

AMENDMENTS TO LB800

Introduced by Urban Affairs.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 13-2703, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:

5 13-2703 For purposes of the Civic and Community Center Financing
6 Act:

7 (1) Applicant means and includes (a) any city or village in this
8 state that is eligible for a grant of assistance pursuant to section
9 13-2706 and (b) any tribal government;

10 (2) ~~(1)~~ Civic center means a facility that is used to host
11 conventions, meetings, and cultural events or a library;

12 (3) ~~(2)~~ Department means the Department of Economic Development;

13 (4) ~~(3)~~ Eligible facility means any civic center, historic building
14 or district, public space, or recreation center;

15 (5) ~~(4)~~ Fund means the Civic and Community Center Financing Fund;

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

20 (7) ~~(6)~~ Political subdivision means a county, school district,
21 community college area, or natural resources district;

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

26 (9) ~~(8)~~ Recreation center means a facility or park used for
27 athletics, fitness, sport activities, or recreation that is owned by an

1 applicant a municipality and is available for use by the general public
2 with or without charge. Recreation center does not include any facility
3 that requires a person to purchase a membership to utilize such facility;
4 and -

5 (10) Tribal government means the officially recognized government of
6 any Indian tribe, nation, or other organized group or community located
7 in the state exercising self-government powers and recognized as eligible
8 for services provided by the United States to Indians because of their
9 status as Indians or any Indian tribe located in the state and recognized
10 as an Indian tribe by the state.

11 Sec. 2. Section 13-2705, Revised Statutes Cumulative Supplement,
12 2020, is amended to read:

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

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

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

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

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

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

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

6 (v) For a municipality with a population of fewer than ten thousand
7 inhabitants as determined by the most recent federal decennial census or
8 the most recent revised certified count by the United States Bureau of
9 the Census, three hundred seventy-five thousand dollars; and

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

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

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

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

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

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

30 (iv) For a city with a population of at least ten thousand
31 inhabitants but fewer than twenty thousand inhabitants as determined by

1 the most recent federal decennial census or the most recent revised
2 certified count by the United States Bureau of the Census, nine hundred
3 thousand dollars; and

4 (v) For a municipality with a population of fewer than ten thousand
5 inhabitants as determined by the most recent federal decennial census or
6 the most recent revised certified count by the United States Bureau of
7 the Census, five hundred sixty-two thousand dollars; and

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

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

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

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

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

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

29 13-2706 (1) Except as provided in subsection (2) of this section for
30 a city of the primary class, any municipality that has applied for and
31 received a grant of assistance under the Sports Arena Facility Financing

1 Assistance Act shall not receive state assistance under the Civic and
2 Community Center Financing Act for the same project for which the grant
3 was awarded under the Sports Arena Facility Financing Assistance Act.

4 (2) A city of the primary class shall not be eligible to receive a
5 grant of assistance from the Civic and Community Center Financing Act if
6 the city has applied for and received a grant of assistance under the
7 Sports Arena Facility Financing Assistance Act.

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

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

15 Sec. 4. Section 13-2707, Revised Statutes Cumulative Supplement,
16 2020, is amended to read:

17 13-2707 (1) The department shall evaluate all applications for
18 grants of assistance under section 13-2704.01 based on the following
19 criteria, which are listed in no particular order of preference:

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

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

29 (c) Visitor Impact. Funding decisions by the department shall be
30 based on the likelihood of the project enhancing or creating an
31 attraction that would increase the potential of visitors to the community

1 where the project is located from inside and outside the state;

2 (d) Readiness. The fiscal, economic, and operational capacity of the
3 applicant, and of any political subdivision that owns the eligible
4 facility jointly with the applicant, to finance and manage the project
5 and to operate the eligible facility; and

6 (e) Project Planning. Projects with completed technical assistance
7 and feasibility studies shall be preferred to those with no prior
8 planning.

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

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

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

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

28 Sec. 5. Section 13-2707.01, Revised Statutes Cumulative Supplement,
29 2020, is amended to read:

30 13-2707.01 The department shall evaluate all applications for grants
31 of assistance under section 13-2704.02 based on the following criteria:

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

6 (2) Project Location. Assistance from the fund shall be for
7 engineering and technical studies related to projects that will be
8 located in the municipality that applies for the grant or, for any city
9 of the first class, city of the second class, or village, in the
10 municipality's extraterritorial zoning jurisdiction. This subdivision
11 shall not apply to any application submitted by a tribal government.

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

14 13-2709 (1) The department shall submit, as part of the department's
15 annual status report under section 81-1201.11, the following information
16 regarding the Civic and Community Center Financing Act:

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

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

21 (c) The amount of sales tax revenue generated for the fund pursuant
22 to subsection (6) of section 13-2610 and subsection (9) of section
23 13-3108, the total amount of grants applied for under the act, the year-
24 end fund balance, the amount of the year-end fund balance which has not
25 been committed to funding grants under the act, and, if all available
26 funds have not been committed to funding grants under the act, an
27 explanation of the reasons why all such funds have not been so committed;

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

30 (e) The department's current budget for administration of the act
31 and the department's planned use and distribution of funds, including

1 details on the amount of funds to be expended on grants and the amount of
2 funds to be expended by the department for administrative purposes; and
3 (f) Grant summaries, including the applicant—~~municipality~~, project
4 description, grant amount requested, amount and type of matching funds,
5 and reasons for approval or denial based on evaluation criteria from
6 section 13-2707 or 13-2707.01 for every application seeking assistance
7 under the act.

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

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

1 supply the State Treasurer with any information needed to make the
2 distributions required in this subsection.

3 Sec. 7. Section 14-101, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:

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

1 Sec. 8. Section 14-101.01, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 14-101.01 Whenever any city of the primary class shall attain a
4 population of three hundred thousand inhabitants or more as determined by
5 the most recent federal decennial census or the most recent revised
6 certified count by the United States Bureau of the Census, the mayor of
7 such city shall certify such fact to the Secretary of State, who upon the
8 filing of such certificate shall by proclamation declare such city to be
9 a city of the metropolitan class.

10 Sec. 9. Section 14-102, Revised Statutes Cumulative Supplement,
11 2020, is amended to read:

12 14-102 In addition to the powers granted in section 14-101, cities
13 of the metropolitan class shall have power by ordinance:

14 ~~Taxes, special assessments.~~

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

16 ~~Corporate seal.~~

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

22 ~~Regulation of public health.~~

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

28 ~~Appropriations for debts and expenses.~~

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

31 ~~Protection of strangers and travelers.~~

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

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

5 (6) To punish and prevent the carrying of concealed weapons, except
6 the carrying of a concealed handgun in compliance with the Concealed
7 Handgun Permit Act, and the discharge of firearms, fireworks, or
8 explosives of any description within the city, other than the discharge
9 of firearms at a shooting range pursuant to the Nebraska Shooting Range
10 Protection Act;

11 ~~Sale of foodstuffs.~~

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

15 ~~Official bonds.~~

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

21 ~~Official reports of city officers.~~

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

25 ~~Cruelty to children and animals.~~

26 (10) To provide for the prevention of cruelty to children and
27 animals;

28 ~~Dogs; taxes and restrictions.~~

29 (11) To regulate, license, or prohibit the running at large of dogs
30 and other animals within the city as well as in areas within the
31 extraterritorial zoning jurisdiction ~~three miles of the corporate limits~~

1 of the city; ~~τ~~ to guard against injuries or annoyance from such dogs and
2 other animals; ~~τ~~ and to authorize the destruction of such ~~the~~ dogs and
3 other animals when running at large contrary to the provisions of any
4 ordinance. Any licensing provision shall comply with subsection (2) of
5 section 54-603 for service animals;

6 ~~Cleaning sidewalks.~~

7 (12) To provide for keeping sidewalks clean and free from
8 obstructions and accumulations; ~~τ~~ to provide for the assessment and
9 collection of taxes on real estate and for the sale and conveyance
10 thereof; ~~τ~~ and to pay the expenses of keeping the sidewalk adjacent to
11 such real estate clean and free from obstructions and accumulations as
12 ~~herein~~ provided by law;

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

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

25 ~~Naming and numbering streets and houses.~~

26 (14) To provide for, regulate, and require the numbering or
27 renumbering of houses along public streets or avenues; and to care for
28 and control and to name and rename streets, avenues, parks, and squares
29 within the city;

30 ~~Weeds.~~

31 (15) To require weeds and worthless vegetation growing upon any lot

1 or piece of ground within the city or its extraterritorial ~~three-mile~~
2 zoning jurisdiction to be cut and destroyed so as to abate any nuisance
3 occasioned by such vegetation; ~~thereby,~~ to prohibit and control the
4 throwing, depositing, or accumulation of litter on any lot or piece of
5 ground within the city or its extraterritorial ~~three-mile~~ zoning
6 jurisdiction; ~~and~~ to require the removal of such litter ~~thereof~~ so as to
7 abate any nuisance occasioned thereby. ~~If , and if~~ the owner fails to cut
8 and destroy weeds and worthless vegetation or remove litter, or both,
9 after notice as required by ordinance, the city may ~~to~~ assess the cost of
10 such destruction or removal ~~thereof~~ upon the lots or lands as a special
11 assessment. The required notice ~~required to be given~~ may be by
12 publication in the official newspaper of the city and may be directed in
13 general terms to the owners of lots and lands affected without naming
14 such owners;

15 ~~Animals running at large.~~

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

24 ~~Use of streets.~~

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

28 ~~Playing on streets and sidewalks.~~

29 (18) To prevent or regulate ~~the rolling of hoops, playing of ball,~~
30 ~~flying of kites, the riding of bicycles or tricycles, or any other~~
31 amusement or practice having a tendency to annoy persons passing in the

1 streets or on the sidewalks ~~or to frighten teams or horses; and to~~
2 regulate the use of vehicles propelled by steam, gas, electricity, or
3 other motive power, operated on the streets of the city;

4 ~~Combustibles and explosives.~~

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

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

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

11 ~~Signs and obstruction in streets.~~

12 (21) To regulate and prevent the use of streets, sidewalks, and
13 public grounds for signs, posts, awnings, awning posts, scales, or other
14 like purposes; and to regulate and prohibit the exhibition or carrying or
15 conveying of banners, placards, advertisements, or the distribution or
16 posting of advertisements or handbills in the streets or public grounds
17 or upon the sidewalks;

18 ~~Disorderly conduct.~~

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

24 ~~Vagrants and tramps.~~

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

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

1 (24) To prohibit, restrain, and suppress ~~tippling shops,~~ houses of
2 prostitution, opium joints, gambling houses, prize fighting, dog
3 fighting, cock fighting, and other disorderly houses and practices, all
4 games and gambling ~~and desecration of the Sabbath, commonly called~~
5 ~~Sunday,~~ and all kinds of indecencies; to regulate and license or prohibit
6 the keeping and use of billiard tables, bowling ten pins or ball alleys,
7 shooting galleries except as provided in the Nebraska Shooting Range
8 Protection Act, and other similar places of amusement; and to prohibit
9 and suppress all lotteries and gift enterprises of all kinds under
10 whatsoever name carried on, except that nothing in this subdivision shall
11 be construed to apply to bingo, lotteries, lotteries by the sale of
12 pickle cards, or raffles conducted in accordance with the Nebraska Bingo
13 Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card
14 Lottery Act, the Nebraska Small Lottery and Raffle Act, or the State
15 Lottery Act;

16 ~~Police regulation in general.~~

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

27 ~~Fast driving on streets.~~

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

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

1 (27) To establish and maintain public libraries, ~~reading rooms,~~ art
2 galleries, and museums and to provide the necessary grounds or buildings
3 for such libraries, galleries, and museums ~~therefor~~; to purchase books,
4 papers, maps, manuscripts, works of art, and objects of natural or of
5 scientific curiosity, ~~and instruction~~ for such libraries, galleries, and
6 museums ~~therefor~~; to receive donations and bequests of money or property
7 for such libraries, galleries, and museums ~~the same~~ in trust or
8 otherwise; and to pass necessary bylaws and regulations for the
9 protection and government of such libraries, art galleries, and museums
10 ~~the same~~;

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

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

1 refuse accumulates as a byproduct from selling, recycling, or otherwise
2 disposing of his, her, or its garbage or refuse or hauling such garbage
3 or refuse through the streets and alleys under such uniform and
4 reasonable regulations as the city council may by ordinance prescribe for
5 the removal and hauling of garbage or refuse;

6 ~~Market places.~~

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

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

14 (30) To prohibit the establishment of additional cemeteries within
15 the limits of the city; τ to regulate the registration of births and
16 deaths; τ to direct the keeping and returning of bills of mortality; τ
17 and to impose penalties on physicians, sextons, and others for any
18 default in the premises;

19 ~~Plumbing, etc., inspection.~~

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

24 ~~Fire limits and fire protection.~~

25 (32) To enact a fire code ~~prescribe fire limits~~ and regulate the
26 erection of all buildings and other structures within the corporate
27 limits; to provide for the removal of any buildings or structures or
28 additions to buildings or structures ~~thereto~~ erected contrary to such
29 code or regulations and τ to provide for the removal of dangerous
30 buildings, ~~and to provide that wooden buildings shall not be erected or~~
31 ~~placed or repaired in the fire limits; but~~ no such code or regulation

1 ordinance shall not be suspended or modified by resolution, nor shall
2 exceptions be made by ordinance or resolution in favor of any person,
3 firm, or corporation or concerning any particular lot or building; to
4 direct that ~~when all and any building has within such fire limits,~~ when
5 ~~the same shall have~~ been damaged by fire, decay, or otherwise, to the
6 extent of fifty percent of the value of a similar new building above the
7 foundation, shall be torn down or removed; ~~and~~ to prescribe the manner of
8 ascertaining such damages and to assess the cost of removal of any
9 building erected or existing contrary to such code or regulations or
10 provisions, against the lot or real estate upon which such building or
11 structure is located or shall be erected, or to collect such costs from
12 the owner of any such building or structure; and to enforce the such
13 collection of such costs by civil action in any court of competent
14 jurisdiction;

15 ~~Building regulations.~~

16 (33) To regulate the construction, use, and maintenance of party
17 walls, to prescribe and regulate the thickness, strength, and manner of
18 constructing stone, brick, wood, or other buildings and the size and
19 shape of brick and other material placed in such buildings; ~~therein,~~ to
20 prescribe and regulate the construction and arrangement of fire escapes
21 and the placing of iron and metallic shutters and doors in or on such
22 fire escapes; ~~therein and thereon,~~ and to provide for the inspection of
23 elevators ~~and hoist way openings to avoid accidents;~~ to prescribe,
24 regulate, and provide for the inspection of all plumbing, pipefitting, or
25 sewer connections in all houses or buildings now or hereafter erected; to
26 regulate the size, number, and manner of construction of halls, doors,
27 stairways, seats, aisles, and passageways of theaters, ~~tenement houses,~~
28 ~~audience rooms,~~ and all buildings of a public character, whether now
29 built or hereafter to be built, so that there may be convenient, safe,
30 and speedy exit in case of fire; to prevent the dangerous construction
31 and condition of chimneys, fireplaces, hearths, stoves, stovepipes,

1 ovens, boilers, and heating appliances used in or about any building ~~or a~~
2 ~~manufactory~~ and to cause such appliances ~~the same~~ to be removed or placed
3 in safe condition when they are considered dangerous; ~~to regulate and~~
4 ~~prevent the carrying on of manufactures dangerous in causing and~~
5 ~~promoting fires~~; to prevent the deposit of ashes in unsafe places and to
6 cause such buildings and enclosures as may be in a dangerous state to be
7 put in a safe condition; to prevent the disposing of and delivery or use
8 in any building or other structure, ~~of soft, shelly, or imperfectly~~
9 ~~burned brick or other~~ unsuitable building material within the city limits
10 and provide for the inspection of building materials ~~the same~~; to provide
11 for the abatement of dense volumes of smoke; to regulate the construction
12 of areaways, stairways, and vaults and to regulate partition fences; and
13 to enforce proper heating and ventilation of buildings used for schools,
14 ~~workhouses, or shops of every class in which labor is employed or other~~
15 buildings where large numbers of persons are liable to congregate;
16 ~~Warehouses and street railways.~~

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

21 ~~Lighting railroad property.~~

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

1 manner as taxes for general purposes;

2 ~~City publicity.~~

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

5 ~~Offstreet parking.~~

6 (37) To erect, establish, and maintain offstreet parking areas on
7 publicly owned property located beneath any elevated segment of the
8 National System of Interstate and Defense Highways or portion thereof, or
9 public property title to which is in the city on May 12, 1971, or
10 property owned by the city and used in conjunction with and incidental to
11 city-operated facilities; ~~and~~ and to regulate parking on such property
12 ~~thereon~~ by time limitation devices ~~devises~~ or by lease;

13 ~~Public passenger transportation systems.~~

14 (38) To acquire, by the exercise of the power of eminent domain or
15 otherwise, lease, purchase, construct, own, maintain, operate, or
16 contract for the operation of public passenger transportation systems,
17 excluding taxicabs, transportation network companies and railroad
18 systems, including all property and facilities required for such public
19 passenger transportation systems ~~therefor~~, within and without the limits
20 of the city; ~~and~~ to redeem such property from prior encumbrance in order to
21 protect or preserve the interest of the city in such property; ~~therein~~,
22 to exercise all powers granted by the Constitution of Nebraska and laws
23 of the State of Nebraska or exercised by or pursuant to a home rule
24 charter adopted pursuant thereto, including, but not limited to,
25 receiving and accepting from the government of the United States or any
26 agency thereof, from the State of Nebraska or any subdivision thereof,
27 and from any person or corporation donations, devises, gifts, bequests,
28 loans, or grants for or in aid of the acquisition, operation, and
29 maintenance of such public passenger transportation systems; ~~and~~ to
30 administer, hold, use, and apply such donations, devises, gifts,
31 bequests, loans, or grants ~~the same~~ for the purposes for which such

1 donations, devises, gifts, bequests, loans, or grants may have been
2 made; ~~τ~~ to negotiate with employees and enter into contracts of
3 employment; ~~τ~~ to employ by contract or otherwise individuals singularly
4 or collectively; ~~τ~~ to enter into agreements authorized under the
5 Interlocal Cooperation Act or the Joint Public Agency Act; ~~τ~~ to contract
6 with an operating and management company for the purpose of operating,
7 servicing, and maintaining any public passenger transportation systems
8 ~~the any city of the metropolitan class~~ shall acquire; ~~τ~~ and to exercise
9 such other and further powers as may be necessary, incident, or
10 appropriate to the powers of ~~the such~~ city; and

11 ~~Regulation of air quality.~~

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

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

25 14-102.01 A city of the metropolitan class may enact any ~~make all~~
26 ~~such~~ ordinances, bylaws, rules, regulations, and resolutions not
27 inconsistent with the general laws of the state, as may be necessary or
28 expedient, in addition to specific ~~the special~~ powers otherwise granted
29 by law, for maintaining the peace, good government, and welfare of the
30 city and for preserving order, securing persons or property from
31 violence, danger, and destruction, for protecting public and private

1 property, and for promoting the public health, safety, convenience,
2 comfort, ~~morals,~~ and general interests, and welfare of the inhabitants of
3 the city.

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

6 14-102.02 All powers and duties connected with and incident to the
7 appointment, removal, government, and discipline of the officers and
8 members of the fire department and police department ~~departments~~ of any
9 city of the metropolitan class city in the State of Nebraska, under such
10 rules and regulations as may be adopted by the city council, shall be
11 vested in and exercised by the city ~~said~~ council. Rules and regulations
12 for the guidance of the officers and members ~~men~~ of such ~~said~~
13 departments, and for the appointment, promotion, removal, trial, or
14 discipline of such ~~said~~ officers, ~~men~~ and members ~~matrons~~, shall be such
15 as the city council shall consider proper and necessary.

16 Sec. 12. Section 14-103, Revised Statutes Cumulative Supplement,
17 2020, is amended to read:

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

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

1 14-104 The city council of a city of the metropolitan class shall
2 have power to construct any bridge declared by ordinance necessary and
3 proper for the passage of railway trains, street cars, motor vehicles
4 ~~trains, teams~~ and pedestrians across any stream either adjacent to or
5 wholly within ~~the any city of the metropolitan class~~ at any point on such
6 stream or within two miles from the corporate limits of the such city,
7 with such conditions and regulations concerning the use of such bridge as
8 may be deemed proper. The city council ~~It~~ shall have the power to license
9 and regulate the keeping of toll bridges within or terminating within the
10 city for the passage of persons, ~~teams,~~ and property over any river
11 passing wholly or in part within or running by and adjoining the
12 corporate limits of the any such city; ~~;~~ to fix and determine the rates
13 of toll over any such bridge, or over the part of such bridge ~~thereof~~
14 within the city; and to authorize the owner or owners of any such bridge
15 to charge and collect the rates of toll so fixed and determined, from all
16 persons passing over or using such bridge ~~the same~~.

17 Sec. 14. Section 14-105, Revised Statutes Cumulative Supplement,
18 2020, is amended to read:

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

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

30 14-106 The city council of a city of the metropolitan class shall
31 have the power to regulate and provide for the lighting of streets,

1 laying down gas and other pipes, and erection of lampposts, electric
2 towers, or other apparatus; to regulate the sale and use of gas and
3 electric lights; ~~to~~ ~~and~~ fix and determine from time to time the price
4 of gas, the charge of electric lights and power, and the rents of gas
5 meters within the city, when not furnished by public authority, and
6 regulate the inspection of such gas meters thereof; to prohibit or
7 regulate the erection of telegraph, telephone, or electric wire poles or
8 other poles for whatsoever purpose desired or used in the public grounds,
9 streets, or alleys, and the placing of wires on such poles thereon; and
10 to require the removal from the public grounds, streets, or alleys, of
11 any or all such poles; ~~and~~ to require the removal and placing under
12 ground of any or all telegraph, telephone, or electric wires.

