~shall~~
8 become mutilated, ~~or shall be destroyed,~~ or lost.

9 Sec. 297. Section 14-1713, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 14-1713 ~~At In~~ the discretion of the authority, any bonds issued
12 under the provisions of the Parking Authority Law sections 14-1701 to
13 ~~14-1725~~ may be secured by trust agreement by and between the authority
14 and a corporate trustee which may be any trust company or bank having the
15 powers of a trust company within or outside ~~without~~ the state. Such trust
16 agreement may contain provisions which shall be deemed to be for the
17 benefit of the trustee or holders of the bonds as to:

18 (1) The pledging of all or any part of the income, receipts, and
19 revenue of the authority to secure the payment of the bonds or any issue
20 of bonds, subject to such agreement with bondholders as may then exist;

21 (2) Provisions for protecting and enforcing the rights and remedies
22 of the bondholders, including the establishment of reasonable charges,
23 construction, improvement, maintenance, and operation of the authority's
24 facilities and insurance upon its properties;

25 (3) The appointment of a trustee, fiduciary, or depository for the
26 collection, deposit, and disbursement of the funds of the authority;

27 (4) Limitations on the issuance of additional bonds and the terms
28 upon which additional bonds may be issued and secured and the issuance of
29 refunding bonds;

30 (5) The procedure by which any contract with the bondholders may be
31 amended or modified;

1 (6) The keeping of records and making reports to the trustee or
2 bondholders;

3 (7) The rights and remedies of the trustee and the bondholders and
4 restrictions on individual actions by the bondholders; and

5 (8) Any additional provisions which may be reasonable and proper for
6 the security of the bondholders.

7 Sec. 298. Section 14-1714, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 14-1714 Any pledge of revenue or other money of the authority made
10 by the authority, in accordance with the Parking Authority Law provisions
11 ~~of sections 14-1701 to 14-1725~~, shall be valid and binding from the time
12 when such the pledge is made, and ÷ the revenue or other money so pledged
13 and thereafter received by the authority shall immediately be subject to
14 the lien of such pledge without any ~~delivery thereof~~ or further act. The
15 lien of any such pledge shall be valid and binding as against all parties
16 having claims of any kind, sort, contract, or otherwise against the
17 authority, irrespective of whether or not such parties have notice of
18 such pledge thereof. Neither the resolution nor any other instrument by
19 which a pledge is created need be recorded.

20 Sec. 299. Section 14-1715, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 14-1715 The holder of any bonds or coupons appertaining to such
23 bonds or coupons issued by the authority thereto, unless the trust
24 agreement vests the right of action solely in the trustee, then the
25 trustee, may by civil action or proceedings, protect and enforce any and
26 all rights under the trust agreement covering the issuance of such said
27 bonds, and may enforce and compel the performance of all duties required
28 by the Parking Authority Law ~~sections 14-1701 to 14-1725~~ or trust
29 agreement to be performed by the authority or any officer of the
30 authority thereof and the court having jurisdiction of the proceedings
31 may, if necessary for the protection of the bondholders, appoint a

1 receiver or other administrator to operate the facilities until such time
2 as the obligations to the bondholders have been paid in full. No
3 execution shall be levied upon, or sale made had, of any properties
4 belonging to the authority which are necessary for the operation of the
5 facilities.

6 Sec. 300. Section 14-1716, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 14-1716 Nothing in the Parking Authority Law ~~sections 14-1701 to~~
9 ~~14-1725~~ shall be construed (1) as granting to the authority any power to
10 alienate or encumber any real property belonging to the state or any of
11 its political subdivisions, (2) to grant to the authority any right or
12 power to pledge the credit of the State of Nebraska, or any of its
13 subdivisions, or (3) to give the authority any power to levy or assess
14 taxes.

15 Sec. 301. Section 14-1717, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 14-1717 Before delivering any bonds, the authority shall prepare a
18 written statement under oath setting forth its proceedings authorizing
19 the issuance of the bonds and a copy of the trust or other bond agreement
20 executed in connection with such bonds ~~therewith~~.

21 Sec. 302. Section 14-1718, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 14-1718 Bonds issued by the authority under the Parking Authority
24 Law ~~provisions of sections 14-1701 to 14-1725~~ are hereby made securities
25 in which the state and all political subdivisions of the state, their
26 officers, boards, commissions, departments, or other agencies, all banks,
27 bankers, savings banks, trust companies, savings and loan associations,
28 investment companies, insurance associations, and other persons carrying
29 on an insurance business, and all administrators, executors, guardians,
30 trustees, and other fiduciaries, and all other persons who are now or may
31 hereafter be authorized to invest in bonds or other obligations of the

1 state, may properly and legally invest any funds, including capital
2 belonging to them or within their control. Such bonds or other securities
3 or obligations are hereby made securities which may properly and legally
4 be deposited with and received by any state or municipal officers or
5 agency of the state for any purpose for which the deposit of bonds or
6 other obligations of the state is now or may hereafter be authorized by
7 law.

8 Sec. 303. Section 14-1719, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 14-1719 All money received by the authority from whatever source,
11 including sale of its bonds, shall be deemed to be public trust funds to
12 be held and applied in the manner provided in the Parking Authority Law
13 and under such restrictions, if any, as the authority may provide in any
14 resolution authorizing the issuance of bonds or bond agreement executed
15 by the authority. ~~Such it.~~ The money shall be deposited in such banks,
16 capital stock financial institutions, qualifying mutual financial
17 institutions, or trust companies as may be selected by the authority from
18 time to time. Section 77-2366 shall apply to deposits in capital stock
19 financial institutions. Section 77-2365.01 shall apply to deposits in
20 qualifying mutual financial institutions.

21 Sec. 304. Section 14-1721, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 14-1721 The authority shall not be required to pay any taxes or
24 assessments upon its facilities or properties acquired by it and used for
25 a public purpose. Bonds issued under the Parking Authority Law, their
26 transfer and income from such bonds ~~therefrom~~, including any profits made
27 from the sale of such bonds ~~thereof~~, shall be exempt from taxation.

28 Sec. 305. Section 14-1722, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 14-1722 The authority shall keep a full set of books and records
31 showing all of its transactions according to the best business practices.

1 The Auditor of Public Accounts shall cause the books of the account to be
2 examined and audited annually by a certified public accountant under his
3 direction of the Auditor of Public Accounts. The reports of all audits
4 made by the Auditor of Public Accounts shall be made and remain a part of
5 the public records in such his office. The expense of such audits shall
6 be paid out of the funds of the authority. The auditor shall be given
7 access to all books, papers, contracts, documents, and memoranda of every
8 kind and character and be furnished all additional information that may
9 be essential to the making of a comprehensive and correct audit.

10 Sec. 306. Section 14-1723, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 14-1723 The authority shall not be terminated by any act of the
13 state prior to the payment in full of all obligations incurred by the
14 authority. Unless terminated prior to such date ~~thereto~~, the authority
15 shall terminate at the end of fifty years from the date of its
16 establishment and ~~it~~ shall ~~forthwith~~ liquidate its affairs and convey to
17 the city and county respectively any improvements on the property
18 contributed by them. Any surplus funds shall be distributed to the county
19 and city in the manner provided by section 14-1720 ~~and thereupon the~~
20 ~~authority shall cease to exist.~~

21 Sec. 307. Section 14-1724, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 14-1724 In the event the authority fails to commence the
24 construction of the ~~parking~~ facilities within three years from the date
25 of the proclamation issued by the Governor under ~~, as provided for by~~
26 section 14-1704~~7~~, establishing the authority, the authority shall
27 terminate and any leases, grants, or rights obtained from the city or
28 county shall ~~forthwith~~ terminate and revert to the city and county
29 respectively.

30 Sec. 308. Section 14-1725, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 14-1725 The Parking Authority Law ~~provisions of sections 14-1701 to~~
2 ~~14-1725~~ shall be independent of and in addition to any other provisions
3 of law ~~provision of the laws~~ of the State of Nebraska with reference to
4 the matters covered by such law ~~hereby~~ and shall be considered as a
5 complete and independent act and not as amendatory of or limited by any
6 other provisions of law ~~provision of the laws~~ of the State of Nebraska.
7 If any provision of the Parking Authority Law ~~sections 14-1701 to 14-1725~~
8 is held unconstitutional or invalid, it shall not affect the other
9 provisions of such law ~~sections 14-1701 to 14-1725~~.

10 Sec. 309. Section 14-1726, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 14-1726 The Legislature finds and declares that ~~It is hereby~~
13 ~~determined and declared as a matter of legislative finding and policy:~~

14 (1) Traffic ~~That the traffic~~ in the streets of the business section
15 of ~~metropolitan~~ cities of the metropolitan class has become congested by
16 the great number of motor vehicles entering and traversing such streets,
17 and the trend is for an ever-increasing number of vehicles on such
18 streets and that, unless appropriate action is taken, the congestion will
19 become worse and constitute a public nuisance;

20 (2)(a) Traffic ~~(2) That (a) the traffic~~ congestion has created a
21 hazard to life, limb, and property of those using such streets, (b) the
22 free circulation of traffic of all kinds is necessary to the health,
23 safety, and general welfare of the public, and (c) any impeding of the
24 free flow of traffic might seriously affect the rapid and effective
25 fighting of fires and the disposition of the police force and emergency
26 vehicles;

27 (3) There ~~That there~~ is insufficient space, on the streets or places
28 adjacent to such streets ~~thereto~~, to provide the required parking and
29 that convenient offstreet parking would facilitate the free flow of
30 traffic. The space below the surface of property, owned by the county for
31 courthouse sites or other public uses, the space below the surface of the

1 streets, and the space above and below the surface of an area adjacent to
2 public buildings within the civic center of such city could properly and
3 beneficially be used for parking areas and such use would promote public
4 safety, convenience, and welfare; and

5 (4) ~~Providing That providing~~ for the relieving of traffic congestion
6 is a matter of public welfare, of ~~or~~ general public interest, of
7 statewide concern, and within the powers reserved to the state.

8 Sec. 310. Section 14-1727, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 14-1727 As used in sections 14-1726 to 14-1730, unless the context
11 otherwise requires:

12 (1) Parking facilities means ~~shall mean~~ the entire surface or
13 subsurface parking area and all improvements in such parking area therein
14 or appurtenances used in connection with such parking area therewith,
15 including entrances and exits, and all equipment, machinery, and
16 accessories necessary or convenient for the parking of vehicles; and

17 (2) Civic center means ~~shall mean~~ the area designated by the city
18 council of a city of the metropolitan class in the master plan of the
19 city as the site for city and county administrative, legislative, and
20 judicial headquarters, together with such other governmental functions
21 and subdivisions as may be deemed appropriate.

22 Sec. 311. Section 14-1728, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 14-1728 Any city of the metropolitan class, any county in which such
25 city is located, or such city and county jointly may construct parking
26 facilities in conjunction with a civic center. When constructed, such
27 parking facilities shall be leased for operation, in which case the lease
28 shall be granted to the highest and best bidder, after publication and
29 notice of such offering for lease in the same manner as required by law
30 for other contracts awarded by the city, ~~or~~ county, or city and county.
31 Such facilities shall not be operated by the city, ~~or~~ county, or city and

1 county.

2 Sec. 312. Section 14-1729, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 14-1729 For the purpose of constructing ~~such~~ parking facilities as
5 provided in section 14-1728, the city and county may jointly issue
6 revenue bonds. The principal and interest of such bonds shall be payable
7 only out of the revenue and income of such parking facilities.

8 Sec. 313. Section 14-1730, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 14-1730 (1) Each city of the metropolitan class shall have the
11 power to lease, upon such terms as the city deems ~~it shall deem~~
12 appropriate for a term not to exceed ninety-nine years, air space above
13 any street, alley, major traffic street, connecting link, controlled-
14 access facility, main thoroughfare, boulevard, or other property owned by
15 such city, to one or more of the owners of the fee title adjoining such
16 air space on either or both sides of such street, alley, major traffic
17 street, connecting link, controlled-access facility, main thoroughfare,
18 boulevard, or other city property, but only if the air space to be so
19 leased is not needed for and does not materially interfere with the use
20 of such street, alley, major traffic street, connecting link, controlled-
21 access facility, main thoroughfare, boulevard, or other city property.

22 (2) All leases of such air space shall provide (a) the minimum
23 clearances to be maintained at various points over the street, alley,
24 major traffic street, connecting link, controlled-access facility, main
25 thoroughfare, boulevard, or other city property, (b) ÷ the area of the
26 air space to be leased, (c) ÷ the location of supports, columns, pillars,
27 foundations or other similar or supporting structures within or on such
28 street, alley, major traffic street, connecting link, controlled-access
29 facility, main thoroughfare, boulevard, or other city property, ÷ and (d)
30 that such supporting structures shall be so located as not to materially
31 interfere with the use of the street, alley, major traffic street,

1 connecting link, controlled-access facility, main thoroughfare,
2 boulevard, or other city property. Such leases may contain such other
3 terms and conditions as shall be deemed appropriate by the city.

4 (3) In determining rental under any such lease, the city may take
5 into account the public purpose or use, if any, to be served by the
6 lessee.

7 Sec. 314. Section 14-1731, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 14-1731 (1) The Legislature hereby finds and declares that the great
10 increase in the number of motor vehicles, including buses and trucks, has
11 created hazards to life and property in cities of the metropolitan class
12 in Nebraska.

13 ~~(2) State recognition is hereby given to the hazard created in the~~
14 ~~streets of cities of the metropolitan class by the great increase in the~~
15 ~~number of motor vehicles, buses, and trucks.~~ In order to remove or reduce
16 the hazards of life and property and the inconvenience of congested
17 traffic on the streets in such cities in this state, it is hereby deemed
18 necessary and of general benefit to the entire State of Nebraska to
19 provide means for such cities to own offstreet vehicle parking facilities
20 exclusively for the parking of motor vehicles.

21 Sec. 315. Section 14-1732, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 14-1732 Any city of the metropolitan class is hereby authorized to
24 own, purchase, construct, equip, lease, or operate within such city
25 offstreet motor vehicle parking facilities on property located beneath
26 any elevated segment of the National System of Interstate and Defense
27 Highways or portion thereof, or public property title to which is held by
28 ~~in~~ the city on May 7, 1971, or property owned by the city and used in
29 conjunction with and incidental to city-operated facilities, or on
30 property situated so as to serve business in the central business
31 district, or business in long-established outlying neighborhood business

1 districts for the use of the general public. The grant of power in this
2 section does not include the power to engage, directly or indirectly, in
3 the sale of gasoline, oil, or other merchandise or in the furnishing of
4 any service other than that of parking motor vehicles as provided in this
5 section ~~herein~~. Any such city shall have the authority to acquire by
6 grant, contract, or purchase, as provided by law for such acquisition,
7 all real or personal property, including a site or sites on which to
8 construct such facilities, necessary or convenient in the carrying out of
9 this grant of power.