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

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

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

27 14-108 The city council of a city of the metropolitan class shall
28 have power by ordinance to contract with any competent party for the
29 supplying and furnishing of electric light, electric heat or power, or
30 other similar service for the use of the city on its streets and public
31 places. Any such The ordinance shall specify ~~contain specifically~~ the

1 rates, terms, and conditions upon which such service ~~the same may and~~
2 shall be supplied and furnished during the period named in the ordinance
3 ~~of~~ contract. Any such contract exceeding the term of forty years shall be
4 void.

5 Sec. 18. Section 14-109, Revised Statutes Cumulative Supplement,
6 2020, is amended to read:

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

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

31 (2)(a) Except as otherwise provided in subdivision (c) of this

1 subsection, the city council shall also have the power to require any
2 individual whose primary residence or person who owns a place of business
3 which is within the limits of the city and that owns and operates a motor
4 vehicle within such limits to annually register such motor vehicle in
5 such manner as may be provided and to require such person to pay an
6 annual motor vehicle fee therefor and to require the payment of such fee
7 upon the change of ownership of such vehicle. All such fees which may be
8 provided for under this subsection shall be credited to a separate fund
9 of the city, thereby created, to be used exclusively for constructing,
10 repairing, maintaining, or improving streets, roads, alleys, public ways,
11 or parts of such streets, roads, alleys, or ways thereof or for the
12 amortization of bonded indebtedness when created for such purposes.

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

23 (c) After December 31, 2012, no motor vehicle fee shall be required
24 of any individual whose primary residence is within the extraterritorial
25 zoning jurisdiction of such city or any person who owns a place of
26 business within such ~~the extraterritorial zoning jurisdiction of such~~
27 ~~city~~.

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

30 (3) For purposes of this section, person includes bodies corporate,
31 societies, communities, the public generally, individuals, partnerships,

1 limited liability companies, joint-stock companies, cooperatives, and
2 associations. Person does not include any federal, state, or local
3 government or any political subdivision thereof.

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

6 14-110 If the manner of exercising any power conferred upon the city
7 council of a city of the metropolitan class is not prescribed, the city
8 council may provide by ordinance for the exercise of such power therefor.

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

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

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

20 14-112 In each city of the metropolitan class, the city shall have
21 power by ordinance to erect, establish, and maintain public comfort
22 stations. Such ~~It may locate such public comfort stations~~ may be located
23 on any street, alley, public grounds, or on any lands acquired for such
24 purpose.

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

27 14-113 In each city of the metropolitan class, the city council
28 shall have power by ordinance to erect, establish, and maintain an armory
29 in such ~~said~~ city, and may rent or lease such armory to the State of
30 Nebraska for the purpose of housing the National Guard and State Guard of
31 the state, or any unit thereof, under such terms and conditions as the

1 city council ~~it~~ may deem proper.

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

4 14-115 (1)(a) No owner of real estate within the corporate limits
5 of a such city of the metropolitan class shall be permitted to subdivide
6 the real estate into blocks and lots, or parcels, without first having
7 obtained from the city engineer a plat or plan for the avenues, streets,
8 and alleys to be laid out within or across such real estate ~~the same~~ and,
9 when applicable, having complied with sections 39-1311 to 39-1311.05.

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

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

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

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

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

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

30 (3) Any and all additions to be made to the city shall be made so
31 far as such additions relate ~~the same~~ ~~relates~~ to the avenues, streets,

1 and alleys in such additions therein, under and in accordance with this
2 section the foregoing provisions.

3 (4)(a) Whenever the owners of all the lots and lands, except streets
4 and alleys, embraced and included in any existing plat or subdivision
5 shall desire to vacate the plat or subdivision for the purpose of
6 replatting the land embraced in the plat or subdivision, and shall
7 present a petition praying for such vacation to the city council, and
8 submit with such petition therewith for the approval of the city council
9 a proposed replat of such lots and lands the same, which shall in all
10 things be in conformity with the requirements of this section, the city
11 council may, by concurrent resolution, declare the existing plat and the
12 streets and alleys in such plat therein vacated and approve the proposed
13 replat.

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

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

25 (5) Upon the vacation of any plat as provided in this section
26 aforesaid, it shall be the duty of the owners petitioning for such
27 vacation same to cause to be recorded in the office of the register of
28 deeds and county assessor of the county a duly certified copy of the
29 petition, the action of the city council on such petition therein, and
30 the resolution vacating the plat.

31 Sec. 24. Section 14-116, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 14-116 (1) No owner of any real estate located in an area which is
3 within the extraterritorial zoning jurisdiction ~~three miles of the~~
4 ~~corporate limits~~ of any city of the metropolitan class, when such real
5 estate is located in any county in which such a city ~~of the metropolitan~~
6 ~~class~~ is located, and is outside of any other organized city or village,
7 shall be permitted to subdivide, plat, or lay out the real estate in
8 building lots and streets or other portions of such real estate ~~the same~~
9 intended to be dedicated for public use or for the use of the purchasers
10 or owners of lots fronting on ~~thereon~~ or adjacent to such real estate
11 ~~thereto~~ without first having obtained the approval thereof by the city
12 council of such city and, when applicable, having complied with sections
13 39-1311 to 39-1311.05. No plat of such real estate shall be recorded in
14 the office of the register of deeds or have any force or effect unless
15 such plat ~~the same~~ shall have been first approved by the city council of
16 such city.

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

19 (a) ~~Regulate~~ regulate the subdivision of land for the purpose,
20 whether immediate or future, of transfer of ownership or building
21 development;

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

24 (c) ~~Require~~ ~~to require~~ the installation of improvements by the owner
25 or by the creation of public improvement districts, ~~÷~~ by requiring a good
26 and sufficient bond guaranteeing installation of such improvement, ~~÷~~ or by
27 requiring the execution of a contract with the city insuring the
28 installation of such improvements; and

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

31 (3) All such requirements for improvements shall operate uniformly

1 throughout the extraterritorial zoning area of jurisdiction of such city.

2 (4) For purposes of this section, subdivision shall mean the
3 division of a lot, tract, or parcel of land into two or more lots,
4 blocks, or other divisions of lands for the purpose, whether immediate or
5 future, of ownership or building developments except that the division of
6 land shall not be considered to be subdivision when the smallest parcel
7 created is more than ten acres in size.

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

15 Sec. 25. Section 14-117, Revised Statutes Cumulative Supplement,
16 2020, is amended to read:

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

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

3 14-118 (1) Whenever any city of the metropolitan class shall extend
4 its boundaries so as to annex or merge with it any city or village, the
5 laws, ordinances, powers, and government of such city of the metropolitan
6 class city shall extend over the territory embraced within such annexed
7 or merged city or village ~~so annexed or merged with the metropolitan city~~
8 from and after the date of annexation or merger. The date of annexation
9 or merger shall be set forth in the ordinance providing for such
10 annexation or merger. ~~the same, and after~~

11 (2) After such said date, the city of the metropolitan class city
12 shall:

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

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

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

25 (4) Any ~~as aforesaid by the metropolitan city; Provided, however,~~
26 ~~that any~~ public franchise, license, or privilege granted to or held by
27 any person or corporation from any of the cities or villages annexed or
28 merged with any city of the metropolitan class city, before such
29 annexation or merger, shall not, by virtue of such annexation or merger,
30 be extended into, upon, or over the streets, alleys, or public places of
31 the city of the metropolitan class city involved in such annexation or

1 ~~consolidation and merger.~~

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

4 14-120 All taxes, assessments, fines, license fees, claims and
5 demands of every kind, due or to become due or owing to any city or
6 village ~~thus~~ annexed or merged with any city of the metropolitan class as
7 provided in sections 14-117 to 14-125 ~~city~~, shall be paid to and
8 collected by the city of the metropolitan class ~~city~~.

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

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

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

25 14-122 Where, at the time of any ~~such~~ annexation or merger as
26 provided in sections 14-117 to 14-125, the municipal license year, for
27 any kind of license, of any city or village annexed or merged with a city
28 of the metropolitan class as provided in such sections ~~so consolidated~~
29 ~~with the metropolitan city~~ extends beyond or overlaps the municipal
30 license year of the city of the metropolitan class ~~city~~, then the proper
31 authorities of the city of the metropolitan class ~~may city~~ are hereby

1 ~~authorized to~~ issue to the lawful holder of any yearly license issued by
2 any such city or village annexed or merged with the city of the
3 metropolitan class ~~city~~, or to any new applicants applying for license to
4 continue the business at the place covered by such expiring city or
5 village license, a new license under such conditions as may be provided
6 in the laws or ordinances governing the city of the metropolitan class
7 ~~city~~ for the remainder of the city of the metropolitan class ~~city~~ license
8 year, extending from the expiration of such city or village license up to
9 the end of the city of the metropolitan class ~~city~~ license year, and
10 charging and collecting for such license ~~therefor~~ only such portion of
11 the yearly amount fixed for ~~any~~ such license by the laws or ordinances
12 governing the city of the metropolitan class ~~city~~ as will represent
13 proportionately the time for which the new license shall be granted.

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

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

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

29 14-124 All officers of any city or village ~~so~~ annexed or merged with
30 a city of the metropolitan class as provided in sections 14-117 to 14-125
31 ~~city~~, having books, papers, bonds, funds, effects, or property of any

1 kind in their hands or under their control belonging to any such city or
2 village shall, upon the taking effect of such consolidation, deliver such
3 books, papers, bonds, funds, effects, or property ~~the same~~ to the
4 respective officers of the city of the metropolitan class city ~~as may be~~
5 ~~by law or ordinance or resolution of such metropolitan city~~ entitled or
6 authorized to receive such books, papers, bonds, funds, effects, or
7 property ~~the same~~. Upon such annexation and merger taking effect, the
8 terms and tenure of all offices and officers of any city or village so
9 consolidated with the city of the metropolitan class city shall terminate
10 and entirely cease except as ~~herein~~ otherwise provided by law.

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

13 14-125 Any rights, power, or authority acquired, granted, or
14 received, or possessed by any person, city, or village through
15 consolidation effectuated under the terms of Chapter 212 of the Session
16 Laws of Nebraska for 1915, are hereby granted and continued.

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

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

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

29 14-137 The style enacting clause of ~~all~~ ordinances of in a city of
30 the metropolitan class shall be as follows: Be it ordained by the city
31 council of the city of All ordinances of the city shall be

1 passed pursuant to such rules and regulations as the city council may
2 prescribe. Upon the passage of all ordinances the yeas and nays shall be
3 recorded in the minutes ~~entered upon the record~~ of the city council, and
4 a majority of the votes of all the members of the city council shall be
5 necessary for ~~to~~ their passage. No ordinance shall be passed within a
6 week after its introduction, except the general appropriation ordinances
7 for salaries and wages. Ordinances of a general or permanent nature shall
8 be read by title on three different days unless three-fourths of the city
9 council vote to suspend this requirement, except that such requirement
10 shall not be suspended (1) for any ordinance for the annexation of
11 territory or the redrawing of boundaries for city council election
12 districts or wards or (2) as otherwise provided by law.

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

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

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

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

31 Sec. 37. Section 14-202, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 14-202 The city council of a city of the metropolitan class is
3 authorized to call, by ordinance, special elections and to submit at such
4 elections ~~thereat~~ such questions and propositions as may be authorized by
5 law ~~this act~~ to be submitted to the electors at a special election.
6 Unless otherwise specifically directed, it shall be sufficient to give,
7 in the manner required by law, thirty days' notice of the time and place
8 of holding such special election. Unless otherwise specifically ~~specially~~
9 designated, a majority vote of the electors voting on any proposition
10 shall be regarded sufficient to approve or carry such proposition ~~the~~
11 ~~same~~. The vote at such special election ~~thereat~~ shall be canvassed by the
12 authority or officer authorized to canvass the vote at the general city
13 election and the result of such election ~~thereof~~ certified or declared
14 and certificate of election, if required, shall be issued.

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

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

24 (2) Any person desiring to become a candidate for city council
25 member shall file a candidate filing form pursuant to sections 32-606 and
26 32-607.

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

29 14-205 Notwithstanding any more general law respecting primary
30 elections in force in this state, the official ballot to be prepared and
31 used at the primary election under section 14-204 shall be in

1 substantially the form provided in this section. The names of all
2 candidates shall be placed upon the ballot without any party designation.

3 Candidate for Nomination for City Council Member from City Council
4 District No., of the City of, at the
5 Primary Election

6 Vote for only one:

7 ~~(Names of candidates)~~.....

8 (Names of candidates)

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

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

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

26 14-206 The two candidates receiving the highest number of votes in
27 each city council district at the primary election under section 14-204
28 shall be the candidates and the only candidates whose names shall be
29 placed upon the official ballot for city council members in such city
30 council district at the general city election in such city.

31 Sec. 41. Section 14-207, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 14-207 At the general city election at which city council members
3 are to be elected, the ballot shall be prepared in substantially the same
4 form as provided in section 14-205, and the person receiving the highest
5 number of votes in each of the city council districts shall be the city
6 council member elected. The general city election shall be conducted
7 pursuant to the Election Act unless otherwise provided in the home rule
8 charter or city code.

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

11 14-210 (1) The right to enact ordinances for any city of the
12 metropolitan class city is hereby granted to the qualified electors of
13 such city, but such grant is made upon the following conditions and in
14 addition to the right ~~herein~~ granted to the city council to legislate as
15 provided in this section. ÷

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

24 (b) Whenever such proposed ordinance is petitioned for by qualified
25 electors equal in number to twenty-five percent of the votes cast at the
26 last preceding city election and such petition requests that a special
27 election be called to submit the proposed ordinance to a vote of the
28 people in the event that the city council shall fail to enact such
29 ordinance ~~the same, it shall be the duty of the city council shall to~~
30 either enact such ordinance without amendment within thirty days or
31 submit such ordinance to a vote of the people at a special election

1 called by the city council for that purpose. The date of such election
2 shall not be less than fifty days nor more than seventy days after the
3 filing of the petition for the proposed ordinance.

4 (3) The petition herein provided for in this section shall be in the
5 general form and as to signatures and verification as provided in section
6 14-212 and ~~7 shall be filed with the city clerk, and if there be no city~~
7 ~~clerk, then with such other officer having charge of the records of the~~
8 ~~city council. Said officer shall immediately ascertain the percent of the~~
9 ~~voters signing such petition and transmit his findings, together with~~
10 ~~such petition, to the council. Upon the filing of a petition, the city~~
11 ~~clerk and the county clerk or election commissioner of the county in~~
12 ~~which the city is located may by mutual agreement provide that the county~~
13 ~~clerk or election commissioner shall ascertain whether the petition is~~
14 ~~signed by the requisite number of voters. When the verifying official has~~
15 ~~ascertained the percent of the voters signing such petition, such~~
16 ~~official shall transmit his or her findings, together with such petition,~~
17 ~~to the city council.~~

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

1 ~~such publication to be not more than twenty nor less than five days~~
2 ~~before the submission of the proposed ordinance to the electors.~~

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

5 (6) The ballots used when voting upon such proposed ordinance shall
6 contain the following: For the ordinance (set forth the title thereof)
7 and Against the ordinance (set forth the title thereof).

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

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

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

20 14-211 (1)(a) No ordinance passed by the city ~~any such~~ council of a
21 city of the metropolitan class, except when otherwise required by the
22 general laws of the state, ~~or~~ by other provisions of sections 14-201 to
23 14-229, or as provided in subdivision (1)(b) of this section except
24 ~~ordinances appropriating money to pay the salary of officers and~~
25 ~~employees of the city, emergency ordinances for the immediate~~
26 ~~preservation of the public peace, health or safety, and which contain a~~
27 ~~statement of such emergency~~, shall go into effect before fifteen days
28 from the time of its final passage.

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

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

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

6 (2)(a) If during such said fifteen days a petition, signed and
7 verified, as ~~hereinbefore~~ provided in this section , by electors of the
8 city equal in number to at least fifteen percent of the highest number of
9 votes cast for any city council member ~~of such councilmen~~ at the last
10 preceding general city election, protesting against the passage of such
11 ordinance, shall be presented to the city ~~such~~ council, then such
12 ordinance shall ~~thereupon~~ be suspended from going into operation, and it
13 shall be the duty of the city council to reconsider such ordinance.

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

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

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

26 14-212 All petitions provided for in sections 14-204, 14-210, and
27 14-211 shall be signed by none but legal voters of the city and each
28 petition shall contain, in addition to the names of the petitioners, the
29 street and house number where the petitioner resides. The signatures to
30 such petition need not all be appended in a single sheet ~~to one paper~~,
31 and at least one of the signatories of each sheet ~~paper~~ shall make oath

1 before some officer, competent to administer oaths, that the statements
2 made in any such petition are true ~~as he or she verily believes,~~ and that
3 the signatories were, at the time of signing such petition, legal voters
4 of the city ~~as he or she verily believes.~~ He or she shall also state in
5 the affidavit the number of signatories upon the petition, or part of
6 such petition thereof, sworn to or affirmed by him or her, at the time he
7 or she makes such affidavit.

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

10 14-213 (1) The executive and administrative powers, authorities,
11 and duties in a city of the metropolitan class ~~such cities~~ shall be
12 distributed among the following departments:

13 (a) Finance;

14 (b) Fire;

15 (c) Human Resources;

16 (d) Human Rights and Relations;

17 (e) Law;

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

19 (g) Planning;

20 (h) Police; and

21 (i) Public Works.

22 ~~as follows: (1) Department of public affairs, (2) department of~~
23 ~~accounts and finances, (3) department of police, sanitation and public~~
24 ~~safety, (4) department of fire protection and water supply, (5)~~
25 ~~department of street cleaning and maintenance, (6) department of public~~
26 ~~improvements, and (7) department of parks and public property.~~

27 (2) The city council shall determine the powers and duties to be
28 exercised and performed by such departments, and assign such powers and
29 duties accordingly ~~them to, the appropriate departments.~~ The city council
30 ~~It~~ may prescribe the powers and duties of all officers and employees of
31 the city, and may assign particular officers or employees to more than

1 one of the city departments. The city council ~~It~~ may require any officer
2 or employee to perform duties in two or more of the departments, and may
3 make such other rules and regulations as may be necessary or proper for
4 the efficient and economical management of the business affairs of the
5 city.

6 Sec. 46. Section 14-214, Reissue Revised Statutes of Nebraska, is
7 amended to read:

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

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

20 14-215 The city council of a city of the metropolitan class shall
21 have power to:

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

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

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

29 (4) Create ~~It may create~~ a board of three or more members and confer
30 upon such board powers not required to be exercised by the city council
31 itself. The city council ~~, and~~ may require such other officers to serve

1 upon any such board and perform the services required of it, with or
2 without any compensation or additional compensation for such services or
3 additional services.

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

6 14-216 The regular meetings of the city council of a city of the
7 metropolitan class shall be held once each week upon such day and hour as
8 the city council may designate. Special meetings of the city council may
9 be called from time to time by the mayor or three city ~~two~~ council
10 members, giving notice in such manner as may be fixed or determined by
11 ordinance or resolution. A majority of such city council shall constitute
12 a quorum for the transaction of any business, but it shall require a
13 majority vote of the whole city council ~~in any such city~~ to pass any
14 measure or transact any business. The vote of five members of the city
15 council shall be required to override any veto by the mayor.

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

18 14-217.02 Vacancies in the office of mayor or city council in a city
19 of the metropolitan class shall be filled as provided in section 32-568.
20 Salaries of the mayor and members of the city council shall be determined
21 by ordinance ~~local law~~.

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

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

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

3 14-219 The mayor of a city of the metropolitan class shall be the
4 chief executive officer and conservator of the peace throughout the city.
5 The mayor ~~He~~ shall have such jurisdiction as may be vested in such office
6 ~~him~~ by ordinance over all places within the extraterritorial zoning
7 jurisdiction ~~three miles of the corporate limits~~ of the city, for the
8 enforcement of any health and quarantine ordinance or ~~the~~ regulations
9 thereof.

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

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

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

29 14-221 It shall be the duty of the mayor of a city of the
30 metropolitan class to:

31 (1) Enforce ~~enforce~~ the laws of the state and the ordinances of the

1 city;

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

5 ~~(3) Cooperate to cooperate~~ with and assist the county sheriff ~~of the~~
6 ~~county~~ in suppressing riots and mobs, and in the arrest and prosecution
7 of persons charged with crimes ~~and misdemeanors~~.

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

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

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

26 14-225 No officer or agent of a the city of the metropolitan class
27 shall solicit, directly or indirectly, the political support of any
28 contractor, municipal franchised corporation, or railway company, or the
29 officials or agents of such companies, for any municipal election or for
30 any other election ~~or primary election~~ held in the city ~~in pursuance of~~
31 law. ~~No Nor shall any~~ franchised corporation or railway company, through

1 its agents or officials, or by any other means, shall furnish or
2 appropriate any money, directly or indirectly, to promote the success or
3 defeat of any person ~~whomsoever~~, in any election or ~~primary election~~ held
4 in such city, or to promote or prevent the appointment or confirmation of
5 any appointive officer of such city. A violation of any of this section
6 ~~these provisions~~ on the part of any officer or agent of the city shall be
7 deemed malfeasance in office, and upon conviction of such violation
8 ~~thereof~~ such officer shall be removed from office by the order of the
9 court, and fined in any sum not to exceed five hundred dollars. A
10 violation of this section ~~any of these provisions~~ on the part of any
11 franchised corporation through its officials or agents, upon conviction
12 by any court of competent jurisdiction, shall subject such corporation to
13 forfeiture of its franchise and the imposition of a fine of not exceeding
14 five hundred dollars upon every officer or agent of such company who
15 shall have been proved guilty of such violation.