10 Sec. 316. Section 14-1733, Revised Statutes Cumulative Supplement,
11 2020, is amended to read:

12 14-1733 (1) In order to pay the cost required by any purchase,
13 construction, or lease of property and equipping of offstreet parking
14 ~~such facilities under sections 14-1731 to 14-1740~~, or the enlargement of
15 presently owned facilities, a the city of the metropolitan class may:

16 (a) ~~(1)~~ Issue revenue bonds to provide the funds for such
17 improvements. Such revenue bonds shall be a lien only upon the revenue
18 and earnings of parking facilities and onstreet parking meters. Such
19 revenue bonds shall mature in no more than forty years and shall be sold
20 at public or private sale. Any such revenue bonds which may be issued
21 shall not be included in computing the maximum amount of bonds which the
22 issuing city of the metropolitan class may be authorized to issue under
23 its home rule charter or any statute of this state. Such revenue bonds
24 may be issued and sold or delivered to the contractor at par and accrued
25 interest for the amount of work performed. The city may pledge the
26 revenue from any facility or parking meters as security for the bonds;

27 (b) Upon ~~(2) upon~~ an initiative petition of the majority of the
28 record owners of taxable property included in a proposed parking
29 district, create, by ordinance, parking districts and delineate the
30 boundaries of such parking districts ~~thereof~~. If the city council finds
31 that there are common benefits enjoyed by the public at large without

1 reference to the ownership of property, or that there is a common benefit
2 to the property encompassed within a parking district or districts, the
3 city may assess the costs of such improvement or improvements as special
4 assessments against all the property included in such district or
5 districts, according to such rules as the city council, sitting as a
6 board of equalization, shall adopt for the distribution or adjustment of
7 the costs of such improvement or improvements. All such special
8 assessments shall be equalized, levied, and collected as special
9 assessments. Special assessments levied pursuant to this section shall be
10 due, payable, and bear interest as the city council shall determine by
11 ordinance. Installment payments shall not be allowed for any period in
12 excess of twenty years; or

13 (c) Use ~~(3) use~~, independently or together with revenue derived
14 pursuant to subdivision (1)(a) ~~(1)~~ or (b) ~~(2)~~ of this section, gifts,
15 leases, devises, grants, federal or state funds, or agreements with other
16 public entities.

17 (2) No real property shall be included in any parking district
18 created pursuant to this section when the zoning district in which such
19 property is located is a residential zoning district or a district where
20 the predominant type of land use authorized is residential in nature.

21 Sec. 317. Section 14-1734, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 14-1734 Before the issuance of any revenue bonds for improvements as
24 provided under section 14-1733, a the city of the metropolitan class
25 shall have an independent and qualified firm of engineers prepare plans
26 and specifications for the such improvements financed with such bonds. In
27 the preparation of such the plans and specifications, the independent
28 engineer shall collaborate and counsel with any city engineering or
29 traffic department so as to coordinate the program with the program for
30 the control of traffic within such city.

31 Sec. 318. Section 14-1735, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 14-1735 The city council governing body of ~~a any~~ such city of the
3 metropolitan class shall make all necessary rules and regulations
4 governing the use, operation, and control of ~~the~~ facilities authorized by
5 sections 14-1731 to 14-1740. In the exercise of the grant of power set
6 forth in sections 14-1731 to 14-1740, the city of the metropolitan class
7 shall make contracts with others, if such contracts are necessary and
8 needed for the payment of the revenue bonds authorized in sections
9 14-1731 to 14-1740 and for the successful operation of the parking
10 facilities. If the city is unable to secure a reasonable lease with
11 another party for operation of the facility, the city may operate the
12 facility itself. The city council governing body may also make any other
13 agreements with the purchasers of the bonds for the security of the
14 ~~issuing~~ city and the purchasers of such bonds not in contravention with
15 ~~of the provisions of~~ sections 14-1731 to 14-1740.

16 Sec. 319. Section 14-1737, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 14-1737 On the creation of a such motor vehicle parking facility for
19 the use of the general public under sections 14-1731 to 14-1740, ~~a the~~
20 city of the metropolitan class shall lease such facility to one or more
21 operators to provide for the efficient operation of the facility. Such
22 lease shall be let on a competitive basis and no lease shall run for a
23 period in excess of four years except ; ~~Provided~~, that leases of
24 facilities in conjunction with office buildings, shopping centers, public
25 facilities, or redevelopment areas may be for any period not to exceed
26 twenty years. In granting any lease, the city shall retain such control
27 of the facility as may be necessary to insure that the facility will be
28 properly operated in the public interest and that the prices charged are
29 reasonable. If the city is unable to secure a reasonable lease with
30 another party for operation of the facility, the city may operate the
31 facility itself. Sections ~~The provisions of sections~~ 14-1731 to 14-1740

1 shall not be construed to authorize the city or the lessee of the
2 facility to engage in the sale of any commodity, product, or service, or
3 to engage in any business other than the purposes set forth in section
4 14-1732.

5 Sec. 320. Section 14-1738, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 14-1738 A multilevel ~~Multilevel~~ parking structure ~~structures~~ now
8 used or hereafter acquired for offstreet motor vehicle parking by a
9 private operator within a city of the metropolitan class shall not be
10 subject to eminent domain for the purpose of creating a parking facility
11 pursuant to sections 14-1733, 14-1735, 14-1737, and 14-1738 when such
12 multilevel structure has a capacity of more than two hundred automobiles.

13 Sec. 321. Section 14-1739, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 14-1739 Sections ~~The provisions of sections~~ 14-1731 to 14-1740 and
16 of any ordinance authorizing the issuance of bonds under such ~~the~~
17 ~~provisions of sections 14-1731 to 14-1740~~ shall constitute a contract
18 with the holders of such bonds, and any holder of a bond or bonds or any
19 of the coupons of any bond or bonds of a city of the metropolitan class
20 ~~such municipality~~, issued under such ~~the provisions of sections 14-1731~~
21 ~~to 14-1740~~, may either in law or in equity, by suit, action, mandamus, or
22 other proceedings, enforce and compel the performance of all duties
23 required by such ~~the provisions of sections 14-1731 to 14-1740~~ or by the
24 ordinance authorizing the bonds, including the making and collection of
25 sufficient charges and fees for service and the use of such charges and
26 fees thereof, and the application of income and revenue from such charges
27 and fees thereof.

28 Sec. 322. Section 14-2001, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 14-2001 Any city of the metropolitan class may by ordinance provide
31 for the creation and establishment of landmark heritage preservation

1 districts and a landmark heritage preservation commission for the purpose
2 of preserving buildings, lands, areas, or districts within any such city
3 which are determined by the landmark heritage preservation commission to
4 possess particular historical, architectural, cultural, or educational
5 value.

6 Sec. 323. Section 14-2002, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 14-2002 (1) The powers and duties of any landmark heritage
9 preservation commission created pursuant to sections 14-2001 to 14-2004
10 shall be such as are delegated or assigned by the ordinance establishing
11 the landmark heritage preservation ~~such~~ commission. The city council
12 shall specifically state in such ordinance which powers the landmark
13 heritage preservation commission shall be allowed to exercise.

14 (2) The powers of a landmark heritage preservation commission shall
15 not be repugnant to any other provision of law and shall be exercised
16 only in the manner prescribed by the ordinance. No action of the landmark
17 heritage preservation commission shall contravene any provision of a
18 ~~municipal~~ zoning or planning ordinance unless such action is expressly
19 authorized by the city council.

20 Sec. 324. Section 14-2003, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 14-2003 (1) Each city of the metropolitan class may exercise its
23 power of eminent domain to maintain or preserve buildings, lands, areas,
24 or districts which have been determined by the landmark heritage
25 preservation commission created by such city to be of historical,
26 architectural, cultural, or educational value.

27 (2) Within a landmark heritage preservation district, a city of the
28 metropolitan class shall not exercise its power of eminent domain to
29 acquire property for the purpose of demolition and reconveyance for
30 private use. This subsection shall not be applicable to any eminent
31 domain action filed by such city prior to September 6, 1991.

1 (3) Whenever it becomes necessary to take control of property
2 pursuant to and for the purposes stated in this section, the purpose and
3 necessity for such control shall be declared by ordinance. The procedure
4 to condemn property shall be exercised in the manner set forth in
5 sections 76-704 to 76-724.

6 Sec. 325. Section 14-2004, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 14-2004 (1) A landmark heritage preservation commission created
9 pursuant to sections 14-2001 to 14-2004 shall have nine members. If
10 available, one of the members shall be an architect, one member shall be
11 a curator or director of an art or other museum, one member shall be a
12 professional artist or historian, three members shall be interested and
13 qualified persons chosen, as far as possible, from any existing
14 historical society, preservation group, architectural, landscape
15 architectural, interior design, or planning association, or cultural
16 organization, two members shall be laypersons, and one member shall be an
17 owner or operator of a business or property within a landmark heritage
18 preservation district, which business or property may be owned or
19 operated by a corporation of which such member is an officer, by a
20 partnership in which such member is a partner, or by a limited liability
21 company in which such member is a member.

22 (2) Members of the landmark heritage preservation commission shall
23 be appointed by the mayor and approved by the city council and shall
24 serve for terms of three years. Members shall serve until their
25 successors are appointed and qualified. Members may be appointed to
26 successive terms.

27 (3) The landmark heritage preservation commission shall select one
28 of its members as chairperson. The director of the planning department of
29 the city shall act as the executive director of the landmark heritage
30 preservation such commission, and staff assistance for the landmark
31 heritage preservation commission shall be provided by the planning

1 department of such city.

2 Sec. 326. Section 16-6,109, Revised Statutes Cumulative Supplement,
3 2020, is amended to read:

4 16-6,109 The powers granted by sections 16-6,106 to 16-6,109 are
5 independent of and in addition to all other grants of powers on the same
6 or related subjects but may be exercised jointly with or supplemented by
7 the powers granted by existing state law, including, but not limited to,
8 sections 16-667 to 16-672.11, 16-680, 16-683, 16-693, 18-401 to 18-411,
9 18-501 to 18-512, 19-1305, 23-320.07 to 23-320.13, and 31-501 to 31-553
10 and section 336 of this act and the Combined Improvement Act.

11 Sec. 327. Section 18-2705, Revised Statutes Supplement, 2021, is
12 amended to read:

13 18-2705 (1) Economic development program means any project or
14 program utilizing funds derived from local sources of revenue for the
15 purpose of providing direct or indirect financial assistance to a
16 qualifying business or the payment of related costs and expenses or both,
17 without regard to whether that business is identified at the time the
18 project or program is initiated or is to be determined by specified means
19 at some time in the future.

20 (2) An economic development program may include, but shall not be
21 limited to, ~~the following activities:~~ (a) Direct loans or grants to
22 qualifying businesses for fixed assets or working capital or both, (b) ÷
23 loan guarantees for qualifying businesses, (c) ÷ grants for public works
24 improvements which are essential to the location or expansion of, or the
25 provision of new services by, a qualifying business, (d) ÷ grants or
26 loans to qualifying businesses for job training, (e) ÷ the purchase of
27 real estate, options for such purchases, and the renewal or extension of
28 such options, (f) ÷ grants or loans to qualifying businesses to provide
29 relocation incentives for new residents, (g) ÷ the issuance of bonds as
30 provided for in the Local Option Municipal Economic Development Act, ÷
31 and (h) payments for salaries and support of city staff to implement the

1 economic development program or develop an affordable housing action
2 plan, including any such plan required under section 19-5505, or payments
3 for the contracting of such program implementation or plan development to
4 an outside entity.

5 (3) For cities of the first class, cities of the second class, and
6 villages, an economic development program may also include grants, loans,
7 or funds for:

8 (a) ~~Construction Grants or loans for the construction~~ or
9 rehabilitation for sale or lease of housing (i) for persons of low or
10 moderate income, (ii) as part of a workforce housing plan, or (iii) as
11 part of an affordable housing action plan, including any such plan
12 required under section 19-5505;

13 (b) ~~Rural Grants, loans, or funds for rural infrastructure~~
14 development as defined in section 66-2102; or

15 ~~Grants or loans for the construction or rehabilitation for sale~~
16 ~~or lease of housing as part of a workforce housing plan; or~~

17 ~~(c) Early (d) Grants, loans, or funds for early childhood~~
18 infrastructure development.

19 (4) An economic development program may be conducted jointly by two
20 or more cities after the approval of the program by the voters of each
21 participating city.

22 Sec. 328. Section 19-414, Revised Statutes Cumulative Supplement,
23 2020, is amended to read:

24 19-414 The executive and administrative powers, authorities, and
25 duties in cities adopting the commission plan of government shall be
26 distributed into and among departments as follows:

27 In cities of the metropolitan class, (1) ~~finance department of~~
28 ~~public affairs, (2) fire department of accounts and finances, (3) human~~
29 ~~resources department of police, sanitation, and public safety, (4) human~~
30 ~~rights and relations department of fire protection and water supply, (5)~~
31 ~~law department of street cleaning and maintenance, (6) parks, recreation,~~

1 ~~and public property department of public improvements, and (7) planning,~~
2 ~~(8) police, and (9) public works department of parks and public property;~~

3 In cities of the primary class, (1) department of public affairs,
4 (2) department of accounts and finances, (3) department of public safety,
5 (4) department of streets and public improvements, and (5) department of
6 parks and public property; and

7 In cities containing two thousand or more and not more than forty
8 thousand inhabitants as determined by the most recent federal decennial
9 census or the most recent revised certified count by the United States
10 Bureau of the Census, (1) department of public affairs and public safety,
11 (2) department of accounts and finances, (3) department of streets,
12 public improvements, and public property, (4) department of public works,
13 and (5) department of parks and recreation.

14 The city council shall provide, as nearly as possible, the powers
15 and duties to be exercised and performed by, and assign them to, the
16 appropriate departments. The city council may prescribe the powers and
17 duties of all officers and employees of the city and may assign
18 particular officers, or employees, to more than one of the departments,
19 may require any officer or employee to perform duties in two or more of
20 the departments, and may make such other rules and regulations as may be
21 necessary or proper for the efficient and economical management of the
22 business affairs of the city.

23 Sec. 329. Section 19-415, Revised Statutes Cumulative Supplement,
24 2020, is amended to read:

25 19-415 ~~In cities of the metropolitan class under the commission~~
26 ~~plan of government, the city council shall consist of the mayor who shall~~
27 ~~be superintendent of the department of public affairs, one city council~~
28 ~~member to be superintendent of the department of accounts and finances,~~
29 ~~one city council member to be superintendent of the department of police,~~
30 ~~sanitation, and public safety, one city council member to be~~
31 ~~superintendent of the department of fire protection and water supply, one~~

1 ~~city council member to be superintendent of the department of street~~
2 ~~cleaning and maintenance, one city council member to be superintendent of~~
3 ~~the department of public improvements, and one city council member to be~~
4 ~~superintendent of parks and public property.~~

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

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

27 In all of such cities, the commissioner of the department of
28 accounts and finances shall be vice president of the city council and
29 shall, in the absence or inability of the mayor to serve, perform the
30 duties of the mayor. In case of vacancy in the office of mayor by death
31 or otherwise, the vacancy shall be filled as provided in section 32-568.

1 Sec. 330. Section 19-5503, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 19-5503 For purposes of the Municipal Density and Missing Middle
4 Housing Act:

5 (1) Accessory dwelling unit means an interior, attached, or detached
6 residential structure that is used in connection with, or that is an
7 accessory to, a single-family dwelling and is located on the same lot or
8 parcel as such single-family dwelling;

9 (2) Affordable housing means residential dwelling units affordable
10 to a household earning not more than eighty percent of the income limit
11 as set forth by the United States Department of Housing and Urban
12 Development under its Income Limits Documentation System, as such limits
13 existed on January 1, 2022 ~~2020~~, for the county in which the units are
14 located and for a particular household size;

15 (3) City means any city of the metropolitan class, city of the
16 primary class, or city of the first class in the State of Nebraska with a
17 population of at least twenty thousand inhabitants as determined by the
18 most recent federal decennial census or the most recent revised certified
19 count by the United States Bureau of the Census;

20 (4) Cottage cluster means a grouping of no fewer than four detached
21 housing units per acre with a footprint of less than nine hundred square
22 feet each and that includes a common courtyard;

23 (5) Density bonus means a density increase over the otherwise
24 maximum allowable residential density under a city's zoning codes,
25 ordinances, and regulations;

26 (6) Middle housing means:

27 (a) Duplexes;

28 (b) Triplexes;

29 (c) Quadplexes;

30 (d) Cottage clusters; or

31 (e) Townhouses;

1 (7) Townhouse means a dwelling unit constructed in a row of two or
2 more attached units where each dwelling unit is located on an individual
3 lot or parcel and shares at least one common wall with an adjacent unit;
4 and

5 (8) Workforce housing means:

6 (a) Housing that meets the needs of working families;

7 (b) Owner-occupied housing units that have an after-construction
8 appraised value of at least one hundred twenty-five thousand dollars but
9 not more than two hundred seventy-five thousand dollars to construct;

10 (c) Owner-occupied housing units for which the cost to substantially
11 rehabilitate exceeds fifty percent of a unit's assessed value;

12 (d) Upper-story housing for occupation by a homeowner; and

13 (e) Housing that does not receive federal or state low-income
14 housing tax credits, community development block grants, HOME funds as
15 defined in section 81-1228, or funds from the Affordable Housing Trust
16 Fund.