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

18 14-226 (1) An ~~If any~~ officer or agent of a ~~the~~ city of the
19 metropolitan class shall not:

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

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

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

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

3 14-227 (1) Unless otherwise provided by law, when an officer or
4 agent of a city of the metropolitan class collects a fine, penalty, or
5 forfeiture imposed for a violation of city ordinance or for a misdemeanor
6 violation of state law committed within the city, such officer or agent
7 shall remit such fine, penalty, or forfeiture to the city treasurer no
8 later than thirty days after collection of such fine, penalty, or
9 forfeiture or within ten days after being requested to do so by the
10 mayor.

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

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

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

29 14-228 It shall be the duty of all officers of a city of the
30 metropolitan class at the expiration of their terms of office to prepare
31 written detailed abstracts of all books, documents, tools, implements,

1 and materials of every kind belonging to the city in their trust and
2 care, ~~also all work or storehouses owned or leased by the city for~~
3 ~~storage or other purposes, in duplicate,~~ and to certify as members of
4 such boards, to the correctness of such books, documents, tools,
5 implements, and materials thereof. Such certified abstracts shall be
6 delivered to the mayor, who shall file one copy ~~of each of such copies~~
7 for record with the city clerk, and with ~~the other copies shall be handed~~
8 ~~to the heads of the respective departments to be used as a basis of~~
9 ~~checking up the abstract.~~

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

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

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

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

1 holder of any such other office shall be required to resign such other
2 office in order to become and remain a candidate for the office of mayor
3 or city council member of any such city.

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

6 14-360 (1) Except as provided in subsection (2) of this section, a
7 ~~The city of the metropolitan class shall have the power to:~~

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

12 (b) Provide ~~to provide~~ such system and regulate the construction and
13 repair and use of sewers and drains, the reconstruction of sewers in any
14 district or part of such district, ~~thereof~~ and all proper house
15 construction and branches;

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

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

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

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

27 14-361 Whenever sewer connections for sewerage or drainage may be
28 deemed necessary or advisable, whether within the corporate limits or
29 within the extraterritorial zoning jurisdiction of a city of the
30 metropolitan class ~~areas within three miles of such corporate limits,~~ the
31 property owners shall be given thirty days from the publication of the

1 ordinance ordering such improvements and connections, to make such
2 improvements and connections ~~the same~~ in conformity with approved plans
3 to be kept on file by the city. The publication of such ordinance
4 ordering such connections in the official newspaper shall be the only
5 notice required to be given such property owners. Upon the failure or
6 neglect of the property owners to construct such connections within the
7 time fixed, the city shall cause such work to be done and shall contract
8 for such construction ~~therefor~~ with the lowest responsible bidder. The
9 cost of construction ~~thereof~~, including superintendence and inspection,
10 shall be assessed against the property to which such connections have
11 been made as a special assessment ~~in the same manner as special taxes are~~
12 ~~levied for other purposes.~~

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

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

27 Sec. 64. Section 14-363, Revised Statutes Cumulative Supplement,
28 2020, is amended to read:

29 14-363 The city council of a city of the metropolitan class may
30 provide for the sprinkling or armor coating of the streets of the city
31 and, for the purpose of accomplishing such work, may by ordinance create

1 suitable districts to be designated sprinkling or armor-coating districts
2 and may order and direct the work, including preparatory grading, to be
3 done upon any or all of the streets in such ~~the~~ districts. The work shall
4 be done upon contract in writing let upon advertisement to the lowest
5 responsible bidder. Such advertisement shall specify the district or
6 districts proposed to be so worked, specifically ~~especially~~ describing
7 such district or districts, and bids shall be made and contracts let with
8 reference to such district or districts so specified. For the purpose of
9 paying the cost of the work contemplated and contracted for, the city
10 council may levy and assess the cost upon all lots, lands, and real
11 estate in such ~~the~~ district, such tax or assessment to be equal and
12 uniform upon all front footage or property within or abutting upon the
13 streets within the district so created. The assessment shall be a lien
14 upon all such lots, lands, and real estate and shall be enforced and
15 collected as a special assessment.

16 Sec. 65. Section 14-364, Revised Statutes Cumulative Supplement,
17 2020, is amended to read:

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

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

30 14-365 All persons who contract with a the city of the metropolitan
31 class for work to be done, or material or supplies to be furnished, shall

1 give bond to the city, with not less than two sureties in an amount not
2 less than fifty percent of the amount of the contract price, for the
3 faithful performance of such work ~~the same~~. The sureties on the bonds
4 shall be resident property owners ~~freeholders~~ of the county within which
5 the city is located ~~situated~~ and shall certify ~~justify~~ under oath that
6 they are worth double the amount for which they may sign the bond, over
7 and above all debts, liabilities, obligations, and exemptions. The city
8 council may also ~~, however,~~ accept security from one or more reliable
9 sureties or guaranty companies for the same amount.

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

12 14-365.01 (1) Any city of the metropolitan class ~~in this state~~ is
13 hereby authorized to:

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

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

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

25 (3) For the purpose of carrying out the powers set forth in this
26 section, a ~~owning, operating, constructing, maintaining, and equipping~~
27 ~~such sewage disposal plant and sewerage system, including any storm sewer~~
28 ~~system, or improving or extending such existing system,~~ any city of the
29 metropolitan class is also authorized and empowered to make a special
30 levy each year of not to exceed three and five-tenths cents on each one
31 hundred dollars upon the taxable value of all the taxable property in

1 such city, as well as all taxable property within the extraterritorial
2 zoning jurisdiction ~~three miles of the corporate limits~~ of such city,
3 which property is within a district established under section 14-360,
4 subject to sections 14-365.12 and 14-365.13. The proceeds of such ~~the~~ tax
5 shall be used for any of the purposes enumerated in this section and for
6 no other purpose.

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

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

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

28 14-365.03 (1) The city council governing body of a city of the
29 metropolitan class ~~such municipality~~ may make all necessary rules and
30 regulations governing the use, operation, and control of a sewerage
31 system established under section 14-365.01 ~~thereof~~. The city council

1 ~~governing body~~ may establish just and equitable rates or charges to be
2 paid to the city ~~it~~ for the use of such sewage disposal plant and
3 sewerage system by the owner of the property served or by the person,
4 firm, or corporation using the services.

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

7 (a) Recovered ~~recovered~~ by the city municipality in a civil
8 action; ~~or~~

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

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

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

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

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

1 14-365.05 For the purpose of providing for a such sewage disposal
2 plant and sewerage system, including any storm sewer system, or improving
3 or extending such existing system, as provided in section 14-365.01, any
4 city of the metropolitan class such municipality may also enter into a
5 contract with any corporation organized under or authorized by the laws
6 of this state to engage in such the business ~~herein mentioned~~, to receive
7 and treat, in the manner provided in sections 14-365.01 to 14-365.13
8 ~~hereinbefore mentioned~~, the sewage of such system and ~~night soil thereof~~,
9 and to construct and provide the facilities and services as provided in
10 sections 14-365.01 to 14-365.13 ~~hereinbefore described~~. Such contract may
11 also authorize the corporation to charge the owners of the premises
12 served such a service rate therefor as the city council governing body of
13 ~~such municipality~~ may determine to be just and reasonable. The city
14 ~~municipality~~ may contract to pay such the ~~said~~ corporation a flat rate
15 for such service, and pay such rate ~~therefor~~ out of its general fund or
16 the proceeds of any tax levy applicable to the purposes of such contract,
17 or assess the owners of the property served a reasonable charge for such
18 services ~~therefor~~ to be collected, as provided in section 14-365.03, and
19 paid into a fund to be used to defray such contract charges.

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

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

1 ~~municipality~~ shall have the power to determine the denominations of such
2 bonds, and the date, time, and manner of payment.

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

5 14-365.07 (1) Revenue bonds authorized by section 14-365.02 may be
6 issued by ordinance duly passed by the mayor and city council of any city
7 of the metropolitan class without any other authority.

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

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

23 14-365.08 Whenever the city council governing body of a city of the
24 metropolitan class ~~any metropolitan city~~ shall have ordered the
25 installation of a sewerage system, including any storm sewer system, and
26 sewage disposal plant or the improvement or extension of an existing
27 system, the fact that such order was issued shall be recited in the
28 official minutes of the city council governing body. The city council
29 ~~said body~~ shall ~~thereupon~~ require that plans and specifications be
30 prepared of such sewerage system, including any storm sewer system, and
31 sewage disposal plant, or such improvement or extension. Upon approval of

1 such plans, the city council ~~governing body~~ shall thereupon advertise for
2 sealed bids for the construction of such said improvements once a week
3 three consecutive weeks in a legal newspaper ~~paper~~ published in or of
4 general circulation within the city ~~said municipality~~. The contract for
5 such construction shall be awarded to the lowest responsible bidder.

6 Sec. 75. Section 14-365.09, Reissue Revised Statutes of Nebraska, is
7 amended to read:

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

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

25 14-365.10 The mayor and city council of any city of the metropolitan
26 class ~~city~~, in addition to other sources of revenue available to the
27 city, may by ordinance set up appropriate rental or use charges to be
28 collected from users of ~~any of its system of sanitary sewerage system~~ and
29 provide methods of collection of such charges, except thereof; ~~Provided,~~
30 that users shall include in part any users outside of such city where the
31 sewer is directly or indirectly connected to the sewerage system of such

1 city and users within any sanitary and improvement district now existing
2 or hereafter organized under the laws of this state when the sewerage
3 system, or any part thereof, of the sanitary and improvement district
4 directly or indirectly connects to any part of the sewerage system of the
5 ~~metropolitan~~ city. Such The charges shall be charged to each property
6 served by the ~~its~~ sewerage system, shall be a lien upon the property
7 served, and may be collected either from the owner or the person, firm,
8 or corporation using the service. All money raised from such ~~the~~ charges
9 shall be used for maintenance or operation of the existing sewerage
10 system, for payment of principal and interest on bonds issued, as is
11 provided for in section 14-365.06, or to create a reserve fund for the
12 payment of future maintenance, operation, or construction of a new
13 sewerage sewer system for or additions to the sewerage system of the
14 city. Any funds raised from such charges ~~this charge~~ shall be placed in a
15 separate fund and not be used for any other purpose or diverted to any
16 other fund.

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

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

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

1 14-365.12 If any tax is levied or general obligation bonds are
2 issued by a ~~metropolitan city~~ of the metropolitan class as authorized
3 under sections 18-501 to 18-511 ~~by the provisions of Chapter 18, article~~
4 ~~5,~~ the amount of such ~~the~~ tax that may be levied by the provisions of
5 section 14-365.01, or the amount of general obligation bonds that may be
6 issued by the provisions of section 14-365.07 by such ~~metropolitan city~~
7 must be reduced by the amount of the tax levied or bonds issued as
8 authorized under sections 18-501 to 18-511 ~~by the provisions of Chapter~~
9 ~~18, article 5.~~

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

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

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

21 14-366 (1) A The city of the metropolitan class may purchase or
22 acquire by the exercise of the power of eminent domain private property
23 or public property which is not at the time devoted to a specific public
24 use, for:

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

31 (b) Constructing ~~(2) for constructing~~ or enlarging waterworks, gas

1 plants, or other municipal utility purposes or enterprises authorized
2 under sections 14-101 to 14-2004 by this act.

3 (2) The power to ~~se~~ purchase or appropriate private property or
4 public property, ~~as provided in this section in this act specified,~~ for
5 parks, recreational areas, parkways, boulevards, sewers, and for the
6 purpose of constructing waterworks, gas works, light plants, or other
7 municipal enterprises authorized under sections 14-101 to 14-2004 by this
8 ~~act,~~ may be exercised by the city within the corporate limits of the city
9 or within seventy-five miles of the corporate limits thereof.

10 (3) The power to ~~se~~ purchase or appropriate private property or
11 public property, ~~as provided in this section in this act specified,~~ for
12 streets, alleys, avenues, and other construction of a similar nature like
13 ~~kind~~ may be exercised by the city within the corporate limits of the city
14 or within the extraterritorial zoning jurisdiction of the city three
15 ~~miles thereof.~~

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

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

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

27 14-372 Whenever property is acquired for the purpose of constructing
28 or enlarging waterworks, gas plants, or other municipal utility purposes
29 or enterprises authorized under section 14-366, such property by this
30 ~~act, the same~~ shall be paid for from such funds as may be provided for
31 any such purposes. The title to such property thereto shall be held by

1 ~~lodged~~ in the city after the condemnation proceedings have been completed
2 and the amount awarded has been paid by the city.

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

5 14-373 Each city of the metropolitan class is authorized and
6 required to prepare a plan for the ~~its~~ future physical development and
7 growth of the city. Such plan shall be prepared and shall be carried out
8 by an appropriate city board or official. The plan may include such lands
9 outside the corporate limits of the city as may bear a relation to the
10 development of the city. A planning board may be given such other powers
11 and duties by statute or charter as may be appropriate. On ~~, and on~~ or
12 after January 1, 1998, the planning board shall have one member qualified
13 and appointed as provided in section 14-373.02.

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

16 14-373.01 The Legislature finds that:

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

22 (2) The protection of unrepresented persons and property affected by
23 a statutorily created zoning and planning process is a matter of state
24 concern; and

25 (3) The protection of such unrepresented persons and property would
26 be facilitated by requiring that at least one person residing in the area
27 of extraterritorial zoning jurisdiction and appointed by an elected body
28 of the area of extraterritorial zoning jurisdiction serve as a member of
29 the planning board of the city of the metropolitan class if such a
30 planning board exists.

31 Sec. 85. Section 14-373.02, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 14-373.02 (1) Notwithstanding any provision of a home rule city
3 charter to the contrary, the next vacancy that occurs on a city planning
4 board on or after January 1, 1998, shall be filled by the appointment of
5 a person who resides in the area of extraterritorial zoning jurisdiction
6 as provided in subsection (2) of this section. At all times following the
7 initial appointment of a planning board member who resides in the area of
8 extraterritorial zoning jurisdiction, one member of the planning board
9 shall be so qualified and appointed.

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

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

30 (4) Any person qualified and appointed under this section shall
31 serve for terms equal to that of the planning board members who reside

1 within the corporate boundaries of the city and shall become a member of
2 the planning board with all rights, duties, responsibilities, and
3 ~~privileges relating perquisites appertaining~~ to the position by state
4 law, home rule city charter, or city ordinance.

5 (5) For purposes of this section:

6 (a) Area of extraterritorial zoning jurisdiction means the
7 unincorporated area three miles beyond and adjacent to ~~outside~~ the
8 corporate boundaries of a city of the metropolitan class ~~but within the~~
9 ~~largest area subject to such city's zoning, planning, and concomitant~~
10 ~~jurisdiction as described in sections 14-116, 14-418, and 14-419;~~

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

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

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

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

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

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

1 public uses, and for reservations in, about, along, or leading to any or
2 all of such facilities ~~the same~~. The powers provided in this section
3 shall be in addition to and not in restriction of any other powers ~~now~~
4 held by cities of the metropolitan class ~~such cities~~.

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

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

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

1 14-376 Whenever the qualified electors of any city of the
2 metropolitan class vote at any general or special election to acquire and
3 appropriate by an exercise of the power of eminent domain, any
4 waterworks, waterworks system, gas plant, electric light plant, ~~or~~
5 electric light and power plant, ~~or~~ street railway, or street railway
6 system, located or operating within or partly within and partly without
7 such city if the main part of such works, plant, or system be within ~~any~~
8 such city and even though a franchise for the construction and operation
9 of ~~any~~ such works, plant, or system may or may not have expired, then the
10 ~~any~~ such city shall have the power and authority by an exercise of the
11 power of eminent domain to appropriate and acquire for the public use of
12 the ~~any~~ such city, ~~any~~ such works, plant, or system. The procedure to
13 condemn property shall be exercised in the manner set forth in sections
14 76-704 to 76-724. The ~~duly constituted authorities of any such city~~
15 council shall have the power to submit such question or proposition, ~~in~~
16 ~~the usual manner,~~ to the qualified electors of the ~~any~~ such city at any
17 general city election or at any special city election and may submit such
18 proposition in connection with any city special election called for any
19 other purpose, and the votes cast on such question ~~thereon~~ shall be
20 canvassed and the result found and declared as in any other city
21 election. The city council ~~Such city authorities~~ shall submit such
22 question at any ~~of~~ such election ~~elections~~ whenever a petition asking for
23 such submission is signed by the legal voters of the city equaling in
24 number fifteen percent of the votes cast at the last general city
25 election, and is filed in the city clerk's office at least fifteen days
26 before the election at which the submission is asked.

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

29 14-383 Without limiting the applicability of sections 14-366 to
30 14-372, the city council of a city of the metropolitan class is
31 authorized to levy special taxes and assessments on properties benefited

1 by parks, recreational areas, and playgrounds acquired either by purchase
2 or condemnation without regard to whether the benefited property is
3 within or without the corporate limits of the such city when an
4 improvement district is created by the city council and approved by a
5 majority of the property owners in the district as provided in this
6 section. Each property owner may cast one vote at an election to be held
7 to determine whether such improvement district shall be created for each
8 fifteen thousand dollars of taxable valuation, or fraction of such
9 valuation thereof, of real property and improvements in the proposed
10 district as determined by the official records of the county assessor for
11 the previous calendar year. When such a district is created by the city
12 council and approved by a majority of the property owners, the special
13 taxes shall be levied proportionately to the taxable valuation of the
14 district. Notice of the election shall be given and the election shall be
15 held in the same manner as other special elections are held in such a
16 city.

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

19 14-384 As used in sections 14-384 to 14-3,127, unless the context
20 otherwise requires:

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

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

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

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

30 (4) Connecting link means ~~shall mean~~ the roads, streets, and
31 highways designated as part of the State Highway System and which are

1 within the corporate limits of a city of the metropolitan class;

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

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

11 (7) ~~(6)~~ Main thoroughfare means ~~shall mean~~ a street primarily for
12 through travel having been determined as such by the city and contained
13 as such in the master plan of the city;

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

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

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

22 (9) Street means ~~shall mean~~ a public way for the purpose of
23 vehicular and pedestrian travel in the city and shall include the entire
24 area within the right-of-way; and

25 (10) Temporary surfacing means ~~shall mean~~ surfacing applied to any
26 ~~major traffic~~ street, connecting link, controlled-access facility, main
27 thoroughfare, highway, or boulevard ~~or street~~ wherein it is planned by
28 the city that the grade or surfacing of any such street, link, facility,
29 thoroughfare, highway, or boulevard ~~of the aforementioned~~ shall be
30 changed within two years from the date of completion of such ~~said~~
31 temporary surfacing and a permanent grade established or surfacing

1 applied.

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

4 14-385 (1) Subject to sections 14-384 to 14-3,127, any ~~The city~~
5 shall have the power and is authorized to:

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

7 (b) Widen ~~to widen~~, ~~to~~ improve the horizontal and vertical
8 alignment, ~~to~~ insert traffic medians, channels, overpasses, and
9 underpasses;

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

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

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

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

15 (g) Recurb ~~and to recurb~~ and regutter streets, boulevards, alleys,
16 public grounds and parts of such streets, boulevards, alleys, or grounds
17 thereof;

18 (h) Regulate ~~to regulate~~, restrict, eliminate, or prohibit access
19 to, and vehicular travel upon, any existing or subsequently hereafter
20 acquired street or other public way; ~~and~~

21 (i) Construct ~~to construct~~ malls on such street or public way
22 ~~thereon~~, and landscape, beautify, and enhance such street or streets ~~and~~
23 other public way ways in any manner the city council may deem proper; ~~and~~
24 and

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

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

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

3 14-386 To accomplish any of the purposes stated in section 14-385, a
4 ~~the~~ city is authorized in all such proceedings to delineate proposed
5 street improvement districts, proposed mall improvement districts,
6 proposed separate or combined street and sidewalk, ~~or~~ street, ~~or~~
7 sidewalk, or streets and sidewalks improvement districts which shall
8 embrace in such districts ~~therein~~ the street or streets, sidewalk or
9 sidewalks, street or sidewalk, or streets and sidewalks, or part or parts
10 thereof, to be improved as well as the abutting, adjacent, and benefited
11 property proposed to be assessed to cover in whole or in part the cost,
12 including land acquisition expenses if any, of the proposed improvement.

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

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

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

26 14-388 Any ~~The~~ city may without petition order any main
27 thoroughfare or major traffic street or part of such thoroughfare or
28 street ~~thereof~~ improved in any manner specified in section 14-385 after
29 the city shall determine it to be such a main thoroughfare or major
30 traffic street, which determination shall be conclusive. Such main
31 thoroughfares or major traffic streets shall include all connecting links

1 as well as county highways leading into the city, and may include part or
2 all of any street which lies partly in the city and partly in the
3 abutting county. The city ~~It~~ may create improvement districts for such
4 purposes, including the abutting, adjacent, or benefited property. The
5 costs of such improvements to the extent of special benefits conferred
6 ~~occasioned~~ by the improvement may be assessed in whole or in part against
7 the property in such districts and the assessments supplemented either by
8 federal or state aid or both or by other city municipal funds, ~~but~~
9 including permanent improvement funds, all other street resurfacing
10 funds, or highway bond funds.

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

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

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

1 acquisitions, terms, and conditions regarding the abandonment or reverter
2 of such acquisitions, and any other provisions or conditions that are
3 desirable for the needs of the city and the general welfare of the
4 public.