17 Sec. 331. Section 19-5504, Revised Statutes Cumulative Supplement,
18 2020, is amended to read:

19 19-5504 (1) On or before July 1, 2021, and by each July 1 every two
20 years thereafter, each city shall electronically submit a report to the
21 Urban Affairs Committee of the Legislature detailing its efforts to
22 address the availability of and incentives for affordable housing through
23 its zoning codes, ordinances, and regulations. Such report shall include,
24 but not be limited to:

25 (a) An overview of the city's current residential zoning
26 requirements;

27 (b) The percentage of areas within the corporate limits of ~~in~~ the
28 city zoned for residential use which permit the construction of
29 multifamily housing and middle housing, including whether such areas are
30 zoned specifically for residential use or generally allow residential
31 use, and whether such construction is permitted with or without any

1 additional permit requirements;

2 (c) A breakdown of new residential construction within the corporate
3 limits of ~~in~~ the city over the previous five years, including the
4 percentage of such construction that was single-family housing,
5 multifamily housing, and middle housing;

6 (d) A breakdown of residential units annexed by the city over the
7 previous five years, including the percentage of such units that were
8 single-family housing, multifamily housing, and middle housing;

9 (e) An estimate of the per-unit cost of housing within the corporate
10 limits of ~~in~~ the city;

11 (f) Whether such zoning codes, ordinances, and regulations provide
12 for density bonuses or other concessions or incentives which encourage
13 residential density, and the frequency with which such bonuses,
14 concessions, or incentives are utilized;

15 (g) Whether such zoning codes, ordinances, and regulations allow the
16 construction of accessory dwelling units;

17 (h) What incentives the city applies to encourage the development of
18 affordable housing, including both direct incentives and regulatory
19 relief;

20 (i) The percentage of areas within the corporate limits of the city
21 zoned for residential use which have been declared substandard and
22 blighted areas under the Community Development Law;

23 (j) The percentage of areas within the corporate limits of the city
24 zoned for residential use which have been declared extremely blighted
25 areas under the Community Development Law;

26 (k) ~~(i)~~ A demographic analysis of the city with trends and estimates
27 of the housing need classified by housing type and price range; and

28 (1) ~~(j)~~ Efforts to adopt an affordable housing action plan as
29 required under section 19-5505.

30 (2) The Urban Affairs Committee of the Legislature may require any
31 city to present its report to the committee at a public hearing.

1 Sec. 332. Section 31-538, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 31-538 (1) The result of such election shall be certified to the
4 county board of the county in which such district is located, and if at
5 such election a majority of the qualified electors actually voting in
6 such sanitary district shall vote in favor of the discontinuance of the
7 activities and work of the district, the trustees of such district shall
8 thereupon cease the performance of their duties as such trustees, and the
9 county board of the county in which such district is located shall
10 thereupon act as trustees ex officio of the district and shall have all
11 the powers, rights, and authority previously vested by law in the
12 trustees of the district, but without additional compensation. ÷
13 ~~Provided,~~

14 (2) Except as otherwise provided in section 336 of this act, all
15 tangible property within the territorial limits of any city or village
16 within such district, and any tangible property serving a particular city
17 or village, such as a sanitary sewage treatment plant, and which could be
18 operated and maintained by the particular city or village so served,
19 shall be transferred and assigned to such city or village which shall,
20 upon an acceptance of such transfer or assignment by its council or board
21 of trustees or other local governing body, be thereafter wholly operated
22 and maintained out of funds appropriated and levied by such city or
23 village.

24 Sec. 333. Section 31-539, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 31-539 Except as otherwise provided in section 336 of this act, all
27 ~~All~~ lawful claims, rights, and demands against such a district, and all
28 contractual obligations of such a district, existing in any person at the
29 time of discontinuance of the activities and work of such district, shall
30 continue to subsist in such person and shall remain the charge and
31 obligation of the sanitary district, ÷ and all claims and demands in

1 favor of such district at the time of the discontinuance of its
2 activities and work, shall subsist in its favor and may be collected in
3 the same manner as might have been theretofore done by the district.

4 Sec. 334. Section 31-540, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 31-540 Except as otherwise provided in section 336 of this act, for
7 ~~For~~ the purpose of discharging obligations of such district incurred
8 prior to the discontinuance of its activities and work as provided in
9 sections 31-501 to 31-534, such district shall continue to have the power
10 to levy taxes as provided in such sections, and thereafter the district
11 shall have the power to levy and collect general taxes in an amount not
12 to exceed one and seven-tenths cents on each one hundred dollars upon the
13 taxable value of all the taxable property in such district and shall have
14 the power to levy special assessments in the manner and to the extent
15 previously vested in such district.

16 Sec. 335. Section 31-541, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 31-541 Except as otherwise provided in section 336 of this act, the
19 ~~The~~ county board of the county within which such district is located
20 shall take possession of all rights and personal property, books, papers
21 and records of such district, and shall discharge the duties within the
22 territorial limits of such district imposed by law upon the district. For
23 the discharge of such services the county board may employ such officers,
24 servants and agents as may be necessary in the manner provided by law.

25 Sec. 336. (1) For a discontinued sanitary district which lies
26 solely within the zoning jurisdiction of a city, title to all funds and
27 all other property and property rights of the discontinued district, and
28 all taxes, assessments, and demands of every kind due or owing to the
29 discontinued district, shall be vested in or paid to and collected by (a)
30 such city or (b), except as specifically provided in subsection (3) of
31 this section, the riverfront development authority established pursuant

1 to section 19-5305 if such city has elected to create a riverfront
2 development district pursuant to section 19-5304.

3 (2) The city or riverfront development authority described in
4 subsection (1) of this section shall also be liable for and recognize,
5 assume, and carry out all valid contracts and obligations of that portion
6 of the discontinued district assumed by such city or authority, including
7 all outstanding bonds, warrants, or other debts and financial
8 obligations.

9 (3) For any discontinuance of a district under subdivision (1)(b) of
10 this section, the riverfront development authority shall only take title
11 to and ownership of that property or those property rights of the
12 discontinued sanitary district contained within the boundaries of the
13 riverfront development district managed by the authority. The city shall
14 take title to and ownership of any discontinued sanitary district
15 property outside the boundaries of such riverfront development district.
16 The city or authority shall thereafter maintain any drainway or drainage
17 or sewage system of that portion of the discontinued district conveyed or
18 transferred to the city or authority.

19 Sec. 337. Section 31-735, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 31-735 (1) On the first Tuesday after the second Monday in September
22 which is at least fifteen months after the judgment of the district court
23 creating a sanitary and improvement district and on the first Tuesday
24 after the second Monday in September each two years thereafter, the board
25 of trustees shall cause a special election to be held, at which election
26 a board of trustees shall be elected. The board of trustees shall have
27 five members except as provided in subsection (2) of this section. Each
28 member elected to the board of trustees shall be elected to a term of two
29 years and shall hold office until such member's successor is elected and
30 qualified. Any person desiring to file for the office of trustee may file
31 for such office with the election commissioner, or county clerk in

1 counties having no election commissioner, of the county in which the
2 greater proportion in area of the district is located not later than
3 fifty days before the election. If such person will serve on the board of
4 trustees as a designated representative of a limited partnership, general
5 partnership, limited liability company, public, private, or municipal
6 corporation, estate, or trust which owns real estate in the district, the
7 filing shall indicate that fact and shall include appropriate
8 documentation evidencing such fact. No filing fee shall be required. A
9 person filing for the office of trustee to be elected at the election
10 held four years after the first election of trustees and each election
11 thereafter shall designate whether such person ~~he or she~~ is a candidate
12 for election by the resident owners of such district or ~~whether he or she~~
13 ~~is~~ a candidate for election by all of the owners of real estate located
14 in the district. If a person filing for the office of trustee is a
15 designated representative of a limited partnership, a general
16 partnership, a limited liability company, a public, private, or municipal
17 corporation, an estate, or a trust which owns real estate in the
18 district, the name of such entity shall accompany the name of the
19 candidate on the ballot in the following form: (Name of candidate) to
20 represent (name of entity) as a member of the board. The name of each
21 candidate shall appear on only one ballot.

22 The name of a person may be written in and voted for as a candidate
23 for the office of trustee, and such write-in candidate may be elected to
24 the office of trustee. A write-in candidate for the office of trustee who
25 will serve as a designated representative of a limited partnership, a
26 general partnership, a limited liability company, a public, private, or
27 municipal corporation, an estate, or a trust which owns real estate in
28 the district shall not be elected to the office of trustee unless (a)
29 each vote is accompanied by the name of the entity which the candidate
30 will represent and (b) within ten days after the date of the election the
31 candidate provides the ~~county clerk or~~ election commissioner or county

1 clerk with appropriate documentation evidencing the candidate's ~~his or~~
2 ~~her~~ representation of the entity. Votes cast which do not carry such
3 accompanying designation shall not be counted.

4 A trustee shall be an owner of real estate located in the district
5 or shall be a person designated to serve as a representative on the board
6 of trustees if the real estate is owned by a limited partnership, a
7 general partnership, a limited liability company, a public, private, or
8 municipal corporation, an estate, or a trust. Notice of the date of the
9 election shall be mailed by the clerk of the district not later than
10 sixty-five days prior to the election to each person who is entitled to
11 vote at the election for trustees whose property ownership or lease
12 giving a right to vote is of record on the records of the register of
13 deeds as of a date designated by the election commissioner or county
14 clerk, which date shall be not more than eighty days prior to the
15 election.

16 (2)(a) For any sanitary and improvement district, a person whose
17 ownership or right to vote becomes of record or is received after the
18 date specified pursuant to subsection (1) of this section may vote when
19 such person establishes the ~~his or her~~ right to vote to the satisfaction
20 of the election board. At the first election and at the election held two
21 years after the first election, any person may cast one vote for each
22 trustee for each acre of unplatted land or fraction thereof and one vote
23 for each platted lot which such person ~~he or she~~ may own in the district.

24 (b) This subdivision applies to a district until the board of
25 trustees amends its articles of association pursuant to subdivision (2)
26 (d) of this section. At the election held four years after the first
27 election of trustees, two members of the board of trustees shall be
28 elected by the legal property owners resident within such sanitary and
29 improvement district and three members shall be elected by all of the
30 owners of real estate located in the district pursuant to this section.
31 Every resident property owner may cast one vote for a candidate for each

1 office of trustee to be filled by election of resident property owners
2 only. Such resident property owners may also each cast one vote for each
3 acre of unplatted land or fraction thereof and for each platted lot owned
4 within the district for a candidate for each office of trustee to be
5 filled by election of all property owners. For each office of trustee to
6 be filled by election of all property owners of the district, every legal
7 property owner not resident within such sanitary and improvement district
8 may cast one vote for each acre of unplatted land or fraction thereof and
9 one vote for each platted lot which such legal property owner ~~he or she~~
10 owns in the district. At the election held six ~~six~~ ~~eight~~ years after the
11 first election of trustees and at each election thereafter, three members
12 of the board of trustees shall be elected by the legal property owners
13 resident within such sanitary and improvement district and two members
14 shall be elected by all of the owners of real estate located in the
15 district pursuant to this section, ~~and at the election held six years~~
16 ~~after the first election of trustees and at each election thereafter,~~
17 ~~three members of the board of trustees shall be elected by the legal~~
18 ~~property owners resident within such sanitary and improvement district~~
19 ~~and two members shall be elected by all of the owners of real estate~~
20 ~~located in the district pursuant to this section.~~ If there are not any
21 legal property owners resident within such district or if not less than
22 ninety percent of the area of the district is owned for other than
23 residential uses, the five members shall be elected by the legal property
24 owners of all property within such district as provided in this section.

25 (c) Any public, private, or municipal corporation owning any land or
26 lot in the district may vote at an election the same as an individual. If
27 more than fifty percent of the homes in any sanitary and improvement
28 district are used as a second, seasonal, or recreational residence, the
29 owners of such property shall be considered legal property owners
30 resident within such district for purposes of electing trustees. For
31 purposes of voting for trustees, each condominium apartment under a

1 condominium property regime established prior to January 1, 1984, under
2 the Condominium Property Act or established after January 1, 1984, under
3 the Nebraska Condominium Act shall be deemed to be a platted lot and the
4 lessee or the owner of the lessee's interest, under any lease for an
5 initial term of not less than twenty years which requires the lessee to
6 pay taxes and special assessments levied on the leased property, shall be
7 deemed to be the owner of the property so leased and entitled to cast the
8 vote of such property. When ownership of a platted lot or unplatted land
9 is held jointly by two or more persons, whether as joint tenants, tenants
10 in common, limited partners, members of a limited liability company, or
11 any other form of joint ownership, only one person shall be entitled to
12 cast the vote of such property. The executor, administrator, guardian, or
13 trustee of any person or estate interested shall have the right to vote.
14 No corporation, estate, or irrevocable trust shall be deemed to be a
15 resident owner for purposes of voting for trustees. Should two or more
16 persons or officials claim the right to vote on the same tract, the
17 election board shall determine the party entitled to vote. Such board
18 shall select one of their number chairperson and one of their number
19 clerk. In case of a vacancy on such board, the remaining trustees shall
20 fill the vacancy on such board until the next election.

21 (d) For any sanitary and improvement district which has been in
22 existence for at least ten years, which has less than seventy property
23 owners entitled to vote for trustees, which has at least two resident
24 property owners, and in which less than ten percent of the area of the
25 district is owned for other than residential uses, the board of trustees
26 may amend its articles of association as provided in section 31-740.01 to
27 provide for a reduction in the number of trustees on the board from five
28 members to three members to be effective at the beginning of the term of
29 office for the board of trustees elected at the next election. At the
30 next election and at each election thereafter, two members of the board
31 of trustees shall be elected by the legal property owners resident within

1 such sanitary and improvement district and one member shall be elected by
2 all of the owners of real estate located in the district pursuant to this
3 section. Every resident property owner may cast one vote for a candidate
4 for each office of trustee to be filled by election of resident property
5 owners only. Such resident property owners may also each cast one vote
6 for each acre of unplatted land or fraction thereof and for each platted
7 lot owned within the district for a candidate for the office of trustee
8 to be filled by election of all property owners. For the office of
9 trustee to be filled by election of all property owners of the district,
10 every legal property owner not resident within such sanitary and
11 improvement district may cast one vote for each acre of unplatted land or
12 fraction thereof and one vote for each platted lot which such legal
13 property owner ~~he or she~~ owns in the district.

14 (3) The election commissioner or county clerk shall hold any
15 election required by subsection (1) of this section by sealed mail ballot
16 by notifying the board of trustees on or before July 1 of a given year.
17 The election commissioner or county clerk shall, at least twenty days
18 prior to the election, mail a ballot and return envelope to each person
19 who is entitled to vote at the election and whose property ownership or
20 lease giving a right to vote is of record with the register of deeds as
21 of the date designated by the election commissioner or county clerk,
22 which date shall not be more than eighty days prior to the election. The
23 ballot and return envelope shall include: (a) The names and addresses of
24 the candidates; (b) room for write-in candidates; and (c) instructions on
25 how to vote and return the ballot. Such ballots shall be returned in the
26 return envelope to the election commissioner or county clerk no later
27 than 5 p.m. on the date set for the election. If the ballot is not
28 returned in the return envelope, such ballot shall not be counted. If
29 more than one ballot is included in the same return envelope, such
30 ballots shall not be counted and shall be reinserted into the return
31 envelope which shall be resealed and marked rejected.

1 Sec. 338. Section 77-2501, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 77-2501 Sections 77-2501 to 77-2507 and section 342 of this act
4 shall be known and may be cited as the Affordable Housing Tax Credit Act.