5 (3) The city is further authorized to designate, establish, design
6 and construct, maintain, vacate, alter, improve, and regulate frontage
7 roads within the boundaries of any present or subsequently hereafter
8 acquired right-of-way and exercise the same powers over such frontage
9 roads as is exercised over controlled-access facilities. Such frontage
10 roads may be connected to or separated from the controlled-access
11 facilities at such places as the city shall determine to be consistent
12 with public safety. Upon the construction of any frontage road, any right
13 of access between the controlled-access facility and property abutting or
14 adjacent to such frontage roads shall terminate and ingress and egress
15 shall be provided to the frontage road at such places as will afford
16 reasonable and safe connections.

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

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

26 14-390 Except as otherwise specifically ~~specified~~ and provided in
27 sections 14-384 to 14-3,127, any ~~the~~ city shall not order or cause to be
28 made any of the improvements provided in such sections ~~herein enumerated~~
29 in any improvement district except upon a petition of the record owners
30 of the majority of the frontage of taxable property in the district
31 abutting upon the streets or parts of streets proposed to be improved.

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

3 14-391 A The city may, upon a petition of the record owners of a
4 majority of the frontage of taxable property upon the streets or parts of
5 streets within a district created for that purpose, order any of the
6 improvements authorized in section 14-385, on any street or any number of
7 consecutive streets which extend in the same general direction, together
8 with parts of streets, alleys, and ways either intersecting or connecting
9 therewith, within reasonable, appropriate, or necessary limits in one
10 proceeding and in one improvement district, by causing such improvements
11 ~~the same~~ in whole or in part to be paved, repaved, curbed, or recurbed,
12 ~~or the grades to be changed or graded, or the paving to be resurfaced or~~
13 ~~relaid,~~ or any combination of such work to be done, including a change of
14 grade and grading or either or both, or construction of malls, either
15 street or sidewalk, or streets and sidewalks, on any of the streets or
16 ways within such districts. The city may also include in such districts
17 the replacement, or repair of sidewalks. In addition to the creation of
18 districts lying wholly within the corporate limits, the city may create
19 such districts on streets lying partly within the city and partly without
20 the corporate limits.

21 Sec. 98. Section 14-392, Revised Statutes Cumulative Supplement,
22 2020, is amended to read:

23 14-392 (1) For the purpose of covering in whole or in part the
24 costs of any of the improvements ~~and costs incident thereto~~, authorized
25 in sections 14-384 to 14-3,127, or costs incident to such improvements,
26 including grading done in combination with any other improvements, a the
27 city may:

28 (a) Assess ~~assess~~ the property within an ~~the~~ improvement district or
29 the property benefited by change of grade or grading when not made in
30 combination with other improvements, to the full extent of the special
31 benefits ~~thereby~~ conferred upon the respective lots, tracts, and parcels

1 of land; ~~or~~

2 (b) If ~~if~~ the city council finds that there are common benefits
3 enjoyed by the public at large without reference to the ownership of
4 property abutting or adjacent to the improvement or improvements, or that
5 there is a common benefit to the property embraced within such ~~the~~
6 district or districts, ~~the city may~~ assess the costs of such improvement
7 or improvements against all the property included in such district or
8 districts. ~~or~~

9 (2) All such assessments shall be:

10 (a) Done according to such rules as the city council sitting as a
11 board of equalization, ~~shall~~ adopt for the distribution or adjustment of
12 the costs of the improvement or improvements; and ~~or~~

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

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

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

1 so that traffic on such cross streets may pass under the street to the
2 principal grade line to be changed by a subway or over the street to the
3 principal grade line on a bridge, viaduct, or overpass.

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

6 14-394 A ~~The~~ city is authorized to change the grade of any street,
7 ~~boulevard,~~ highway, boulevard, main thoroughfare, controlled-access
8 facility, connecting link, major traffic street, alley, or part of such
9 street, highway, boulevard, thoroughfare, facility, link, or alley
10 ~~thereof~~ when a petition for a proper and satisfactory change of grade has
11 been signed and filed by the record owners of a majority of the frontage
12 of taxable property abutting upon that part of the street of which the
13 change of grade is proposed. A petition for the order changing the grade
14 may include the change of grade of any number of intersecting or
15 connecting streets which may be reasonably appropriate and necessary to a
16 proper adjustment of grades. In such event the sufficiency of the
17 petition shall be determined by a consideration of the total frontage
18 feet of taxable property upon all the streets or parts of such streets
19 ~~thereof~~ upon which it is proposed to change the grades.

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

22 14-395 A ~~The~~ city may authorize any street, ~~boulevard,~~ highway,
23 boulevard, main thoroughfare, controlled-access facility, connecting
24 link, major traffic street, alley, or part of such street, highway,
25 boulevard, thoroughfare, facility, link, or alley ~~thereof~~ graded to a
26 grade as established or changed in accordance with section 14-393.

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

29 14-396 A ~~The~~ city may order any street or alley or part of such
30 street or alley ~~thereof~~ graded to an established grade whenever there is
31 filed an approved petition of the record owners of a majority of the

1 frontage of taxable property upon that part of the street proposed to be
2 graded.

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

5 14-397 In order to cover the entire cost of changing the grade or
6 grading, as provided by sections 14-384 to 14-3,127, of any street,
7 boulevard, highway, main thoroughfare, controlled-access facility,
8 connecting link, major traffic street, alley, or part thereof, including
9 ~~as well,~~ intersections and damages awarded, a ~~the~~ city is authorized to
10 levy special assessments to the extent of the special benefits conferred
11 by the improvement on the lots and parcels of land especially benefited
12 by reason of the grading of any street or part thereof whether such
13 property abuts on or is in the vicinity of the street or the part of the
14 street so graded. All such special assessments shall be equalized,
15 levied, and collected in the manner provided by law for the equalization,
16 levying, and collection of special assessments. All grading shall be done
17 to the full width of the street unless for good and sufficient reason the
18 city finds that such grading shall be done to ~~directs~~ a different width.

19 Sec. 104. Section 14-398, Revised Statutes Cumulative Supplement,
20 2020, is amended to read:

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

1 frontage of taxable property on all sides on all of the streets to be
2 graded shall be taken into consideration.

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

5 14-399 All petitions authorized by sections 14-384 to 14-3,127 for
6 changing the grade of streets or grading streets shall contain provisions
7 waiving damages on account of of such grading thereof, and such petitions as
8 well as protests authorized shall be signed and executed and filed in the
9 manner required for petitions for street improvements.

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

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

31 Sec. 107. Section 14-3,101, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 14-3,101 Whenever an award of damages for a change in grade or
3 grading has been finally approved such damages ~~the same~~ may be assessed
4 to the extent of the special benefits conferred by the improvement
5 against the lots and parcels of land abutting upon or in the vicinity of
6 the improvements made. Within sixty days after such assessment the award
7 of damages shall become due and payable and ~~they~~ must be paid by warrants
8 drawn against ~~a the special assessment fund thus created~~ for such
9 purpose. Any person feeling aggrieved by reason of an award of damages or
10 failure to award sufficient damages may appeal to the district court of
11 the county within which the property is located within the time and in
12 the manner provided by law for such appeals.

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

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

1 city shall be authorized to proceed with the work as proposed. The cost
2 and expense of such improvement or improvements thereof, as provided by
3 law, may be assessed against the property within the improvement district
4 or districts specially benefited to the extent of such benefits as a
5 special assessment. Where assessment against the property within the
6 improvement district or districts specially benefited is not made, or
7 where the improvement or improvements are on a main thoroughfare, major
8 traffic street, or connecting link, or made pursuant to sections 14-3,103
9 to 14-3,106, this section shall not apply.

10 Sec. 109. Section 14-3,103, Revised Statutes Cumulative Supplement,
11 2020, is amended to read:

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

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

28 14-3,105 Before any sidewalk shall be constructed or repaired by the
29 city as provided in section 14-3,103, the owner or owners of the lots or
30 lands to be assessed shall be given notice to construct or repair such
31 sidewalk and shall have twenty days after the giving of such notice

1 within which to construct or repair such sidewalk ~~the same~~. Such notice
2 shall be served or published as directed by ordinance and if the notice
3 be by publication it shall be sufficient to address such notice to the
4 owners generally. The city shall give an additional notice by registered
5 letter or certified mail directed to the last-known address of such
6 owners or their agents, but failure to give such additional notice shall
7 not invalidate the proceedings, or the special assessments for such
8 sidewalk.

9 Sec. 111. Section 14-3,106, Revised Statutes Cumulative Supplement,
10 2020, is amended to read:

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

20 Sec. 112. Section 14-3,107, Revised Statutes Cumulative Supplement,
21 2020, is amended to read:

22 14-3,107 (1)(a) ~~(1)~~ Except as provided in subsection (2) of this
23 section, a ~~the~~ city may:

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

29 (ii) For the city, ~~for~~ purposes of construction of a controlled-
30 access highway or to conform to a master plan of the city, ~~may~~, without
31 petition having been filed for such vacation ~~therefor~~, vacate any street

1 or alley or any part thereof in the city.

2 (b) Whenever a street is vacated or narrowed, the part so vacated
3 shall revert to the abutting owners on the respective sides of such
4 street thereof, except that if part or all of the vacated street lies
5 within the State of Nebraska but one side or any part of the street is
6 adjacent to the boundary of the State of Nebraska, all of the street
7 lying within the State of Nebraska or that part lying within the State of
8 Nebraska shall revert to the owner of the abutting property lying wholly
9 within the State of Nebraska.

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

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

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

27 (2)(a) ~~(2)~~ The city may vacate any minimal secondary right-of-way in
28 the manner described in this subsection. The city may vacate any segment
29 of such right-of-way by ordinance without petition and without convening
30 any committee for the purpose of determining any damages if all affected
31 abutting properties have primary access to an otherwise open and passable

1 public street right-of-way. An abutting property shall not be determined
2 to have primary access if such abutting property has an existing garage
3 and such garage is not accessible without altering or relocating such
4 garage.

5 (b) Title to such vacated rights-of-way shall vest in the owners of
6 abutting property and become a part of such property, each owner taking
7 title to the center line of such vacated street or alley adjacent to such
8 owner's property subject to the following:

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

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

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

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

31 Sec. 113. Section 14-3,108, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 14-3,108 ~~A~~ The city shall have the right to control and direct all
3 work upon the public streets. The city may adopt any and all reasonable
4 regulations relating to excavations in the streets or public grounds by
5 any and all parties, including waterworks, gas, and other franchised
6 corporations or public contractors, ~~and to enforce such regulations,~~ and
7 impose ~~such~~ penalties for the violation of such regulations thereof as
8 may be deemed proper.

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

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

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

29 14-3,111 No contract for any of the improvements provided by
30 sections 14-384 to 14-3,127 shall be let unless first the city shall have
31 made a detailed estimate of the costs of the contemplated improvement,

1 nor shall any such contract be let until after the city has advertised
2 for and received bids for the performance of such work. If no bid is
3 received within the estimate, no award shall be made upon any bids
4 received until after fifteen days after the time for receiving bids under
5 such advertisement shall have expired. Within such time anyone desiring
6 to do so may file a bid within the estimate and award may be made on such
7 bid thereon in like manner as if such ~~said~~ bid had been received in
8 pursuance to the advertisement calling for bids. All improvements
9 authorized by sections 14-384 to 14-3,127 shall be done under contract
10 with the lowest responsible bidder, except that when bids are called for
11 by advertisement for grading in a street or alley and no bid is received
12 within the estimate, the city may enter into a contract to do such
13 grading without further advertisement for bids if the contract price be
14 within the estimate and the contract be entered into within thirty days
15 after the time for receiving bids under the advertisement calling for
16 bids therefor.

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

19 14-3,112 Nothing in sections 14-384 to 14-3,127 shall be construed
20 as in any way abridging, modifying, or limiting the authority or right
21 ~~heretofore~~ granted to and now possessed by any city as provided by
22 ~~metropolitan city under general~~ law to improve any road, highway, or
23 boulevard leading into such city for a distance not to exceed six miles
24 from the corporate limits of such city ~~thereof~~, nor as modifying the
25 procedure under such grant or the power or authority to issue bonds in
26 connection with such improvements ~~therewith~~, but such authority is hereby
27 expressly recognized and the power so granted by ~~general~~ law shall not be
28 subject to any of the limitations contained in sections 14-384 to
29 14-3,127.

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

1 14-3,113 (1) ~~A~~ The city is authorized to improve intersections,
2 spaces opposite alleys, and spaces opposite property not subject to
3 special assessment, with the like material in the manner provided in
4 sections 14-384 to 14-3,127 for improving streets whenever a street,
5 highway, boulevard, main thoroughfare, controlled-access facility, major
6 traffic street, or alley is ordered to be improved at the time of
7 improving such street and in such event is authorized to include in such
8 improvement of such intersection and spaces the construction,
9 replacement, or repair of sidewalks in such intersections and spaces
10 ~~therein~~ and, except as may be otherwise provided, pay for all such
11 improvements from funds provided for the purpose of improving
12 intersections if (a) the first priority in the expenditure of funds for
13 such purposes is given to improvements within street improvement
14 districts and (b) the city maintains, in a separate fund, not less than
15 twenty-five thousand dollars to be expended solely for the purpose of
16 improving intersections.

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

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

22 14-3,114 All petitions for improvements provided for in sections
23 14-384 to 14-3,127 shall be upon printed forms prescribed by the city
24 ~~blanks~~ and shall describe the street to be improved and improvement
25 desired. ~~The city shall from time to time prescribe the form of such~~
26 ~~blanks~~. Signatures to such petitions shall have no conditions attached
27 and all signatures shall be acknowledged before a notary public.

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

30 14-3,115 ~~A~~ The city shall, when it creates an improvement district
31 for paving, repaving, curbing, or guttering, or other improvements of

1 like character, prepare an estimate of the cost of such improvement and
2 shall thereafter advertise for and receive bids upon such material as may
3 be designated by the city for such improvement. The advertisements,
4 specifications for bids, and petitions designating materials shall
5 contain such information and be worded in such language as the city may
6 from time to time direct. All bids shall be received and opened at the
7 same time as provided by ordinance except as otherwise provided in
8 section 14-3,111. The city may reject any and all bids.

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

11 14-3,116 All petitions for the purpose of designating material as
12 provided in section 14-3,115 shall be on printed forms ~~blanks~~ furnished
13 by the city upon application and shall contain such information and shall
14 be worded in such language as the city may from time to time direct.

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

17 14-3,117 Whenever a petition for an improvement is filed with a ~~the~~
18 city, the hour, day, month, and year when such petition is ~~so~~ filed shall
19 be officially marked upon such petition and such petition shall be
20 recorded in such manner as the city may from time to time provide.

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

23 14-3,118 Petitions for improvements provided for in sections 14-384
24 to 14-3,127 after having been filed with the city shall not be returned
25 or withdrawn, nor shall any person be allowed to add, cancel, erase, or
26 withdraw or in any way modify any signature or writing on such petitions
27 ~~thereon~~. Where two or more petitions are filed for the same improvement
28 they shall be considered and taken together as one petition.

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

31 14-3,119 Petitions for improvements provided for under sections

1 14-384 to 14-3,127 shall be examined and certified for sufficiency as the
2 city may provide. Certificates as to sufficiency when properly filed as
3 provided by the city shall be prima facie evidence of the truth and
4 correctness of the matter ~~therein~~ certified in such petition. If such
5 certificates show the petition for any improvement to be irregular,
6 illegal, or insufficient it shall be the duty of the city to give notice
7 by publication for three successive days in the official newspaper of the
8 city of such irregularity, illegality, or insufficiency and the property
9 owners within any improvement district ~~such districts~~ may at any time
10 file supplemental petitions for such improvement and such supplemental
11 petitions shall be considered and taken as a part of the original
12 petition. Such supplemental petitions shall be examined and certified as
13 in the case of the original petition.

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

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

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

26 14-3,121 (1) The property owners in any improvement district shall
27 have thirty days from the first day of publication of the petition and
28 notice as provided in section 14-3,120 to file with the city a protest
29 against the regularity, legality, or sufficiency of the petition or any
30 signature on such petition ~~thereon~~. Such protest shall be verified by the
31 party making the protest ~~same~~, who shall state under oath and set forth

1 with particularity all the alleged defects in the petition, and if the
2 protest relates to the ownership of any property, it shall give the name
3 and address of the true owner of such property ~~thereof~~ and shall state
4 under oath that such protest is made in good faith.

5 (2) At any time within ten days after the expiration of the time for
6 filing the protest, supplemental petitions for the improvement may be
7 filed and when so filed shall be considered as a part of the original
8 petition. The ~~, but the~~ property owners within such district shall have
9 ten days from the date of the filing of such supplemental petitions in
10 which to file a protest against the regularity, legality, or sufficiency
11 of any of the signatures on such supplemental petition ~~thereon~~ or against
12 the original petition as so supplemented. No further notice of the filing
13 of such supplemental petition shall be required and such supplemental
14 petition need not be published.

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

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

26 14-3,122 In case a protest is filed under section 14-3,120 or
27 14-3,121, the city shall have the power and responsibility ~~it shall be~~
28 ~~its duty~~ to hear, determine, and adjudicate the objections raised by any
29 protest in all matters relating to regularity, legality, and sufficiency
30 of such petition and supplemental petition upon such notice, to the party
31 protesting, of the time, place, and purpose of the hearing as the city

1 may from time to time provide.

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

4 14-3,123 In case no protest is filed within the time provided in
5 section 14-3,121, the city shall have the power and responsibility,
6 without further notice, to find, adjudge, and determine that such
7 petition is regular, legal, and sufficient.

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

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

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

22 14-3,125 A ~~The~~ city shall give the property owners within any
23 improvement district the ~~such~~ opportunity to designate, by petition to be
24 filed with the city, the specified material which such property owners
25 desire to be used in the improvement of the street or alley or other
26 grounds within such improvement ~~the~~ district.

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

29 14-3,126 The property owners within an improvement district may
30 designate the material to be used in the improvement or construction of
31 streets or alleys or other grounds within such ~~the~~ district by petition,

1 signed by a majority of such property owners thereof, filed with the city
2 within thirty days after notice of the proposed improvement.

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

5 14-3,128 (1) Any city of the metropolitan class is hereby authorized
6 and empowered to issue and sell special assessment bonds to cover the
7 cost of the work of construction of any and all public improvements to be
8 paid for by special assessments which such city is authorized by law to
9 make.

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

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

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

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

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

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

1 accordance with general or specific rules ~~therein~~ contained in such
2 regulations.

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

5 14-402 (1) For any or all of the purposes listed in section 14-401,
6 the city council of a city of the metropolitan class may divide the city
7 ~~municipality~~ into districts of such number, shape, and area as may be
8 deemed best suited to carry out the purposes of sections 14-401 to
9 14-418. Within such districts the city council may regulate, restrict, or
10 prohibit the erection, construction, reconstruction, alteration, or use
11 of buildings, structures, or land. All such regulations shall be uniform
12 for each class or kind of buildings throughout each district, but the
13 regulations applicable to one district may differ from those applicable
14 to other districts.

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

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

31 (ii) The home shall have no less than an eighteen-foot exterior

1 width;

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

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

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

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

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

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

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

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

27 Sec. 134. Section 14-403, Revised Statutes Cumulative Supplement,
28 2020, is amended to read:

29 14-403 (1) Regulations adopted pursuant to sections 14-401 to
30 14-418 ~~Such regulations~~ shall comply with the Municipal Density and
31 Missing Middle Housing Act and be made in accordance with a comprehensive

1 plan and designed to (a) lessen congestion in the streets, (b) ~~;~~ to
2 secure safety from fire, panic, and other dangers, (c) ~~;~~ to promote
3 health and the general welfare, (d) ~~;~~ to provide adequate light and air,
4 (e) ~~;~~ to prevent the overcrowding of land, (f) ~~;~~ to secure safety from
5 flood, (g) ~~;~~ to avoid undue concentration of population, (h) ~~;~~ to
6 facilitate the adequate provision of transportation, water, sewerage,
7 schools, parks and other public requirements, and (i) to promote
8 convenience of access.

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

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

23 14-404 A ~~The city of the metropolitan class~~ shall provide for the
24 manner in which ~~such~~ regulations and restrictions adopted pursuant to
25 sections 14-401 to 14-418 and the boundaries of ~~such~~ districts created
26 under section 14-402 shall be determined, established, and enforced, and
27 from time to time amended, supplemented, or changed. The city shall not
28 determine the boundaries of any district or impose any regulations or
29 restrictions until after the appropriate planning board of the city has
30 made recommendations on such regulations, restrictions, or boundary
31 changes thereon, and no such regulation, restriction, or boundary change

1 shall become effective until after a public hearing ~~in relation thereto,~~
2 at which citizens shall have an opportunity to be heard. At least one
3 day's notice of the time, place, and purpose of such hearing shall be
4 published in the official newspaper or a legal newspaper in or ~~paper or a~~
5 ~~paper~~ of general circulation in such city municipality, and not less than
6 ten days before such hearing.

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

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

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

28 14-406 The lawful use of land existing on April 1, 1925, although
29 such use does not conform to sections 14-401 to 14-418 ~~the provisions~~
30 ~~hereof~~, may be continued, but if such nonconforming use is abandoned, any
31 future use of such land ~~said premises~~ shall be in conformity with the

1 ~~provisions~~ of sections 14-401 to 14-418. The lawful use of a building
2 existing on April 1, 1925, may be continued, although such use does not
3 conform with sections 14-401 to 14-418 ~~the provisions hereof~~, and such
4 use may be extended throughout the building, provided no structural
5 alterations, except those required by law or ordinance, are made in such
6 building ~~therein~~. If no structural alterations are made, a nonconforming
7 use of a building may be changed to another nonconforming use of the same
8 or a higher classification. Whenever a use district shall be changed, any
9 then existing nonconforming use in such changed district may be continued
10 or changed to a use permitted in that district if, ~~provided~~ all other
11 regulations governing the new use are complied with. Whenever a
12 nonconforming use of a building has been changed to a more restricted use
13 or to a conforming use such use shall not thereafter be changed to a less
14 restricted use.

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

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

27 (2) Upon the expiration of the initial terms of such regular and
28 alternate members, all members and alternates shall be appointed for a
29 term of five years. The city council ~~appointing authority~~ shall have the
30 power to remove any regular or alternate member of the zoning board of
31 appeals for cause and after public hearing. Vacancies shall be filled for

1 the unexpired term of a regular or alternate member whose place has
2 become vacant.

3 (3) All meetings of the zoning board of appeals shall be held at the
4 call of the chairperson and at such other times as such board may
5 determine. Such chairperson, or in his or her absence the acting
6 chairperson, may administer oaths and compel the attendance of witnesses.
7 All meetings of the zoning such board of appeals shall be open to the
8 public. The zoning Such board of appeals shall keep minutes of its
9 proceedings, showing the vote of each member upon every question, or if
10 absent or failing to vote, indicating such fact, and shall also keep
11 records of its examinations and other official actions.

12 (4) Every rule or regulation, every amendment or repeal of such rule
13 or regulation thereof, and every order, requirement, decision, or
14 determination of the zoning board of appeals shall immediately be filed
15 in the office of such the board and shall be a public record.

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

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

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

1 14-410 Any Such appeal heard pursuant to section 14-409 may be
2 taken by any person aggrieved or by an officer, department, board, or
3 bureau of the city municipality. Such appeal shall be taken within such
4 time as shall be prescribed by the zoning board of appeals by general
5 rule, by filing with the officer from whom the appeal is taken and with
6 the zoning board of appeals a notice of appeal, specifying the grounds
7 for such appeal thereof. The officer from whom the appeal is taken shall
8 ~~forthwith~~ transmit to the zoning board of appeals all the papers
9 constituting the record upon which the action appealed from was taken. An
10 appeal stays all proceedings in furtherance of the action appealed from,
11 unless the officer from whom the appeal is taken certifies to the zoning
12 board of appeals, after the notice of appeal shall have been filed with
13 such officer ~~him~~, that by reason of facts stated in the certificate a
14 stay would, in such officer's ~~his~~ opinion, cause imminent peril to life
15 or property, in which case proceedings shall not be stayed otherwise than
16 by a restraining order which may be granted by the zoning board of
17 appeals or by a court of record on application, on notice to the officer
18 from whom the appeal is taken and on a showing of due cause ~~shown~~.

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

21 14-411 The zoning board of appeals shall fix a reasonable time for
22 the hearing of the appeal or other matter referred to it pursuant to
23 section 14-409 and give due notice of such hearing thereof to the parties
24 and decide such appeal or other matter ~~the same~~ within a reasonable time.
25 Upon the hearing, any party may appear in person or by agent or by
26 attorney. The zoning board of appeals may reverse or affirm, wholly or
27 partly, or may modify the order, requirement, decision, or determination
28 appealed from and shall make such order, requirement, decision, or
29 determination as in its opinion ought to be made in the premises, and to
30 that end shall have all the powers of the officer from whom the appeal is
31 taken. Where there are practical difficulties or unnecessary hardships in

1 the way of carrying out the strict letter of such ordinance, the zoning
2 board of appeals shall have the power in passing upon appeals, to vary or
3 modify the application of any of the regulations or provisions of such
4 ordinance relating to the use, construction, or alteration of buildings
5 or structures or the use of land, so that the spirit of the ordinance
6 shall be observed, public safety and welfare secured, and substantial
7 justice done.

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

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

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

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

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

30 14-414 If, upon the hearing of a petition filed pursuant to section
31 14-413 , it appears ~~shall appear~~ to the district court that testimony is

1 necessary for the proper disposition of the matter, the court ~~it~~ may take
2 evidence or appoint a referee to take such evidence as the court ~~it~~ may
3 direct and report such evidence ~~the same~~ to the court with ~~his~~ findings
4 of fact and conclusions of law, which shall constitute a part of the
5 proceedings upon which the determination of the court shall be made. The
6 court may reverse or affirm, wholly or partly, or may modify the decision
7 brought up for review. Costs shall not be allowed against the zoning
8 board of appeals, unless it shall appear to the court that such board ~~it~~
9 acted with gross negligence or in bad faith or with malice in making the
10 decision appealed from. All issues in any proceeding under sections
11 14-408 to 14-414 shall have preference over all other civil actions and
12 proceedings.

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

15 14-415 A The city of the metropolitan class, in addition to other
16 remedies, may institute any appropriate action or proceedings to prevent
17 an unlawful erection, construction, reconstruction, alteration,
18 conversion, maintenance, or use of any building or structure in violation
19 of any ordinance or regulations enacted or issued pursuant to sections
20 14-401 to 14-418, to restrain, correct, or abate such violation, to
21 prevent the occupancy of the building, structure, or land, or to prevent
22 any illegal act, conduct, business, or use in or about such premises.
23 Such ~~The~~ ordinance or regulations shall be enforced by the city as the
24 city council ~~it~~ may provide. In addition to, and not in restriction of
25 any other powers, the city may cause any building, structure, place, or
26 premises to be inspected and examined and to order in writing the
27 remedying of any condition found to exist in or at such building,
28 structure, place, or premises ~~therein or thereat~~ in violation of any
29 provision of the ordinance or regulations made under authority of such
30 sections. The owner, general agent, lessee, or tenant of a building or
31 premises or of any part of such building or premises where a violation of

1 any provision of the ordinance or regulations has been committed or shall
2 exist or the general agent, architect, builder, contractor, or any other
3 person who commits, takes part, or assists in any such violation or who
4 maintains any building or premises in which any such violation shall
5 exist shall be guilty of a Class IV misdemeanor for a first or second
6 violation and a Class II misdemeanor for a third or subsequent violation,
7 if the third or subsequent violation is committed within two years after
8 the commission of the prior violation.

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

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

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

27 14-417 Where ~~there already exist~~ a city planning commission and a
28 zoning board of appeals in a city of the metropolitan class already
29 exist, their continuance is hereby authorized without further act of the
30 city council. All ordinances, rules and regulations, hearings, orders, or
31 decisions existing or in effect on April 1, 1925, or substituted or in

1 effect thereafter, shall continue in effect, except insofar as any such
2 ordinances, rules and regulations, hearings, orders, or decisions shall
3 be in conflict with the provisions of sections 14-401 to 14-418 hereof.

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

6 14-418 The powers granted in sections 14-401 to 14-417 may be
7 exercised by the authorities in whom the powers are vested in such said
8 sections over a such city of the metropolitan class and the
9 extraterritorial zoning jurisdiction all territory not over three miles
10 beyond the limits of such city.

11 Sec. 149. Section 14-419, Revised Statutes Cumulative Supplement,
12 2020, is amended to read:

13 14-419 (1) The extraterritorial zoning jurisdiction of a city of the
14 metropolitan class shall consist of the unincorporated area three miles
15 beyond and adjacent to its corporate boundaries.

16 (2) The city council, in cities of the metropolitan class, shall
17 have the power by ordinance to regulate, within the corporate limits of
18 the city or within the extraterritorial zoning jurisdiction of the city
19 three miles of the corporate limits, except as to construction on farms
20 for farm purposes, (a) (1) the minimum standards of construction of
21 buildings, dwellings, and other structures, in order to provide safe and
22 sound condition of such buildings, dwellings, and other structures
23 thereof for the preservation of health, safety, security, and general
24 welfare, and as to electric wiring, heating, plumbing, pipefitting, sewer
25 connections, ventilation, size of habitable rooms, and the method of
26 constructing buildings, and to provide for inspection of such buildings,
27 dwellings, and other structures thereof and building permits, (b) (2) the
28 removal and tearing down of buildings, dwellings, and other structures in
29 such areas which constitute nuisances because of the dilapidated, unsafe,
30 or rundown condition or conditions, and (c) (3) except as to the United
31 States of America, the State of Nebraska, any county of the state, or any

1 other city or village in the state, the nature, kind, and manner of
2 constructing streets, alleys, sidewalks, curbing or abridging curbs,
3 driveway approaches constructed on public rights-of-way ~~right-of-way~~, and
4 sewers.

5 (3) A city of the metropolitan class shall have the authority to
6 regulate land use within the extraterritorial zoning jurisdiction of such
7 city as may be provided by law in addition to those powers provided in
8 this section.

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

11 Sec. 150. Section 14-420, Revised Statutes Cumulative Supplement,
12 2020, is amended to read:

13 14-420 (1) A city of the metropolitan class shall provide written
14 notice of any properly filed request for a change in the zoning
15 classification of a subject property to the owners of adjacent property
16 in the manner set out in this section.

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

1 and regulations adopted and promulgated by the city. Such notice shall
2 describe the subject property or give its address, describe the nature of
3 the zoning change requested, and contain the date, time, and location of
4 the planning board hearing.

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

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

20 (5) The requirements of this section shall not apply to proposed
21 changes in the text of the zoning code itself or any proposed changes in
22 the zoning code affecting whole classes or classifications of property
23 throughout the jurisdiction of the city.

24 (6) Except for a willful or deliberate failure to cause notice to be
25 given, no zoning decision made by a city of the metropolitan class either
26 to accept or reject a proposed zoning change with regard to a subject
27 property shall be void, invalidated, or affected in any way because of
28 any irregularity, defect, error, or failure on the part of the city or
29 its employees to cause notice to be given as required by this section if
30 a reasonable attempt to comply with this section was made. No action to
31 challenge the validity of the acceptance or rejection of a proposed

1 zoning change on the basis of this section shall be filed more than one
2 year following the date of the formal acceptance or rejection of the
3 zoning change by the city council.

4 (7) Except for a willful or deliberate failure to cause notice to be
5 given, the city and its employees shall not be liable for any damage to
6 any person resulting from any failure to cause notice to be given as
7 required by this section when a reasonable attempt was made to provide
8 such notice. No action for damages resulting from the failure to cause
9 notice to be provided as required by this section shall be filed more
10 than one year following the date of the formal acceptance or rejection of
11 the proposed zoning change by the city council.

12 (8) For purposes of this section:

13 (a) Adjacent property shall mean any piece of real property any
14 portion of which is located within three hundred feet of the nearest
15 boundary line of the subject property or within one thousand feet of the
16 nearest boundary line of the subject property if the proposed zoning
17 change involves a heavy industrial district classification;

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

24 (c) Subject property shall mean any tract of real property located
25 within the boundaries of a city of the metropolitan class or within the
26 extraterritorial zoning jurisdiction of a city of the metropolitan class
27 which is the subject of a properly filed request for a change of its
28 zoning classification.

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

31 14-501 The city council of a city of the metropolitan class shall

1 annually or biennially ~~and within the first week of January, if possible,~~
2 appropriate money and credits of the city in such amounts as may be
3 deemed necessary and proper and set such money and credits ~~the same~~ aside
4 to the following designated funds to be known as statutory funds: (1) For
5 the fire department of the city, (2) for the police department of the
6 city, (3) ~~for the health department of the city,~~ (4) for the public
7 library, (5) ~~for the purposes of the welfare board,~~ and (4) (6) for the
8 purpose of paying judgments and costs. The amounts so appropriated and
9 set aside to such funds respectively shall be the maximum amounts that
10 may be appropriated to or expended from such funds within the fiscal year
11 or biennial period for the purposes for which such funds respectively are
12 created.

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

15 14-501.01 A city of the metropolitan class may adopt biennial
16 budgets for biennial periods if such budgets are provided for by a home
17 rule ~~city~~ charter provision. For purposes of this section:

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

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

23 Sec. 153. Section 14-502, Revised Statutes Cumulative Supplement,
24 2020, is amended to read:

25 14-502 (1) The city council of a city of the metropolitan class
26 shall, at the same time as the appropriation of statutory funds as
27 provided in section 14-501, appropriate, from the remaining amount of tax
28 levy of such year and from revenue to be derived from all other sources
29 available for such purposes, money and credits of the city and set such
30 money and credits ~~the same~~ aside to funds to be designated department
31 funds. The department funds shall be of the same number and of the same

1 designation as the departments into which the government of the city is
2 divided for administration under the commission plan of government.

3 (2) The amount so appropriated and set aside to each of the funds
4 respectively shall be an amount deemed sufficient and necessary to take
5 care of the expenses in such department for the fiscal year or biennial
6 period for which the appropriation is made. The amount thus appropriated
7 to each of such departments respectively may be divided and subdivided
8 for the purpose of expenditure as the city council may direct, but shall
9 be the maximum amount which may be appropriated to any such department
10 for the fiscal year or biennial period, or which may be expended for the
11 purpose of such department for the fiscal year or biennial period.

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

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

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

29 14-503 The balances remaining in any of the funds created by
30 sections 14-501 and 14-502 and against which lawful obligations have not
31 been created shall at the expiration of each fiscal year or biennial

1 period be transferred to the general sinking fund of the city by the
2 department of finance accounts and finances.

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

5 14-504 As soon as the apportionment of funds has been made pursuant
6 to sections 14-501 and 14-502, the department of finance accounts and
7 finances shall open an account with each such fund authorized to be
8 established by sections 14-501 and 14-502 and shall place a credit to
9 each such fund of ninety percent of the tax levy apportioned to it.
10 Thereafter the department of finance shall credit such funds pro rata
11 with money coming to the city from taxation and other sources which are
12 applicable to current expense purposes until all such credits shall equal
13 one hundred percent of such apportionment. Such ~~The foregoing~~ pro rata
14 credits in excess of ninety percent shall not apply to the miscellaneous
15 expense fund, but the miscellaneous expense fund shall be credited with
16 all money collected and applicable to current expense purposes after the
17 other funds have received the full one hundred percent of their
18 appropriation.

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

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

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

3 14-506 The city council of a city of the metropolitan class shall at
4 no time draw warrants or create obligations against any of the funds
5 provided in sections 14-501 and 14-502 in excess of the amount credited
6 to such funds ~~thereto~~ at the time of drawing the warrant or creating the
7 obligation. The director ~~Nor shall the superintendent~~ of any department
8 shall not draw or cause to be drawn a warrant or create or cause to be
9 created an obligation against the appropriation to such director's ~~his~~
10 department in excess of the amount credited to such department ~~thereto~~.

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

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

31 Sec. 159. Section 14-508, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 14-508 Neither the city council nor any officer of ~~a the city of the~~
3 metropolitan class ~~or superintendent of a department~~ shall expend or
4 incur obligations for the expenditure of more money than has been
5 provided and appropriated for the purposes for which the expenditure or
6 obligations for expenditure are made. Any contract or obligation calling
7 for an expenditure in excess of the money and credits provided and
8 appropriated to the purposes for which such contract or obligation is
9 created, shall be void and shall not be enforceable against the city, and
10 the city shall refuse to recognize the validity of such contract ~~thereof~~
11 or to pay or satisfy any such obligation. The ~~foregoing~~ limitations ~~and~~
12 ~~those contained~~ in sections 14-506 to 14-508 ~~and 14-507~~ shall not apply
13 to additional expenditures and obligations unavoidably made necessary in
14 efforts to abate or control an extreme or unusual outbreak or epidemic of
15 disease or to expenditures made imperatively necessary by the occurrence
16 of some unforeseen or uncontrollable disaster in to ~~the city-at-large or~~
17 ~~a considerable section thereof~~. Expenditures for the emergency purposes
18 in this section specified shall be made only in pursuance of an ordinance
19 duly passed reciting the conditions making necessary the further
20 appropriation of funds, and the expenditures of such appropriation, shall
21 be limited exclusively to the purposes for which made.

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

24 14-509 (1) It shall be malfeasance in office for any officer of a
25 city of the metropolitan class to:

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

28 (b) Attempt ~~shall be malfeasance in office on the part of the city~~
29 ~~officer participating therein. To attempt~~ to transfer, to transfer, or to
30 use any of the money or credits appropriated to a fund, to another fund
31 or to other and different purposes and uses than for which such money or

1 ~~credits were appropriated shall be held to be malfeasance in office on~~
2 ~~the part of the officer participating therein.~~

3 (2) The creation or attempted creation of obligations not authorized
4 by sections 14-101 to 14-2004 ~~this act~~ or prohibited by such sections
5 ~~thereby~~ shall render the members of the city council voting for such
6 obligations ~~therefor~~ liable to the city for the amount of the obligation
7 so created or the amount of money or credits unlawfully diverted or used,
8 and ~~the~~ voting for such obligations shall be prima facie evidence of
9 malfeasance in office.

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

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

25 14-510 (1) Warrants of a the city of the metropolitan class shall be
26 drawn by the city comptroller ~~upon the treasurer~~ and shall be signed by
27 the mayor and city comptroller and shall state the particular fund or
28 appropriation to which such warrant ~~the same~~ is chargeable and the person
29 to whom payable. Money of the city shall not be otherwise paid except in
30 instances where it is otherwise specifically provided by law.

31 (2) A The city of the metropolitan class may adopt by ordinance an

1 imprest system of accounting for the city and authorize the establishment
2 of an imprest vendor, payroll, or other account for the payment of city
3 warrants in accordance with any guidelines issued by the Auditor of
4 Public Accounts for county imprest accounts.

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

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

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

21 14-512 (1) The city council of a city of the metropolitan class
22 shall provide and maintain a sinking fund for the payment of the general
23 bonds of the city and the interest on such bonds ~~thereon~~. Such sinking
24 fund shall be maintained from the following sources of revenue:

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

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

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

31 (2) Money and credits in the sinking fund shall be held inviolate,

1 shall not be transferred to any other fund, and shall be used for the
2 purpose of paying (a) the interest on the general bonds of the city, (b)
3 maturing bonds of the city, and (c) bonds of the city which may be paid
4 before maturity.

5 (3) The money and credits of such sinking fund ~~thereof~~ when not used
6 or needed for the purposes specified in this section may temporarily be
7 invested in registered general warrants of the city ~~or of the school~~
8 ~~district situated within the city~~ under such conditions as will enable
9 such money and credits ~~the same~~ to be obtained and available at any time
10 desired for the purposes specified in this section.

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

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

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

29 14-514 (1) The city council of a city of the metropolitan class
30 shall annually certify to the county clerk of the county in which the
31 city is located, by resolution, the tax upon the taxable value of all the

1 taxable property in such city, not to exceed fifty cents on each one
2 hundred dollars, which the city desires to be levied as taxation for all
3 municipal purposes for the ensuing year, subject to the levy limitations
4 contained in section 77-3442.

5 (2) In addition to the tax set forth in subsection (1) of this
6 section, the city council shall also and further certify not less than
7 fourteen cents on each one hundred dollars and such tax as may be
8 necessary to pay bond issues maturing within the year or bond issues
9 maturing in the near future. The ~~the~~ object of this requirement is
10 ~~being~~ to create a fund to accomplish a partial retirement of the bonded
11 obligations of the city in such a manner as to avoid unusual and heavy
12 levies during particular years when large maturities occur.

13 (3) The proceeds derived from each respective levy provided for in
14 subsections (1) and (2) of this section shall be devoted exclusively and
15 entirely to the purposes for which such ~~the~~ levy is made. The
16 certification provided for under such subsections shall be made before
17 the county board of equalization has made its tax levy for each
18 respective year.

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

21 14-515 Bonds of a the city of the metropolitan class shall be
22 prepared under the direction of the city council, shall be signed by the
23 mayor and countersigned and registered by the city comptroller, and shall
24 be sold and disposed of by and under the direction of the city council.
25 Such bonds ~~They~~ shall be delivered by the city finance director
26 ~~superintendent of the department of accounts and finances,~~ who shall
27 report the proceeds from such bonds ~~therefrom~~ to the city treasurer in
28 all cases except where an exchange of bonds is directed. The purpose of
29 the issue of bonds shall be stated in such bonds ~~therein~~ and the proceeds
30 received from the sale shall be used for no other purpose. Whenever an
31 issue of bonds is required to be submitted to the electors for authority

1 to issue such bonds ~~the same~~, the proposition submitting such question
2 shall contain but a single issue and but one subject, shall specify the
3 maximum amount proposed for issue and state distinctly the purpose for
4 which such bonds are to be issued ~~the same is to issue~~. Bonds of the city
5 shall not be sold or exchanged for less than par value of such bonds
6 ~~thereof~~ and shall bear interest payable semiannually. Interest coupons at
7 the rate of interest specified may be attached to such bonds ~~annexed~~
8 ~~thereto~~. Interest coupons may be signed by the ~~lithographed signatures of~~
9 ~~the~~ mayor and city clerk. Bonds shall be made payable at the office or
10 place provided by general law for the payment of bonds of the city. Where
11 this section, in its application to water bonds or bonds issued for the
12 extension or improvement of a gas plant or other public utility, is in
13 conflict with any provision which has been or may be made by statute
14 respecting such bonds, the latter shall control.

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

17 14-516 The city council of a city of the metropolitan class may
18 issue annually bonds not to exceed five hundred thousand dollars, for the
19 purpose of constructing main sewers, and to be denominated sewer bonds.
20 Such bonds shall be issued in accordance with the provisions of section
21 14-515, and the proceeds from such bonds ~~therefrom~~ shall not be used for
22 any other purpose than to construct main sewers.

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

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

1 of America.

2 (2) All principal and interest of such bonds shall be payable solely
3 from the proceeds of special assessments levied and collected on real
4 estate within special assessment sewer districts and, as shall be recited
5 in such bonds, such city shall incur no liability, obligation, or
6 indebtedness of any kind or nature on such bonds ~~thereon~~, and the city
7 shall not pledge its credit, its general taxing power, or any part of
8 such credit or general taxing power ~~thereof~~ to support or pay such bonds
9 ~~the same~~. Such bonds shall be sold or exchanged for not less than the par
10 value of such bonds ~~thereof~~ and shall bear interest at a rate not to
11 exceed the rate of interest specified in section 45-104.01, as such rate
12 may from time to time be adjusted by the Legislature, payable
13 semiannually.