5 Sec. 339. Section 77-2502, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 77-2502 For purposes of the Affordable Housing Tax Credit Act:

8 (1) Allocation year means the year for which the authority awards
9 Nebraska affordable housing tax credits pursuant to the act;

10 (2) Authority means the Nebraska Investment Finance Authority;

11 (3) Eligibility statement means a statement authorized and issued by
12 the authority certifying that a given project is a qualified project that
13 qualifies for Nebraska affordable housing tax credits;

14 (4) Federal low-income housing tax credit means the federal tax
15 credit provided in section 42 of the Internal Revenue Code of 1986, as
16 amended;

17 (5) Nebraska affordable housing tax credit means the nonrefundable
18 tax credit authorized in section 77-2503;

19 (6) Qualified project means a qualified low-income building or
20 buildings, as that term is defined in section 42 of the Internal Revenue
21 Code of 1986, as amended;

22 (7) Qualified taxpayer means a taxpayer owning an interest, direct
23 or indirect, in a qualified project; and

24 (8) Taxpayer means a person, firm, corporation, or other business
25 entity subject to the income tax imposed by section 77-2715 or
26 77-2734.02, an insurance company subject to premium and related
27 retaliatory tax liability imposed by section 44-150, ~~or~~ 77-908, or
28 81-523, or a financial institution subject to the franchise tax imposed
29 by sections 77-3801 to 77-3807.

30 Sec. 340. Section 77-2503, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 77-2503 (1) An owner of an affordable housing project seeking a
2 Nebraska affordable housing tax credit shall file an application with the
3 authority on a form prescribed by the authority. A qualified taxpayer
4 shall be allowed a nonrefundable tax credit if the authority determines
5 that the project for which tax credits are sought is a qualified project.

6 (2) If the requirements of subsection (1) of this section are met,
7 the authority shall issue an eligibility statement to the owner of such
8 qualified project stating the amount of Nebraska affordable housing tax
9 credits allocated to the qualified project. The amount of such tax
10 credits shall be the amount of federal low-income housing tax credits
11 available to such project, except as otherwise provided in subsection (4)
12 of this section. Tax credits for each building in a qualified project
13 shall be issued for the first six years of the credit period as defined
14 in 26 U.S.C. 42(f)(1), except that any reduction in the credit allowable
15 in the first year of the credit period due to the calculation in 26
16 U.S.C. 42(f)(2) shall be allowable in the seventh year of the credit
17 period. The authority shall only allocate tax credits to qualified
18 projects that are placed in service after January 1, 2018.

19 (3) If the owner of the qualified project is (a) a partnership, (b)
20 a limited liability company, or (c) a corporation having an election in
21 effect under subchapter S of the Internal Revenue Code of 1986, as
22 amended, the Nebraska affordable housing tax credit shall be allocated
23 among some or all of the partners, members, or shareholders of the owner
24 of the qualified project in any manner agreed to by such persons, but
25 only if such persons have been admitted as partners or members, or have
26 acquired their shares, on or prior to February 15 of the year in which
27 the tax return, or amended return, claiming the tax credit is filed. A
28 qualified taxpayer may transfer, sell, or assign all or part of his or
29 her ownership interest, including his or her interest in the tax credits
30 authorized in this section. For any tax year in which such an interest is
31 transferred, sold, or assigned pursuant to this subsection, the

1 transferor shall notify the Department of Revenue of the transfer, sale,
2 or assignment and provide the tax identification number of the new owner
3 at least thirty days prior to the new owner claiming the tax credits. The
4 notification shall be in the manner prescribed by the department.

5 (4) The maximum amount of Nebraska affordable housing tax credits
6 awarded to all qualified projects in any given allocation year shall be
7 no more than one hundred percent of the total amount of federal low-
8 income housing tax credits awarded by the authority in the same
9 allocation year. Notwithstanding any other provision of the Affordable
10 Housing Tax Credit Act, the authority is prohibited from awarding to a
11 qualified project any combined amount of federal low-income housing tax
12 credits and Nebraska affordable housing tax credits that is more than
13 necessary to make the qualified project financially feasible.

14 (5) Any Nebraska affordable housing tax credits granted under this
15 section may be used to offset any income taxes due under section 77-2715
16 or 77-2734.02, any premium and related retaliatory taxes due under
17 section 44-150, ~~or 77-908,~~ or 81-523, or any franchise taxes due under
18 sections 77-3801 to 77-3807.

19 (6) The tax credit shall not be used to reduce the tax liability of
20 the qualified taxpayer to less than zero. Any tax credit claimed but not
21 used in a taxable year may be carried forward.

22 Sec. 341. Section 77-2505, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 77-2505 An insurance company claiming a Nebraska affordable housing
25 tax credit against any premium and related retaliatory taxes due under
26 section 44-150, ~~or 77-908,~~ or 81-523 shall not be required to pay any
27 additional retaliatory tax as a result of claiming the tax credit. The
28 tax credit may fully offset any retaliatory tax imposed under Nebraska
29 law. Any tax credit claimed shall be considered a payment of tax for
30 purposes of subsection (1) of section 77-2734.03.

31 Sec. 342. The changes made in sections 77-2502, 77-2503, and

1 77-2505 by this legislative bill shall apply to taxable years beginning
2 or deemed to begin on or after January 1, 2023.

3 Sec. 343. Section 77-2704.15, Reissue Revised Statutes of Nebraska,
4 is amended to read:

5 77-2704.15 (1)(a) Sales and use taxes shall not be imposed on the
6 gross receipts from the sale, lease, or rental of and the storage, use,
7 or other consumption in this state of purchases by the state, including
8 public educational institutions recognized or established under the
9 provisions of Chapter 85, or by any county, township, city, village,
10 rural or suburban fire protection district, city airport authority,
11 county airport authority, joint airport authority, drainage district
12 organized under sections 31-401 to 31-450, sanitary drainage district
13 organized under sections 31-501 to 31-553 and section 336 of this act,
14 land bank created under the Nebraska Municipal Land Bank Act, natural
15 resources district, county agricultural society, elected county fair
16 board, housing agency as defined in section 71-1575 except for purchases
17 for any commercial operation that does not exclusively benefit the
18 residents of an affordable housing project, cemetery created under
19 section 12-101, or joint entity or agency formed by any combination of
20 two or more counties, townships, cities, villages, or other exempt
21 governmental units pursuant to the Interlocal Cooperation Act, the
22 Integrated Solid Waste Management Act, or the Joint Public Agency Act,
23 except for purchases for use in the business of furnishing gas, water,
24 electricity, or heat, or by any irrigation or reclamation district, the
25 irrigation division of any public power and irrigation district, or
26 public schools or learning communities established under Chapter 79.

27 (b) For purposes of this subsection, purchases by the state or by a
28 governmental unit listed in subdivision (a) of this subsection include
29 purchases by a nonprofit corporation under a lease-purchase agreement,
30 financing lease, or other instrument which provides for transfer of title
31 to the property to the state or governmental unit upon payment of all

1 amounts due thereunder. If a nonprofit corporation will be making
2 purchases under a lease-purchase agreement, financing lease, or other
3 instrument as part of a project with a total estimated cost that exceeds
4 the threshold amount, then such purchases shall qualify for an exemption
5 under this section only if the question of proceeding with such project
6 has been submitted at a primary, general, or special election held within
7 the governmental unit that will be a party to the lease-purchase
8 agreement, financing lease, or other instrument and has been approved by
9 the voters of such governmental unit. For purposes of this subdivision,
10 (i) project means the acquisition of real property or the construction of
11 a public building and (ii) threshold amount means the greater of fifty
12 thousand dollars or six-tenths of one percent of the total actual value
13 of real and personal property of the governmental unit that will be a
14 party to the lease-purchase agreement, financing lease, or other
15 instrument as of the end of the governmental unit's prior fiscal year.