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

28 (4) All such special assessments and all interest accruing on such
29 special assessments ~~thereon~~ in any special assessment sewer ~~district~~ in
30 which such bonds are issued and sold shall constitute a sinking fund and
31 shall be used solely for the purpose of paying the interest on the bonds

1 so issued and sold as such bonds accrue ~~the same accrues~~ and for paying
2 the principal sum of such bonds at the maturity of such bonds thereof.

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

6 Sec. 169. Section 14-518, Reissue Revised Statutes of Nebraska, is
7 amended to read:

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

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

25 14-519 The city council of a city of the metropolitan class ~~may~~ is
26 ~~authorized to~~ issue bonds for the purpose of constructing public comfort
27 stations. The city council may issue bonds for such purpose without a
28 vote of the electors in an amount not exceeding fifty thousand dollars in
29 any one year.

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

1 14-520 The city council of a city of the metropolitan class may
2 issue bonds for the purpose of constructing an armory in the any city ~~of~~
3 ~~the metropolitan class~~ if the issuance of such bonds is first authorized
4 by a majority of the electors of such city voting on such proposition.
5 This section shall not be applicable to the acquisition of real estate
6 for armory purposes and its conveyance to the State of Nebraska as
7 provided in sections 18-1001 to 18-1006.

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

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

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

27 14-522 The city council of a city of the metropolitan class may
28 issue bonds of the city not to exceed thirty thousand dollars in any one
29 year for the purpose of erecting fire stations ~~engine houses~~.

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

1 14-523 The city council of a city of the metropolitan class may
2 issue bonds not to exceed in amount two hundred and twenty-five thousand
3 dollars for the construction, remodeling, or completion of a municipal
4 auditorium, except that ~~—But~~ no such bonds shall be issued until
5 authorized by the electors of such city ~~thereof~~ by a majority of those
6 voting on the question ~~thereon~~.

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

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

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

27 14-525 The bonded indebtedness of a the city of the metropolitan
28 class shall not at any time exceed in the aggregate five percent of the
29 taxable value of the taxable property within its corporate limits. The
30 value shall be determined from the assessment of the taxable value of the
31 property of the city. In order to arrive at the net amount of the

1 aggregate indebtedness referred to in this section, there shall be
2 deducted from the total bonded indebtedness of the city and excepted from
3 such indebtedness ~~therefrom~~ bonds issued to acquire a ~~the~~ water plant or
4 ~~and~~ the gas plant and any bonds which may be issued to acquire or
5 construct electric light or power plants or other utility plants or
6 systems when a charge for the service is provided sufficient to pay the
7 bonded obligations for such plants or systems ~~therefor and pledges made~~
8 ~~to that end~~, bonds which may be issued to construct subways or conduits
9 when the revenue charged for the use of such may be sufficient to retire
10 such the bonds ~~and is pledged to that end~~, and all other bonds the
11 payment of which is secured by pledges of a special assessment sinking
12 fund in the nature of a sinking fund of any character other than the
13 general sinking fund of the city. There shall be included in such
14 indebtedness all floating indebtedness of the city which under section
15 14-524 may be funded by the issuance of bonds.

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

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

31 Sec. 178. Section 14-527, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 14-527 Bonds of ~~a the city of the metropolitan class~~ shall not be
3 issued without a vote of the electors in the manner provided for in
4 ~~sections 14-101 to 14-2004 this act~~ except to finance the following which
5 may be issued by the city council without such vote: (1) Street ~~To~~
6 ~~finance~~ street improvements, grading, renewal, or refunding; (2) police
7 stations ~~station~~, not to exceed one hundred thousand dollars in any one
8 year; (3) parks ~~park~~, not to exceed one hundred thousand dollars in any
9 one year; (4) sewers ~~sewer~~, not to exceed five hundred thousand dollars
10 in any one year; (5) public comfort stations ~~station~~, not to exceed fifty
11 thousand dollars in any one year; (6) fire stations ~~engine-house~~, not to
12 exceed thirty thousand dollars in any one year; and (7) acquisition ~~to~~
13 ~~pay for the acquisition~~ of existing utility systems or plants by
14 condemnation proceedings.

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

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

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

3 14-529 Bonds issued under the authority of the provisions of section
4 14-528 shall be denominated bonds to finance street improvements, shall
5 be issued and sold in accordance with the provisions of section 14-515
6 governing the issuance and sale of bonds, and shall bear an interest rate
7 not greater than the rate of interest specified in such ~~said~~ section
8 regarding ~~as respects~~ general bonds of the city. Such bonds so issued may
9 be made payable in not less than five years and in not more than twenty
10 years from date of issue.

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

13 14-530 (1) The proceeds from the sale of bonds ~~herein~~ authorized
14 under section 14-528, together with all special taxes and assessments to
15 be levied for the classes of improvements designated in such section
16 ~~14-528~~, and the proceeds in the nature of all earnings and income from
17 the investment and use of such proceeds, ~~thereof~~ shall be used and
18 employed to finance such classes of improvements, inclusive of all proper
19 intersection charges.

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

30 (3) The proportion of bonds authorized under this section ~~hereunder~~
31 and necessary to pay proper intersection charges, inclusive of interest

1 ~~on such bonds thereon~~, shall be paid and redeemed from the general
2 sinking fund of the city.

3 (4) In all cases where taxes and special assessments levied under
4 section 14-533 have been paid and have been credited to the special
5 assessment sinking fund, such taxes and special assessments as well as
6 all other credits in such ~~said~~ fund may be used to finance other
7 improvements, but only to the extent which will leave the fund available
8 to pay all bonds issued to finance street improvements and interest on
9 such bonds thereon when maturing or due, except such part as by this
10 section is charged to the general sinking fund of the city.

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

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

1 the total amount of bonds which has been devoted to the payment of
2 intersection charges.

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

5 14-532 A city of the metropolitan class ~~The avails and proceeds of~~
6 ~~the special assessment sinking fund~~ may, when not required for any of the
7 purposes heretofore specified in section 14-530, be temporarily invest
8 funds contained in the special assessment sinking fund ~~invested~~ in
9 securities of the United States Government, the State of Nebraska, the
10 city, the county containing such city ~~Douglas County, metropolitan city,~~
11 ~~school district of such city,~~ or any publicly owned and operated
12 municipal utilities of such city. ~~All thereof; but all~~ such investments
13 shall be made so as to be closed out and realized upon whenever the
14 proceeds so invested are needed for the purpose specified in such ~~said~~
15 section. The proceeds of the special assessment sinking fund, insofar as
16 required, may be used to complete the work under a contract where the
17 contractor fails or refuses to perform such work.

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

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

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

30 14-534 Before any street, avenue, alley, or thoroughfare is graded
31 within a city of the metropolitan class, the city engineer shall make a

1 careful and detailed estimate of the total cost of such grading, and
2 shall report such estimate ~~the same~~ to the city council as an approximate
3 estimate of such cost. If such estimate is approved by the city council,
4 ~~thereupon~~ a contract may be let for the grading in the manner provided
5 for letting improvement contracts, except that such ~~which~~ contract,
6 ~~however~~, shall not exceed in total amount the approved approximate
7 estimate.

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

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

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

31 14-536 Upon the completion of any grading of a street, avenue,

1 alley, or thoroughfare, the city council of a city of the metropolitan
2 class shall levy special assessments in the manner provided in sections
3 14-501 to 14-566 ~~special assessments~~, to the extent of the benefits, to
4 cover the total costs of such grading. Special assessments so levied
5 shall be made payable as provided in section 14-537. All installments
6 shall draw interest at a rate not to exceed the rate of interest
7 specified in section 45-104.01, as such rate may from time to time be
8 adjusted by the Legislature, from the time of levy until due, and the
9 rate specified in section 45-104.01, as such rate may from time to time
10 be adjusted by the Legislature, whenever such installments become
11 delinquent. All such special assessments and all interest accruing on
12 such special assessments ~~thereon~~ shall constitute a sinking fund and
13 shall be used only for the purpose of paying the interest on the bonds
14 issued in that connection as such interest ~~the same~~ accrues and of paying
15 the principal sum of the bonds at the maturity of such bonds ~~thereof~~.

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

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

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

3 14-539 Within a city of the metropolitan class, in ~~In~~ case the lots
4 and real estate abutting upon that part of the street ordered paved as
5 shown upon any ~~such~~ plat or map are not of uniform depth, as well as in
6 all cases where, in the discretion of the city council sitting as a board
7 of equalization, it is just and proper so to do, such ~~the~~ board shall
8 have the right and authority to fix and determine the depth to which the
9 real estate shall be charged and assessed with the cost of such
10 improvement, without regard to the line of such lots. Such assessments
11 shall ~~, the same~~ to be fixed and determined upon the basis of benefits
12 accruing to the real estate by reason of such improvement. The provisions
13 of this section, in regard to the depth to which real estate may be
14 charged and assessed, shall apply to all special assessments.

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

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

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

29 14-541 Special assessments may be levied by the city council of a
30 city of the metropolitan class for the purpose of paying the cost of
31 constructing or reconstructing sewers or drains within the city, such

1 assessments to be levied on the real estate benefited by the sewer so
2 constructed or reconstructed to the extent of the benefits to such
3 property. Such assessments shall ~~to~~ be determined, equalized, levied,
4 and collected as in other cases for special assessments. Where the city
5 council, sitting as a board of equalization, shall find the benefits to
6 be equal and uniform, the levy may be according to the front footage of
7 lots or real estate benefited, or according to such other rule as such
8 ~~the city council, sitting as a board of equalization,~~ may adopt for the
9 distribution or adjustment of cost upon the lots or real estate benefited
10 by the improvement.

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

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

1 determined by the metropolitan utilities district, but not to exceed
2 fifty cents per lineal front foot, shall be paid out of the general fund
3 of the city. The city council shall provide for the payment of such costs
4 to the metropolitan utilities district.

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

7 14-543 For purposes of sections 14-101 to 14-2004:

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

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

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

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

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

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

31 14-545 All special assessments to cover the cost of any public

1 improvements herein authorized by sections 14-101 to 14-2004 shall be
2 levied and assessed on all lots, parts of lots, lands, and real estate
3 specially benefited by such improvement, or within the improvement
4 district created for the purpose of making such improvement, to the
5 extent of the benefits to such lots, parts of lots, lands, and real
6 estate by reason of such improvements, such benefits to be determined by
7 the city council sitting as a board of equalization. Where the board of
8 equalization finds ~~they shall find~~ such benefits to be equal and uniform,
9 such assessment may be according to the foot frontage, and may be
10 prorated and scaled back from the line of such improvements according to
11 such rules as the board of equalization deems ~~shall consider~~ fair and
12 equitable.

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

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

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

26 14-547 (1) In all cases when special assessments are authorized by
27 sections 14-101 to 14-2004 ~~this act~~, except as otherwise provided, before
28 any special tax or assessment is levied, it shall be the duty of the city
29 council to sit as a board of equalization for one or more days each month
30 as the city council shall elect. The city council shall by rule provide
31 for the day or days on which such meetings shall be held ~~and for the~~

1 ~~opening and closing hours of such meetings.~~ Notice of the date, time, and
2 place of such meeting or meetings shall be published in the official
3 newspaper for at least three days, the first publication to be at least
4 seven days prior to the first session of the board of equalization. A
5 majority of all members elected to the city council shall constitute a
6 quorum for the transaction of any business properly brought before the
7 board of equalization ~~them~~, but a less number may adjourn from time to
8 time and compel the attendance of absent members. The proceedings of such
9 board of equalization shall not be invalidated by the absence of a quorum
10 during the ~~meeting advertised hours of sitting~~ but the city clerk or some
11 member of the board of equalization shall be present to receive
12 complaints and applications and to give information. No final action
13 shall be taken by the board of equalization except by a quorum in open
14 session. When sitting as a board of equalization, the city council may
15 adopt such reasonable rules as to the manner of presenting complaints and
16 applying for remedy and relief as shall seem just.

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

30 (3) If a referee is not appointed, the board of equalization shall
31 hear and determine all such complaints and shall equalize and correct

1 such assessment.

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

7 (5) After the passage of such ordinance no court shall entertain any
8 action for relief against such special assessment, except upon appeal
9 from such final order, which remedy shall be deemed exclusive.

10 Sec. 198. Section 14-548, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 14-548 Any person who has filed a written complaint before the board
13 of equalization pursuant to section 14-547 shall have the right to appeal
14 to the district court of the county within which such city of the
15 metropolitan class is located, by filing a good and sufficient bond in
16 the sum of not less than fifty dollars and not more than double the
17 amount of the assessment complained of, conditioned for the faithful
18 prosecution of such appeal, and if the judgment of special assessment is
19 sustained, to pay the amount of such judgment, interest, and costs. Such
20 bond shall be approved and appeal taken as specified in section 14-813.
21 The district court shall hear the appeal as in equity and without a jury
22 and determine anew all questions raised before the city. If the court
23 finds such assessment to be valid, it shall render a decree for the
24 amount of the assessment, interest, and costs, and declare such
25 assessment, interest, and costs ~~the same~~ a lien upon the lots or lands so
26 assessed. If the court finds that the tax is invalid it shall order a
27 relevy of such assessment or enter such decree as may be just and
28 equitable.

29 Sec. 199. Section 14-549, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 14-549 Any All special assessment within a city of the metropolitan

1 class, assessments except when payable in installments, shall be deemed
2 delinquent if not paid within fifty days after the passage and approval
3 of the ordinance levying such special assessment ~~the same~~, and interest
4 at the rate specified in section 45-104.01, as such rate may from time to
5 time be adjusted by the Legislature, payable in advance, shall be paid on
6 any all delinquent special assessment ~~assessments~~ from the time such
7 special assessment ~~the same~~ shall become delinquent.

8 Sec. 200. Section 14-550, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 14-550 When any special assessment is levied within a city of the
11 metropolitan class, it shall be the duty of the city clerk to deliver to
12 the city treasurer a certified copy of the ordinance levying such special
13 assessment ~~tax~~, and the city clerk shall append ~~thereto~~ a warrant to such
14 ordinance requiring the city treasurer to collect such special assessment
15 ~~assessments~~. It shall be the duty of the city clerk to immediately give
16 notice by mail to the owners of the property so assessed, or their
17 agents, if the addresses of such persons can be ascertained, that such
18 assessment ~~assessments~~ will become delinquent on a certain date.

19 Sec. 201. Section 14-553, Revised Statutes Cumulative Supplement,
20 2020, is amended to read:

21 14-553 (1) The city treasurer of a city of the metropolitan class
22 shall be a member of the finance department of such city and shall give
23 bond or evidence of equivalent insurance in an amount as required by the
24 finance director of such city. The city treasurer shall be liable for the
25 safekeeping and proper disbursement of all funds and money of the city
26 collected or received by him or her. He or she shall keep his or her
27 books and accounts in such manner as to show the amount of money
28 collected by him or her from all sources, the condition of each fund into
29 which such money ~~the same~~ has been placed, and the items of disbursement
30 of such funds ~~thereof~~.

31 (2) The city treasurer shall annually complete continuing education

1 through a program approved by the Auditor of Public Accounts, and proof
2 of completion of such program shall be submitted to the Auditor of Public
3 Accounts.

4 Sec. 202. Section 14-556, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 14-556 (1) The city treasurer of a city of the metropolitan class
7 shall place all funds of the city, ~~as the same accrue,~~ on deposit in such
8 banks, capital stock financial institutions, or qualifying mutual
9 financial institutions within the city as shall agree to pay the highest
10 rate of interest for the use of such funds so deposited. The city council
11 is hereby directed to advertise for bids for rates for the deposit of
12 such funds as provided in this section ~~is hereby contemplated.~~

13 (2) The banks, capital stock financial institutions, or qualifying
14 mutual financial institutions referred to in subsection (1) of this
15 section, so selected, shall:

16 (a) Give bond to the city for the safekeeping of such funds, and
17 such city shall not have on deposit in any bank, capital stock financial
18 institution, or qualifying mutual financial institution giving a guaranty
19 bond more than the amount insured or guaranteed by the Federal Deposit
20 Insurance Corporation plus the maximum amount of the bond given by the
21 bank, capital stock financial institution, or qualifying mutual financial
22 institution or in any bank, capital stock financial institution, or
23 qualifying mutual financial institution giving a personal bond more than
24 the amount insured or guaranteed by the Federal Deposit Insurance
25 Corporation plus one-half of the amount of the bond of the bank, capital
26 stock financial institution, or qualifying mutual financial institution.
27 All bonds of such banks, capital stock financial institutions, or
28 qualifying mutual financial institutions shall be deposited with and held
29 by the city treasurer; or

30 (b) Give security as provided in the Public Funds Deposit Security
31 Act.

1 (3) The fact that a stockholder, director, or other officer of such
2 bank, capital stock financial institution, or qualifying mutual financial
3 institution is also serving as mayor, as a member of the city council, as
4 a member of a board of public works, or as any other officer of the city
5 ~~such municipality~~ shall not disqualify such bank, capital stock financial
6 institution, or qualifying mutual financial institution from acting as a
7 depository for such city municipal funds.

8 (4) Section 77-2366 shall apply to deposits in capital stock
9 financial institutions.

10 (5) Section 77-2365.01 shall apply to deposits in qualifying mutual
11 financial institutions.

12 Sec. 203. Section 14-557, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 14-557 All general municipal taxes levied upon real estate within a
15 city of the metropolitan class shall be a first lien upon the real estate
16 upon which such taxes are it is levied and take priority over all other
17 encumbrances and liens on such real estate thereon. All special
18 assessments regularly levied within a city of the metropolitan class
19 shall be a perpetual lien on the real estate assessed from the date of
20 levy until paid irrespective of the county in which such real estate is
21 situated, but shall be subject to all general taxes. The lien of all
22 general municipal taxes levied on personal and real property within a
23 city of the metropolitan class shall be governed by the general revenue
24 laws of this state.

25 Sec. 204. Section 14-558, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 14-558 It shall be the duty of the city treasurer of a city of the
28 metropolitan class to proceed as soon as practicable after any personal
29 tax becomes delinquent, or prior to such delinquency thereto whenever the
30 city treasurer shall believe that any person, firm, or corporation is
31 about to dispose of any personal property on which a tax has been levied,

1 to collect such delinquent taxes ~~the same~~ by ~~distress and~~ sale of the
2 personal property of such person, firm, or corporation if any such
3 property can be found within such city. No demand of taxes shall be
4 necessary, but it shall be the duty of every person owing any municipal
5 tax or taxes in such cities to pay such taxes at the city ~~attend at the~~
6 treasurer's office ~~and pay the same~~.

7 Sec. 205. Section 14-559, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 14-559 All municipal taxes and all special assessments in such
10 cities of the metropolitan class shall be paid in cash. The city
11 treasurer may sue for the recovery of any tax, in the his own name of as
12 city treasurer, or in the name of the city, and shall have all the rights
13 of a creditor in such suits and in the enforcement of a judgment or
14 decree.

15 Sec. 206. Section 14-560, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 14-560 No warrant, other than the warrant of the county clerk issued
18 to the county treasurer under the general revenue law, shall be necessary
19 for the collection of the general taxes levied for ~~such~~ cities of the
20 metropolitan class.

21 Sec. 207. Section 14-562, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 14-562 Whenever any municipal tax or taxes levied by a city of the
24 metropolitan class for any former year shall remain uncollected because
25 of any defect, error, or irregularity in either the power or manner of
26 making the levy of such taxes ~~thereof~~, it shall be lawful for the city
27 council ~~of such city~~ to again levy a tax upon the property so delinquent
28 in lieu of such former tax or taxes, and at the same rate, and upon the
29 same assessment as such former tax or taxes were levied, and such tax or
30 taxes shall be inserted in the tax list, and shall be collected in the
31 same manner as other general taxes. The city council may, at any time,

1 correct any error or defect, or supply any omission in the assessment or
2 listing of any property subject to municipal tax made for the purpose of
3 taxation for the then current fiscal year, and may require any and all
4 persons to appear and answer under oath as to their possession or control
5 of personal property subject to municipal taxation.

6 Sec. 208. Section 14-563, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 14-563 Notwithstanding any provision of a home rule charter, funds
9 of ~~a the city of the metropolitan class~~ available for such purpose may be
10 invested in securities of the United States, the State of Nebraska, ~~the a~~
11 ~~city of the metropolitan class~~, a county in which such city ~~of the~~
12 ~~metropolitan class~~ is located, ~~or a school district of such city~~, in the
13 securities of municipally owned and operated public utility property and
14 plants of such city, or in the same manner as funds of the State of
15 Nebraska are invested, except that the city treasurer may purchase
16 certificates of deposit from and make time deposits in banks, capital
17 stock financial institutions, or qualifying mutual financial institutions
18 selected as depositories of city funds. Section 77-2366 shall apply to
19 deposits in capital stock financial institutions. Section 77-2365.01
20 shall apply to deposits in qualifying mutual financial institutions.

21 Sec. 209. Section 14-564, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 14-564 (1) During the month of December of each year, the city
24 council of a city of the metropolitan class shall prepare, or cause to be
25 prepared, a list of all supplies required for each office and department
26 or board of the city for the ensuing year. Such list shall designate
27 clearly the quantity and quality of the articles required, but shall not
28 specify the particular product of any manufacturer.

29 (2)(a) The city council may negotiate directly with a sheltered
30 workshop for such supplies pursuant to section 48-1503.

31 (b) ~~If In the event~~ the city council does not negotiate with a

1 sheltered workshop, the city clerk shall advertise for bids on the
2 articles in such list for at least three successive days in the official
3 newspaper. Such advertisement shall state, in substance, that at a
4 certain stated regular meeting of the city council, bids will be received
5 and opened for all such supplies, and it shall be sufficient in such
6 advertisement to describe the articles in a general way and refer to such
7 list as being on file in the office of the city clerk. Such bids shall be
8 received at the first regular meeting of the city council held after such
9 advertisement has been completed, and awards shall be made at the next
10 regular meeting thereafter. Bidders shall not be required to bid on all
11 items included in such estimates, nor upon all items in one class. The
12 city council may accept the lowest and best bid on any item or items and
13 may reject any and all bids.

14 (3) Other or additional supplies not exceeding the value of one
15 hundred dollars for any officer or board may be purchased on the request
16 of the mayor and city comptroller.

17 Sec. 210. Section 14-565, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 14-565 The list described in section 14-564 shall include any and
20 all supplies or equipment for public improvements, street cleaning or
21 repairs, or horses, hose, engines, vehicles, or implements used by the
22 park board, fire department, or police department. A list of such
23 supplies may be made and advertised for at any time upon request of the
24 proper board or department ~~of officers~~, but subject to such ~~said~~ section
25 as to the bids and newspapers and advertisement for bids. Such ~~The said~~
26 list shall not include the books, documents, or other papers or material
27 purchased by the library board.

28 Sec. 211. Section 14-566, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 14-566 (1) At the beginning of the term of each city council in a
31 city of the metropolitan class, the city clerk purchasing agent shall

1 advertise for three days in each daily legal newspaper in or of general
2 circulation in the city for proposals for publishing in such daily legal
3 ~~some daily~~ newspaper, published in the English language and otherwise
4 meeting the requirements ~~of a legal newspaper~~ fixed by state law, all
5 public advertisements, notices, ordinances, resolutions, city council
6 proceedings, and all other matter published by the city. In addition to
7 considering the rate bid for printing, the city clerk purchasing agent
8 may give weight to the character of circulation, quality of printing,
9 plant, delivery service, and responsibility of the bidders in determining
10 the lowest and best bid. The city clerk ~~He~~ may also consider the
11 advantage of the same plant's combining publication of ordinances and
12 providing an ordinance publishing service to subscribers.

13 (2) The city clerk purchasing agent shall notify the city council
14 ~~clerk of the city clerk's~~ his selection of the official newspaper, which
15 shall continue as such throughout the term of the city council. The city
16 council may order additional publication of any of its proceedings in any
17 other qualified legal newspaper or publication.

18 (3) If at any time, the designated official newspaper ceases regular
19 publication or is not giving service satisfactory to the city council,
20 the city clerk purchasing agent shall recommend another qualified legal
21 newspaper to the city council and, upon approval of the city council,
22 such legal newspaper ~~it~~ shall become the official newspaper.

23 (4) In case of refusal or neglect of the official newspaper to
24 publish any required notice, the city clerk shall post such notice on the
25 city's website and ~~it~~ in a conspicuous place in the city hall, and the
26 city clerk ~~he~~ shall keep a written record of such posting ~~witnessed by~~
27 ~~two persons~~. The record of such posting shall be evidence that such
28 posting the same was done as required and shall be sufficient to fulfill
29 the requirement of publication.

30 (5) The city shall not be without an official newspaper more than
31 thirty days at a time.

1 Sec. 212. Section 14-567, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 ~~14-567 (1) Beginning December 31, 1998, through December 31, 2017,~~
4 ~~the pension board of a city of the metropolitan class shall file with the~~
5 ~~Public Employees Retirement Board an annual report on each retirement~~
6 ~~plan established by such city pursuant to section 401(a) of the Internal~~
7 ~~Revenue Code and shall submit copies of such report to the Auditor of~~
8 ~~Public Accounts. The Auditor of Public Accounts may prepare a review of~~
9 ~~such report pursuant to section 84-304.02 but is not required to do so.~~
10 ~~The annual report shall be in a form prescribed by the Public Employees~~
11 ~~Retirement Board and shall contain the following information for each~~
12 ~~such retirement plan:~~

- 13 ~~(a) The number of persons participating in the retirement plan;~~
- 14 ~~(b) The contribution rates of participants in the plan;~~
- 15 ~~(c) Plan assets and liabilities;~~
- 16 ~~(d) The names and positions of persons administering the plan;~~
- 17 ~~(e) The names and positions of persons investing plan assets;~~
- 18 ~~(f) The form and nature of investments;~~
- 19 ~~(g) For each defined contribution plan, a full description of~~
20 ~~investment policies and options available to plan participants; and~~
- 21 ~~(h) For each defined benefit plan, the levels of benefits of~~
22 ~~participants in the plan, the number of members who are eligible for a~~
23 ~~benefit, and the total present value of such members' benefits, as well~~
24 ~~as the funding sources which will pay for such benefits.~~

25 ~~If a plan contains no current active participants, the pension board~~
26 ~~may file in place of such report a statement with the Public Employees~~
27 ~~Retirement Board indicating the number of retirees still drawing~~
28 ~~benefits, and the sources and amount of funding for such benefits.~~

29 ~~(2) Through December 31, 2017, if such retirement plan is a defined~~
30 ~~benefit plan which was open to new members on January 1, 2004, in~~
31 ~~addition to the reports required by section 13-2402, the pension board of~~

1 ~~a city of the metropolitan class shall cause to be prepared an annual~~
2 ~~report and shall file the same with the Public Employees Retirement Board~~
3 ~~and the Nebraska Retirement Systems Committee of the Legislature and~~
4 ~~submit to the Auditor of Public Accounts a copy of such report. The~~
5 ~~Auditor of Public Accounts may prepare a review of such report pursuant~~
6 ~~to section 84-304.02 but is not required to do so. If the pension board~~
7 ~~does not submit a copy of the report to the Auditor of Public Accounts~~
8 ~~within six months after the end of the plan year, the Auditor of Public~~
9 ~~Accounts may audit, or cause to be audited, the city. All costs of the~~
10 ~~audit shall be paid by the city. The report shall consist of a full~~
11 ~~actuarial analysis of each such retirement plan established by the city.~~
12 ~~The analysis shall be prepared by an independent private organization or~~
13 ~~public entity employing actuaries who are members in good standing of the~~
14 ~~American Academy of Actuaries, and which organization or entity has~~
15 ~~demonstrated expertise to perform this type of analysis and is unrelated~~
16 ~~to any organization offering investment advice or which provides~~
17 ~~investment management services to the retirement plan. The report to the~~
18 ~~Nebraska Retirement Systems Committee shall be submitted electronically.~~

19 ~~(1) Each (3)(a) Beginning December 31, 2018, and each December 31~~
20 ~~thereafter, for a defined benefit plan the pension board or its designee~~
21 ~~shall prepare and electronically file an annual report with the Auditor~~
22 ~~of Public Accounts and the Nebraska Retirement Systems Committee of the~~
23 ~~Legislature. If such retirement plan is a defined benefit plan which was~~
24 ~~open to new members on January 1, 2004, the report shall be in addition~~
25 ~~to the reports required by section 13-2402. The report shall be on a form~~
26 ~~prescribed by the Auditor of Public Accounts and shall include, but not~~
27 ~~be limited to, the following information:~~

28 ~~(a) (i) The levels of benefits of participants in the plan, the~~
29 ~~number of members who are eligible for a benefit, the total present value~~
30 ~~of such members' benefits, and the funding sources which will pay for~~
31 ~~such benefits; and~~

1 **(b) (ii)** A copy of a full actuarial analysis of each such defined
2 benefit plan. The analysis shall be prepared by an independent private
3 organization or public entity employing actuaries who are members in good
4 standing of the American Academy of Actuaries, and which organization or
5 entity has demonstrated expertise to perform this type of analysis and is
6 unrelated to any organization which offers investment advice or provides
7 investment management services to the retirement plan.

8 **(2) (b)** The Auditor of Public Accounts may prepare a review of such
9 report pursuant to section 84-304.02 but is not required to do so. If the
10 pension board does not submit a copy of the report to the Auditor of
11 Public Accounts within six months after the end of the plan year, the
12 Auditor of Public Accounts may audit, or cause to be audited, the pension
13 board. All costs of the audit shall be paid by the pension board.

14 Sec. 213. Section 14-568, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 14-568 Notwithstanding any home rule charter or statutory provisions
17 or restrictions, any municipal bidding procedure may be waived by the
18 city council of a city of the metropolitan class when required to comply
19 with any federal grant, loan, or program.

20 Sec. 214. Section 14-601, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 14-601 The city council of a city of the metropolitan class shall
23 have the power, and the ~~it shall be its~~ duty to appoint a chief of
24 police, and all other members of the police force to the extent that
25 funds may be available to pay their salaries, and as may be necessary to
26 protect citizens and property, and maintain peace and good order.—~~The~~
27 ~~council may appoint and define the duties of not to exceed two police~~
28 ~~matrons.~~

29 Sec. 215. Section 14-602, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 14-602 The chief of police of a city of the metropolitan class shall

1 have the supervision and control of the police force of the city, ~~subject~~
2 ~~to the orders of the superintendent of police.~~ All orders relating to the
3 direction of the police force shall be given through the chief of police
4 or, in the chief's ~~his~~ absence, the officer in charge of the police
5 force.

6 Sec. 216. Section 14-603, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 14-603 The chief of police of a city of the metropolitan class shall
9 be the principal ministerial officer of the city corporation. His or her
10 jurisdiction and that of his or her officers in the service of process in
11 all criminal cases and in cases for the violation of city ordinances
12 shall be coextensive with the county. The chief of police or his or her
13 officers shall take bail in all bailable cases for the appearance before
14 the county court of persons under arrest, but such bail shall be subject
15 to the approval of the county court.

16 Sec. 217. Section 14-604, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 14-604 The chief of police of a city of the metropolitan class shall
19 be subject to the orders of the mayor in the suppression of riots, ~~and~~
20 tumultuous disturbances, ~~and~~ breaches of the peace. He or she may pursue
21 and arrest any person fleeing from justice in any part of the state and
22 shall ~~forthwith~~ bring all persons arrested by him or her ~~arrested~~ before
23 the county court for trial or examination. He or she may receive and
24 execute any proper authority for the arrest and detention of criminals
25 fleeing or escaping from other places or states.

26 Sec. 218. Section 14-605, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 14-605 The chief of police of a city of the metropolitan class shall
29 have, in the discharge of his or her proper duties, like powers and be
30 subject to like responsibilities as a county sheriff ~~sheriffs~~ in similar
31 cases.

1 Sec. 219. Section 14-606, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 14-606 Each police officer of a city of the metropolitan class shall
4 give a bond, shall have the same powers as a county sheriff ~~sheriffs~~ in
5 arresting all offenders against the laws of the state, and may arrest all
6 offenders against the ordinances of the city with or without a warrant.
7 In discharge of their duties as police officers, they shall be subject to
8 the immediate orders of the chief of police.

9 Sec. 220. Section 14-607, Revised Statutes Cumulative Supplement,
10 2020, is amended to read:

11 14-607 It shall be the duty of police officers of a city of the
12 metropolitan class to ~~make a daily report to the chief of police of the~~
13 ~~time of lighting and extinguishing of all public lights and lamps upon~~
14 ~~their beats, and also any lamps that may be broken or out of repair. They~~
15 ~~shall also report to the~~ chief of police ~~same office~~ any defect in any
16 sidewalk, street, alley, or other public highway, ~~or~~ the existence of ice
17 or dangerous obstructions on the walks or streets, ~~a~~ ~~or~~ break in any
18 sewer, any ~~or~~ disagreeable odors emanating from inlets to sewers, or any
19 violation of the health laws or ordinances of the city. Suitable forms
20 ~~blanks~~ for making such reports shall be furnished to the chief of police
21 by the city department of public works ~~electrician and health~~
22 ~~commissioner~~. Such reports shall be transmitted by the chief of police
23 ~~transmitted~~ to the proper officers of the city. In case of any violation
24 of laws or ordinances, the police officer making report shall report the
25 facts to the appropriate prosecuting authority. Such police officers ~~They~~
26 shall also perform such other duties as may be required by ordinance.

27 Sec. 221. Section 14-609, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 14-609 All members or appointees of the police department of a city
30 of the metropolitan class shall be subject to removal by the city council
31 in the same manner as provided for members of the fire department.

1 Sec. 222. Section 14-702, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 14-702 The city council of a city of the metropolitan class shall
4 employ a chief of the fire department and all other officers,
5 firefighters, and assistants as may be proper and necessary for the
6 effective service of the fire department to the extent and limit that the
7 funds provided by the city council for that purpose will allow. Each fire
8 department applicant shall, as a condition of employment, submit to the
9 city a full set of his or her fingerprints along with written permission
10 authorizing the city to forward the set of fingerprints to the Federal
11 Bureau of Investigation, through either the Nebraska State Patrol or the
12 city police department, to facilitate a check of his or her criminal
13 history record information by the Identification Division of the Federal
14 Bureau of Investigation. The fingerprint check provided for in this
15 section shall be solely for the purpose of confirming information
16 provided by the fire department applicant.

17 Sec. 223. Section 14-704, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 14-704 (1) All members or appointees of the fire department of a
20 city of the metropolitan class shall be subject to removal by the city
21 council under such rules and regulations as may be adopted, and whenever
22 the city council shall consider and declare such removal necessary for
23 the proper management or discipline, or for the more effective working or
24 service of the fire department.

25 (2) No member or officer of the fire department shall be discharged
26 for political reasons, nor shall a person be employed by ~~or taken into~~
27 such department for political reasons.

28 (3) Before a firefighter ~~fireman~~ can be discharged, charges must be
29 filed against such firefighter ~~him~~ before the city council and a hearing
30 had on such charges ~~thereon~~, and an opportunity given such firefighter
31 ~~member~~ to defend against such charges, but this provision shall not be

1 construed to prevent peremptory suspension of such member by such
2 member's ~~his~~ superiors in case of misconduct or neglect of duty or
3 disobedience to orders. Whenever any such suspension is made, charges
4 shall be at once filed before the city council by the person ordering
5 such suspension, and a trial had on such charges ~~thereon~~.

6 (4) The city council shall have the power to enforce the attendance
7 of witnesses and the production of books and papers, and to administer
8 oaths to such witnesses ~~them~~ in the same manner and with like effect and
9 under the same penalties as in the case of magistrates exercising civil
10 and criminal jurisdiction under the statutes of the State of Nebraska.
11 The city council ~~It~~ shall have such other powers and perform such other
12 duties as may be authorized or defined by ordinance.

13 Sec. 224. Section 14-709, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 14-709 (1) Any person who is a sworn member of an organized and
16 paid fire department of any city of the metropolitan class and who is an
17 authorized arson investigator for such city in order to determine the
18 cause, origin, and circumstances of fires shall be classified as a peace
19 officer while on duty and in the course of any such investigation. Such
20 person shall possess the same powers of arrest, search, ~~and~~ seizure, and
21 the securing and service of warrants as police officers of such city.

22 (2) While on duty and in the course of any such investigation, an
23 arson investigator ~~such person~~ may carry such weapons as may be necessary
24 but only if such investigator ~~that person~~ has satisfactorily completed a
25 training program offered or approved by the Nebraska Police Standards
26 Advisory Council or equivalent training offered by such city and
27 certified by the city council. Such training need not include exposure to
28 vehicle and traffic law, traffic control and accident investigation, or
29 first aid.

30 (3) An arson investigator ~~Such person~~ shall, in addition to having
31 ~~have~~ been an active member of an organized fire department for a minimum

1 of six years, ~~and shall~~ meet the minimum qualifications and training
2 standards established by the city for all firefighters.

3 (4) Any arson investigator ~~person~~ granted the powers enumerated in
4 this section may exercise such powers only while on duty and during the
5 course of investigating the cause, origin, and circumstances of a fire.

6 Sec. 225. Section 14-804, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 14-804 Before any claim against a the city of the metropolitan
9 class, except officers' salaries earned within twelve months or interest
10 on the public debt is allowed, the claimant or the claimant's ~~his~~ agent
11 or attorney shall verify such claim ~~the same~~ by ~~his~~ affidavit, stating
12 that the several items ~~therein~~ mentioned in such affidavit are just and
13 true and the services charged ~~therein~~ or articles furnished, as the case
14 may be, were rendered or furnished as ~~therein~~ charged in such affidavit,
15 and that the amount ~~therein~~ charged and claimed in such affidavit is due
16 and unpaid, allowing all just credits. The city comptroller and the
17 comptroller's ~~his~~ deputy shall have authority to administer oaths and
18 affirmations in all matters required by this section. All claims against
19 the city must be filed with the city clerk ~~comptroller~~. When the claim of
20 any person against the city is disallowed, in whole or in part, by the
21 city council, such person may appeal from the decision of such ~~said~~ city
22 council to the district court of the same county, as provided in section
23 14-813.

24 Sec. 226. Section 14-805, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 14-805 Upon the rejection or disallowance of any claim against a
27 city of the metropolitan class, it shall be the duty of the city clerk to
28 notify the claimant or the claimant's ~~his~~ agent or attorney of such fact,
29 unless such notice is waived in writing. Such notice may be served by any
30 person authorized by the city clerk and must be served within ten days
31 from the rejection of such claim. The notice and return of such notice

1 ~~shall thereon must~~ be filed with the city clerk comptroller.

2 Sec. 227. Section 14-806, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 14-806 No bill or claim for labor, salary, or material, or for extra
5 service or overtime or account of any kind against a the city of the
6 metropolitan class, after such bill or claim ~~it~~ has been adversely
7 reported on and rejected by the city administration ~~under which it has~~
8 ~~been incurred~~, and no bill, account, or claim, not presented or claimed
9 within eighteen months after such bill, account, or claim ~~it~~ was incurred
10 and payable, shall be allowed or authorized to be paid by the any mayor
11 and city council except through the judgment of a court of competent
12 jurisdiction. These provisions shall apply equally to any modification of
13 the same account in whatever form such account ~~it~~ may be presented.

14 Sec. 228. Section 14-807, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 14-807 In all cases of damage arising under the provisions of
17 sections 14-101 to 14-2004, ~~this act~~ the party or parties whose property
18 is damaged or sought to be taken by the provisions of such sections ~~this~~
19 ~~act~~ shall have the right to appeal from such assessment of damages, but
20 such appeal shall not delay the appropriation of the property sought to
21 be taken, ~~or~~ delay the improvement proposed, or retard the change of
22 grade sought to be made. In no case shall a the city of the metropolitan
23 class be liable for the costs or interest on such appeal, unless the
24 party appealing shall be adjudged entitled, upon the appeal, to a greater
25 amount of damage than was awarded. The remedy by appeal ~~herein~~ allowed by
26 this section shall be ~~deemed and held to be~~ exclusive.

27 Sec. 229. Section 14-808, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 14-808 The corporate name of each city of the metropolitan class
30 ~~city~~ shall be The City of, and all process or notice
31 whatever affecting any such city shall be served in the manner provided

1 for service of a summons in a civil action.

2 Sec. 230. Section 14-809, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 14-809 The city attorney of a city of the metropolitan class shall
5 have the power to:

6 (1) Intervene ~~intervene~~ in any suit or proceeding when the rights of
7 the city are involved, ~~or where the city is a proper party;~~ -

8 (2) Waive ~~He shall also have power to waive~~ the issuance and service
9 of summons and may enter a voluntary appearance when in the city
10 attorney's ~~his~~ opinion the interests of the city may require it; ~~and~~ -

11 (3) Confess ~~He shall have power to confess judgment, but only~~ when
12 authorized by the city council, ~~and not otherwise.~~

13 Sec. 231. Section 14-810, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 14-810 If a ~~the~~ city of the metropolitan class shall refuse or
16 neglect to defend any suit at law or in equity brought against such city
17 ~~it~~, any resident taxpayer may defend such ~~said~~ suit on ~~its~~ behalf of such
18 city at the cost of the city, not including attorney's fees.

19 Sec. 232. Section 14-811, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 14-811 Any ordinance or resolution granting, extending, changing, or
22 modifying the terms and conditions of a franchise in a city of the
23 metropolitan class shall not be passed until at least four weeks ~~shall~~
24 have elapsed after its introduction or proposal, and not until such
25 resolution or ordinance has been published daily for at least two weeks
26 in the official newspaper of the city. Such ordinance or resolution ~~It~~
27 shall not become effective or binding until submitted to the electors and
28 approved by a majority vote of such electors ~~thereof~~. Submission to the
29 electors shall be made as provided in section 14-202. A new franchise
30 shall not hereafter be granted or any modification or extension of any
31 existing franchise made unless an annuity or royalty be provided and

1 reserved to the city to be based either upon a fixed reasonable amount
2 per year or a fixed percentage of the earnings under the operation of the
3 franchise so granted, and not then until such franchise ~~the same~~ has been
4 submitted to a vote and approved by the electors at a general city
5 election or special election called for that purpose.

6 Sec. 233. Section 14-812, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 14-812 Lands, houses, money, debts due to a city of the metropolitan
9 class ~~the city~~, and property, and assets of every description belonging
10 to any such ~~metropolitan~~ city, shall be exempt from taxation, execution,
11 and sale. Judgments against such ~~the said~~ city shall be paid out of the
12 judgment fund, or out of a special fund created for such ~~the~~ purpose.

13 Sec. 234. Section 14-813, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 14-813 (1) Whenever the right of appeal is conferred by sections
16 14-101 to 14-2004 ~~this act~~, the procedure, unless otherwise provided,
17 shall be substantially as provided in this section. ~~follows:~~

18 (2) The claimant or appellant shall, within twenty days after the
19 date of the order complained of, execute a bond to the such city of the
20 metropolitan class with sufficient surety to be approved by the city
21 clerk, conditioned for the faithful prosecution of such appeal, and the
22 payment of all costs adjudged against the appellant. Such bond shall be
23 filed in the office of the city clerk.