16 (2) The appointment of purchasing agents shall be recognized for the
17 purpose of altering the status of the construction contractor as the
18 ultimate consumer of building materials which are physically annexed to
19 the structure and which subsequently belong to the state or the
20 governmental unit. The appointment of purchasing agents shall be in
21 writing and occur prior to having any building materials annexed to real
22 estate in the construction, improvement, or repair. The contractor who
23 has been appointed as a purchasing agent may apply for a refund of or use
24 as a credit against a future use tax liability the tax paid on inventory
25 items annexed to real estate in the construction, improvement, or repair
26 of a project for the state or a governmental unit.

27 (3) Any governmental unit listed in subsection (1) of this section,
28 except the state, which enters into a contract of construction,
29 improvement, or repair upon property annexed to real estate without first
30 issuing a purchasing agent authorization to a contractor or repairperson
31 prior to the building materials being annexed to real estate in the

1 project may apply to the Tax Commissioner for a refund of any sales and
2 use tax paid by the contractor or repairperson on the building materials
3 physically annexed to real estate in the construction, improvement, or
4 repair.

5 Sec. 344. Section 77-3523, Revised Statutes Supplement, 2021, is
6 amended to read:

7 77-3523 The county treasurer and county assessor shall, on or before
8 November 30 of each year, certify to the Tax Commissioner the total tax
9 revenue that will be lost to all taxing agencies within the county from
10 taxes levied and assessed in that year because of exemptions allowed
11 under sections 77-3501 to 77-3529. The county treasurer and county
12 assessor may amend the certification to show any change or correction in
13 the total tax that will be lost until May 30 of the next succeeding year.
14 If a homestead exemption is approved, denied, or corrected by the Tax
15 Commissioner under subsection (2) of section 77-3517 after May 1 of the
16 next year, the county treasurer and county assessor shall prepare and
17 submit amended reports to the Tax Commissioner and the political
18 subdivisions covering any affected year and shall adjust the
19 reimbursement to the county and the other political subdivisions by
20 adjusting the reimbursement due under this section in later years. The
21 Tax Commissioner shall, on or before January 1 next following such
22 certification or within thirty days of any amendment to the
23 certification, notify the Director of Administrative Services of the
24 amount so certified to be reimbursed by the state. Reimbursement of the
25 funds lost shall be made to each county according to the certification
26 and shall be distributed in six as nearly as possible equal monthly
27 payments on the last business day of each month beginning in January. The
28 Director of Administrative Services shall, on the last business day of
29 each month, issue payments by electronic funds transfer. Out of the
30 amount so received the county treasurer shall distribute to each of the
31 taxing agencies within his or her county the full amount so lost by such

1 agency, except that one percent of such amount shall be deposited in the
2 county general fund and that the amount due a Class V school district
3 shall be paid to the district and the county shall be compensated one
4 percent of such amount pursuant to section 14-554. Each taxing agency
5 shall, in preparing its annual or biennial budget, take into account the
6 amount to be received under this section.

7 Sec. 345. Section 81-523, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 81-523 (1) For the purpose of maintaining the office of the State
10 Fire Marshal and such other fire prevention activities as the Governor
11 may direct, every foreign and alien insurance company including
12 nonresident attorneys for subscribers to reciprocal insurance exchanges
13 shall, on or before March 1, pay a tax to the Director of Insurance of
14 three-fourths of one percent of the gross direct writing premiums and
15 assessments received by each of such companies during the preceding
16 calendar year for fire insurance business done in this state.

17 (2) For the purpose set forth in subsection (1) of this section,
18 every domestic insurance company including resident attorneys for
19 subscribers to reciprocal insurance exchanges shall, on or before March
20 1, pay a tax to the Director of Insurance of three-eighths of one percent
21 of the gross direct writing premiums and assessments received by each of
22 such companies during the preceding calendar year for fire insurance
23 business done in this state.

24 (3) The term fire insurance business, as used in subsections (1),
25 (2), and (4) of this section, shall include, but not be limited to,
26 premiums of policies on fire risks on automobiles, whether written under
27 floater form or otherwise.

28 (4) Return premiums on fire insurance business, subject to the fire
29 insurance tax, in accordance with subsections (1) and (2) of this
30 section, may be deducted from the gross direct writing premiums for the
31 purpose of the tax calculations provided for by subsections (1) and (2)

1 of this section. In the case of mutual companies and assessment
2 associations, the dividends paid or credited to policyholders or members
3 in this state shall be construed to be return premiums.

4 (5) Any tax collected pursuant to subsections (1) and (2) of this
5 section shall be remitted to the State Treasurer for credit to the
6 General Fund.

7 (6) An insurance company described in this section shall receive a
8 credit on the tax imposed under this section as provided in the
9 Affordable Housing Tax Credit Act.

10 Sec. 346. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,
11 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32,
12 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50,
13 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68,
14 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86,
15 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103,
16 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117,
17 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131,
18 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145,
19 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159,
20 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173,
21 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187,
22 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201,
23 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215,
24 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229,
25 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243,
26 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257,
27 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271,
28 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285,
29 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299,
30 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313,
31 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 327, 328,

1 329, 330, 331, 337, 338, 339, 340, 341, 342, 344, 345, 347, and 349 of
2 this act become operative three calendar months after the adjournment of
3 this legislative session. The other sections of this act become operative
4 on their effective date.

5 Sec. 347. Original sections 13-2706, 14-102.01, 14-102.02, 14-104,
6 14-106, 14-107, 14-108, 14-110, 14-111, 14-112, 14-113, 14-115, 14-116,
7 14-118, 14-120, 14-121, 14-122, 14-123, 14-124, 14-125, 14-136, 14-201,
8 14-201.03, 14-202, 14-204, 14-205, 14-206, 14-207, 14-210, 14-211,
9 14-212, 14-213, 14-214, 14-215, 14-216, 14-217.02, 14-218, 14-219,
10 14-220, 14-221, 14-224, 14-225, 14-226, 14-227, 14-228, 14-229, 14-230,
11 14-360, 14-361, 14-362, 14-365, 14-365.01, 14-365.02, 14-365.03,
12 14-365.04, 14-365.05, 14-365.06, 14-365.07, 14-365.08, 14-365.09,
13 14-365.10, 14-365.11, 14-365.12, 14-365.13, 14-366, 14-367, 14-372,
14 14-373, 14-373.01, 14-373.02, 14-374, 14-375, 14-376, 14-383, 14-384,
15 14-385, 14-386, 14-387, 14-388, 14-389, 14-390, 14-391, 14-393, 14-394,
16 14-395, 14-396, 14-397, 14-399, 14-3,100, 14-3,101, 14-3,105, 14-3,108,
17 14-3,109, 14-3,111, 14-3,112, 14-3,113, 14-3,114, 14-3,115, 14-3,116,
18 14-3,117, 14-3,118, 14-3,119, 14-3,120, 14-3,121, 14-3,122, 14-3,123,
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10 14-2001, 14-2002, 14-2003, 14-2004, 31-735, 77-2501, 77-2502, 77-2503,
11 77-2505, and 81-523, Reissue Revised Statutes of Nebraska, sections
12 13-2703, 13-2705, 13-2707, 13-2707.01, 13-2709, 14-101, 14-101.01,
13 14-102, 14-103, 14-105, 14-109, 14-117, 14-363, 14-364, 14-392, 14-398,
14 14-3,102, 14-3,103, 14-3,106, 14-3,107, 14-403, 14-415, 14-419, 14-420,
15 14-502, 14-553, 14-567, 14-607, 14-1733, 19-414, 19-415, 19-5503, and
16 19-5504, Revised Statutes Cumulative Supplement, 2020, and sections
17 14-137, 18-2705, and 77-3523, Revised Statutes Supplement, 2021, are
18 repealed.

19 Sec. 348. Original sections 31-538, 31-539, 31-540, 31-541, and
20 77-2704.15, Reissue Revised Statutes of Nebraska, and section 16-6,109,
21 Revised Statutes Cumulative Supplement, 2020, are repealed.

22 Sec. 349. The following sections are outright repealed: Sections
23 14-114, 14-126, 14-223, and 14-554, Reissue Revised Statutes of Nebraska.

24 Sec. 350. Since an emergency exists, this act takes effect when
25 passed and approved according to law.