24 (3) Upon the request of the appellant and the payment by the
25 appellant to the city clerk or his or her designee of the estimated cost
26 of preparation of the transcript, the city clerk shall cause a complete
27 transcript of the proceedings of the city relating to its decision to be
28 prepared. The cost of preparing the transcript shall be calculated in the
29 same manner as the calculation of the fee for a court reporter for the
30 preparation of a bill of exceptions as specified by rules of practice
31 prescribed by the Supreme Court. At such time as the completed transcript

1 is presented to the appellant, the appellant shall pay the amount of the
2 cost of preparation in excess of the estimated amount already paid or
3 shall receive a refund of any amount in excess of the actual cost.

4 (4)(a) An appellant determined to be indigent shall not be required
5 to pay a bond or any costs associated with such transcript preparation.

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

18 (5) It shall be the duty of the claimant or appellant to file a
19 petition in the district court as in the commencement of an action within
20 thirty days after the date of the order or award appealed from, and he or
21 she shall also file such transcript before answer day. The proceedings of
22 the district court shall thereafter be the same as on appeal from the
23 county board.

24 (6) Any taxpayer may appeal from the allowance of any claim against
25 the city by giving a bond and complying with this section.

26 (7) This section shall not be so construed as to prevent the city
27 council from once reconsidering its action on any claim or award upon ten
28 days' notice to the interested parties ~~interested~~.

29 Sec. 235. Section 14-814, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 14-814 A city of the metropolitan class shall not be liable for any

1 tort or act of negligence of the metropolitan utilities district or of
2 any other utility board or body with full and independent powers of
3 control, or for torts or acts of negligence of any of the officers or
4 employees of such metropolitan utilities district or other board or body
5 which may in any way result from, grow out of, or be connected with the
6 maintenance, management, control, or operation of any water system or
7 plant, any gas system or plant, or any other public utility system or
8 plant which the city may acquire or own but which has been placed in the
9 control of and is maintained and operated by any such metropolitan
10 utilities district or other board or body. The city shall not be liable
11 for the debts and obligations of any such metropolitan utilities district
12 or other board or body incurred in connection with or in any way
13 pertaining to the maintenance, management, control, or operation of any
14 such plant or system by such district, board, or body of control with
15 full authority over the revenue and earnings of such system or plant.

16 Sec. 236. Section 14-816, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 14-816 All citizens of this state and other persons interested in
19 the examination of the records kept by any officer of ~~a the city of the~~
20 metropolitan class, are ~~hereby fully empowered and~~ authorized to examine
21 such records ~~the same~~ free of charge during the hours the respective
22 offices may be kept open for the ordinary transaction of business. The
23 city council shall have the power to require from any officer of the city
24 at any time a report in detail of the transactions in such person's ~~his~~
25 office, or any matter connected with such transactions ~~therewith~~.

26 Sec. 237. Section 14-817, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 14-817 No bond for cost, appeal, supersedeas, injunction, or
29 attachment shall be required of any city of the metropolitan class or of
30 any officer, board, commission, head of any department, agent, or
31 employee of any such city in any proceeding or court action in which such

1 ~~said~~ city of the metropolitan class or its officer, board, commission,
2 head of department, agent, or employee is a party litigant in such
3 person's or entity's ~~its or his~~ official capacity.

4 Sec. 238. Section 14-818, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 14-818 After July 19, 1980, no person shall establish a paunch
7 manure, rendering, or sewage treatment plant or facility, or an area
8 where refuse, garbage, or rubbish is disposed of within three thousand
9 three hundred feet of a residential area in a ~~metropolitan-class~~ city of
10 the metropolitan class. For purposes of this section, residential area
11 means ~~shall mean~~ an area designated as residential under the zoning
12 ordinances authority of such the city.

13 Sec. 239. Section 14-1201, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 14-1201 (1) Any city of the metropolitan class, including one
16 governed under a home rule charter, is ~~hereby~~ authorized and empowered
17 to:

18 (a) Acquire ~~acquire~~ by purchase, condemnation, bargain and sale,
19 lease, sublease, gift or otherwise, any bridge or viaduct, including
20 approaches and avenues, rights-of-way, or easements of access to
21 approaches, necessary real and personal property incident to such bridges
22 or viaducts, ~~thereto~~ and franchises, special privileges, leases, and
23 contracts in connection with such bridges or viaducts; -

24 (b) Construct ~~It is also authorized and empowered to construct~~ and
25 contract for the construction of bridges or viaducts, including all of
26 ~~aforesaid~~ appurtenances to such bridges or viaducts, facilities, and
27 property; and -

28 (c) Repair ~~It is also authorized and empowered thereafter to repair,~~
29 maintain, extend, renew, reconstruct, replace, or enlarge, and ~~to~~
30 mortgage or lease, and to use and operate any such bridges or viaducts as
31 toll or free bridges, either or both from time to time for public use and

1 travel of all kinds by railroads, street railways, bus lines, vehicles,
2 and pedestrians, and other uses, any or all as may be determined by the
3 ~~governing body of the city council~~.

4 (2) ~~The city It~~ may use such bridges or viaducts same for public
5 utility purposes, and fix the rates of toll or the charges for the use of
6 such bridges or viaducts same, and grant nonexclusive franchises for use
7 of such bridges or viaducts same for public utility purposes upon such
8 terms and conditions as may be prescribed by ordinance.

9 (3) ~~The city It~~ may exercise all such powers within the city limits
10 and five miles outside the city limits thereof within the State of
11 Nebraska, and any adjoining state, and across any navigable or
12 nonnavigable stream forming the boundary between such states after having
13 obtained authority, if any be necessary, from such states and from the
14 United States.

15 (4) ~~The city It~~ may exercise such powers directly through the
16 ~~governing body of the city council~~ or any committee of the city council
17 ~~thereof~~ or through a bridge commission created as provided in sections
18 14-1227 and 14-1244 to 14-1246, or part any one and part any other.

19 Sec. 240. Section 14-1202, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 14-1202 Any power granted by sections 14-1201 to 14-1252 to a such
22 city of the metropolitan class may be exercised by the city independently
23 or in cooperation with or aid of similar action by any other city or any
24 county in Nebraska, ~~or~~ any city or county in an adjoining state, ~~or~~ the
25 State of Nebraska, ~~or~~ any adjoining ~~states,~~ ~~or~~ state, or the government
26 of the United States, when such other political unit has been authorized
27 by law to exercise the necessary powers. Such joint action may be
28 directly by the ~~governing body of the city council~~ through the medium of
29 a joint bridge commission subject to the same conditions provided in such
30 ~~said~~ sections for independent action.

31 Sec. 241. Section 14-1203, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 14-1203 A city of the metropolitan class ~~The cities specified in~~
3 ~~section 14-1201,~~ through its city council ~~the governing bodies thereof,~~
4 is ~~are~~ authorized and empowered to grant franchises for the nonexclusive
5 use of ~~the~~ bridges acquired under sections 14-1201 to 14-1252 to public
6 utilities upon such terms, conditions, and for such consideration as such
7 city ~~cities~~ may impose, whether incident to or part of the purchase of an
8 existing bridge and rights of utilities in connection with such bridge
9 ~~therewith,~~ or otherwise, and ~~thereafter~~ to extend the duration or to
10 amend the terms and conditions of such franchise ~~thereof~~. In the case of
11 interstate bridges, any such grant shall be made by the ~~governing body of~~
12 ~~such~~ city council by ordinance and no vote of the electors of the city
13 shall be required. In no case shall such a grant be made by any bridge
14 commission.

15 Sec. 242. Section 14-1204, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 14-1204 In the event that the State of Nebraska, an adjoining state,
18 the government of the United States, either, any or all of them, should
19 agree to take over any bridge acquired by a ~~the~~ city of the metropolitan
20 class or in course of construction under sections 14-1201 to 14-1252 and
21 thereafter maintain and operate such bridge ~~same~~ as a free bridge at its
22 or their expense, then such city is authorized to convey such bridge on
23 such conditions to such party or parties. Such conveyance shall not be
24 made unless and until all outstanding bonds issued to finance the bridge
25 have been paid and canceled.

26 Sec. 243. Section 14-1205, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 14-1205 (1) ~~Any such~~ city of the metropolitan class may grant the
29 exclusive right to purchase an existing bridge or to construct a new
30 bridge, and to maintain any such bridge within a distance not exceeding
31 one mile on each side of the bridge to be so purchased or constructed,

1 for the period necessary to reimburse cost plus not exceeding eight
2 percent of such cost ~~thereof~~ for financing charges, together with
3 interest upon such ~~said~~ cost and charges, but in no event to exceed ten
4 years, subject to the condition that at the termination of such period,
5 such bridge shall become the sole property of the public and thereafter
6 be maintained and operated by the city as a toll or free bridge as such
7 city may determine from time to time in harmony with the other provisions
8 of sections 14-1201 to 14-1252 and the laws of the United States.

9 (2) Such grant shall be made in the same manner and subject to the
10 same conditions as may be provided in the home rule charter of such city
11 for the granting of franchises. Any such grant or assignment shall by
12 operation of law be subject to the following conditions:

13 (a) The number of officers and employees and the salaries, wages,
14 and compensation of such officers and employees ~~thereof~~ shall be
15 reasonable;

16 (b) No ~~no~~ person shall be permitted free use of the bridge or use at
17 discriminatory toll;

18 (c) Tolls ~~tolls~~ shall be both adequate to hasten payment for the
19 bridge and reasonable to the public;

20 (d) Financing ~~financing~~ costs shall be reasonable and the city may
21 impose requirements and safeguards as to the conservation of funds and
22 insurance of property;

23 (e) Complete ~~complete~~ statements of operations and finances shall be
24 filed with the city clerk on bond interest dates upon completion of the
25 bridge and upon delivery of such bridge ~~same~~ to the city; and

26 (f) The ~~the~~ city shall have power to require or itself perform
27 audits and examine the books and call for any reports at any time.

28 (3) The city may enforce these obligations in any court of competent
29 jurisdiction.

30 (4) Any such assignment shall by operation of law be subject to the
31 conditions that the plans and specifications, the location, size, type,

1 and method of construction, the boundaries and approaches and the
2 estimates of cost of construction and acquisition shall be first be
3 submitted to the ~~governing body of the city council~~ and receive ~~its~~
4 approval before any construction may commence ~~shall be commenced~~ or any
5 contract for construction or for financing such construction ~~shall~~ be
6 entered into.

7 Sec. 244. Section 14-1206, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 14-1206 (1) If any such city of the metropolitan class desires
10 ~~shall desire~~ to purchase, lease, or sublease any existing bridge and
11 shall have received any such authority as may be necessary from the
12 government of the United States, the ~~governing body of such city council~~
13 may determine the fair value of such bridge thereof, the appraised value
14 of which shall not exceed two million dollars, including all interests of
15 any nature in such bridge therein, and may by written resolution
16 tentatively offer the owners of such bridge thereof jointly the price so
17 determined, ~~and~~

18 (2) If ~~if~~ all such owners within ninety days thereafter shall file
19 with the city clerk of such city a duly authorized and properly executed
20 written tentative acceptance of such offer, binding themselves to accept
21 such offer ~~the same~~ and to assign such lease or sublease or convey good
22 and complete title by warranty deed when and if the necessary funds shall
23 be provided for such offer ~~therefor~~, then upon the filing of such
24 acceptance, the ~~governing body of the city council~~ may submit to the
25 electors of such city thereof, at a special election called for that
26 purpose or at any general election of such city or of the State of
27 Nebraska within one hundred and twenty days after the filing of such
28 acceptance, the question whether such purchase shall be made at the price
29 stated on the ballot and the ~~governing body of the city council~~ be
30 authorized to issue bonds of the kind or kinds stated in the proposition
31 and in any such amount as may be required to provide the necessary funds.

1 The proposition so submitted shall be carried if the majority of the
2 electors voting on such proposition shall vote in favor of such
3 proposition. thereof; Provided,

4 (3) No ~~no~~ election and no vote of electors shall be required upon
5 the question of acquiring by purchase, lease, or sublease any existing
6 bridge or issuing revenue bonds, in an amount not to exceed two million
7 dollars as authorized by section 14-1217, for the acquisition by
8 purchase, lease, or sublease of any existing bridge, if the ~~governing~~
9 ~~body of such city~~ council determines ~~shall determine~~ by a vote of a
10 majority of its members to dispense with such election or vote of
11 electors as to such question.

12 (4) If the proposition shall be carried at the election, or if the
13 city council determines ~~governing body shall so determine~~ to dispense
14 with such election, the tentative acceptance of the owners of such bridge
15 shall then become final and binding upon such owners ~~them~~ and may be
16 enforced in any court of competent jurisdiction.

17 (5) Such purchase may also be made subject to existing mortgages and
18 the assumption of outstanding bonds.

19 (6) If repairs, reconditioning, or reconstruction shall be necessary
20 to place any bridge so purchased or to be purchased in safe, efficient,
21 or convenient condition, the ~~governing body of the city~~ council may ~~shall~~
22 ~~be empowered to~~ issue additional revenue bonds to provide funds for such
23 ~~that~~ purpose in an amount not to exceed fifteen percent of the purchase
24 price of such bridge.

25 (7) Any proposition submitted to the electors shall be published on
26 three consecutive days in the official newspaper of the city to be
27 completed not less than ten days before the date of the election.

28 (8) If ~~and when~~ the ~~governing body of any such city~~ council
29 determines ~~shall determine~~ to dispense with such election or vote of the
30 electors, or if a proposition is ~~shall have been~~ submitted to a vote of
31 the electors ~~thereof~~ and carried at such election, the city council may

1 ~~such governing body is hereby authorized and empowered to~~ exercise all
2 power and authority reasonably necessary and incidental to the exercise
3 of the powers ~~herein~~ granted in this section.

4 Sec. 245. Section 14-1207, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 14-1207 If any ~~such~~ city of the metropolitan class desires ~~shall~~
7 ~~desire~~ to acquire any existing bridge or lease of such bridge thereof or
8 all interests in such bridge ~~therein~~ by the exercise of the power of
9 eminent domain, and has ~~shall have~~ received any such authority as ~~may be~~
10 necessary from the government of the United States, such city ~~it~~ may
11 exercise such power in such manner as Congress may require. If ~~and if~~
12 the manner is not prescribed by Congress, the procedure to condemn
13 property shall be exercised in the manner set forth in sections 76-704 to
14 76-724.

15 Sec. 246. Section 14-1211, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 14-1211 (1) Within ninety days after a final condemnation award
18 pursuant to section 14-1207 has been made, ~~the governing body of the city~~
19 council of such city of the metropolitan class shall, if such city
20 council ~~it~~ elects to proceed further, introduce an ordinance providing
21 for the submission to the electors of the city the question whether such
22 award shall be confirmed and the property be taken and bonds of the kind
23 or kinds determined by the ~~governing body of the city~~ council, and stated
24 upon the ballot, shall be issued in the amount of the award.

25 (2) Such proposition shall be submitted within ninety days after the
26 ordinance becomes effective at a special election called for that purpose
27 or at any general city or state election, and shall be carried if a
28 majority of the electors voting on such proposition ~~thereon~~ shall vote in
29 favor of such proposition thereof.

30 (3) No election and no vote of electors shall be required upon the
31 question of acquiring by condemnation any bridge or issuing revenue bonds

1 as authorized by section 14-1217 for the acquisition by condemnation of
2 any existing bridge, if the ~~governing body of such~~ city council
3 determines ~~shall determine~~ by a vote of a majority of its members to
4 dispense with such election or vote of electors as to such question.

5 Sec. 247. Section 14-1212, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 14-1212 If ~~a such~~ proposition is carried pursuant to section
8 14-1211, or if the city council of a city of the metropolitan class
9 determines ~~governing body shall so determine~~ to dispense with such
10 election, title to the property to be appropriated shall at once vest in
11 such said city, and the right to possession shall vest in such said city
12 as soon as money in the amount of such said award is on deposit with the
13 county judge.

14 Sec. 248. Section 14-1215, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 14-1215 (1) Notwithstanding any limitation or requirement contained
17 in the city home rule charter of a city of the metropolitan class or
18 imposed by other laws upon the limit of indebtedness, the issuance of
19 bonds, the vote of the electors, or the exercise of the power of eminent
20 domain in or by such city, the city council of such city may ~~governing~~
21 ~~body thereof is authorized and empowered to issue and dispose of~~ general
22 obligation bonds to the amount of fifty thousand dollars, or any part
23 thereof, in any one calendar year, to finance preliminary work, including
24 investigation, soundings, employment of engineers and architects, and any
25 other useful work, or appropriate expenses in connection with the
26 proposed acquisition or construction of any bridge, bridges, or viaducts,
27 and the preliminary financing of such bridges or viaducts thereof.

28 (2) Such bonds shall be short-term bonds not to exceed three years,
29 redeemable at par on any semiannual interest date upon ten days' notice
30 by publication once in the official newspaper, and may be sold at a
31 discount of not more than two percent. The proceeds of the sale of such

1 bonds may be advanced by the ~~governing body of the city council~~ to a
2 bridge commission created as provided in sections 14-1227 and 14-1244 to
3 14-1246, to be expended by such commission in preliminary work or for
4 costs of operation and maintenance or interest charges as may be
5 necessary.

6 (3) Whether expended by the ~~governing body of the city council~~ or by
7 a bridge commission, the amount so expended shall constitute a prior and
8 first lien upon revenue derived from the operation of the bridge in
9 connection with which such expenditures have been ~~made had~~, and shall be
10 repaid as soon as possible and used by the ~~governing body of the city~~
11 council to purchase or redeem such said short-term bonds.

12 (4) The amount of such bonds shall be included as a part of the cost
13 of the bridge and shall be repaid out of the proceeds of any bonds issued
14 for permanent financing.

15 Sec. 249. Section 14-1216, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 14-1216 (1) To finance any of the purposes or powers provided for
18 in sections 14-1201 to 14-1252, the ~~governing body of any such city~~
19 council of a city of the metropolitan class shall in the first instance
20 determine whether any purchase, condemnation, or construction authorized
21 by such said sections shall be financed by bonds which are general
22 obligations of the city and which may also be supported by a lien or
23 mortgage on the bridge itself or upon the collection of tolls to be
24 derived from the use of such bridge therefrom, or both, or by revenue
25 bonds as provided for in section 14-1217 and which are charged solely
26 against the revenue to be derived from such bridge through the collection
27 of tolls, or part one kind of bonds and part the other.

28 (2) The city council ~~It~~ shall not have authority to purchase,
29 condemn, nor construct any bridge nor to issue any bonds, except the
30 preliminary bonds specially authorized by section 14-1215, until first
31 authorized by the majority vote of the electors voting on such

1 proposition, which proposition shall indicate the method of acquiring the
2 bridge and the kind or kinds of bonds, at a special election called for
3 that purpose or at any general city or state election. ~~No ; Provided, no~~
4 election and no vote of electors shall be required upon the question of
5 acquiring or constructing any bridge or issuing revenue bonds as
6 authorized by section 14-1217, for the acquisition or construction of any
7 bridge located more than one mile from any existing bridge, other than a
8 railroad bridge, if the ~~governing body of such city~~ council determines
9 ~~shall determine~~ by a vote of the majority of its members to dispense with
10 such election or vote of electors as to such question.

11 (3) This grant of power to issue bonds is in addition to any other
12 power which may now have been or hereafter may be conferred upon such
13 city, and shall be free from the restrictions now imposed by the home
14 rule charter of the city upon the issuance of bonds and incurring of
15 indebtedness, and subject only to the provisions of the Constitution of
16 Nebraska.

17 (4) At an such election under subsection (2) of this section, the
18 proposition shall be separate as to the bonds for each bridge to be
19 acquired or constructed and the amount of bonds may be either a specific
20 amount equal to the estimated total cost of every nature plus not to
21 exceed twenty-five percent, or may be general and authorize the issuance
22 of bonds in such amount as may be found necessary from time to time to
23 complete the acquisition, construction, and equipment of the bridge and
24 all costs incident to such bridge thereto, or may be part one and part
25 the other.

26 (5) For all purposes of financing, the total cost of any improvement
27 authorized by sections 14-1201 to 14-1252 may include every item of
28 expense in connection with the project, and among other items shall also
29 include the cost of acquiring every interest of every nature and of every
30 person in any existing bridge; ~~the~~ the cost of constructing the
31 superstructure, roadway, and substructure of any bridge; ~~the~~ the approaches

1 and avenues or rights-of-way of access to such bridge; ~~thereto and~~
2 necessary real estate in connection with such bridge; ~~therewith,~~ toll
3 houses; and equipment ~~thereof and~~ of such the bridge; ~~τ~~ franchises,
4 easements, rights, or damages incident to or consequent upon the complete
5 project expenses preliminary to construction, including investigation and
6 expenses incident to such construction; ~~thereto, and~~ prior to and during
7 construction the proper traffic estimates; ~~τ~~ interest upon bonds; and all
8 such other expenses as after the beginning of operation would be properly
9 chargeable as cost of operation, maintenance, and repairs.

10 Sec. 250. Section 14-1217, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 14-1217 A city ~~Cities~~ of the metropolitan class is ~~are~~ hereby
13 authorized to provide funds for the purposes of sections 14-1201 to
14 14-1252 by the issuance of revenue bonds of such city cities, the
15 principal and interest of which bonds shall be payable solely from the
16 special funds ~~herein~~ provided in such sections for such payment and as to
17 which, as shall be recited in such bonds ~~therein~~, the city shall incur no
18 indebtedness of any kind or nature and to support which the city shall
19 not pledge its credit nor its taxing power nor any part of such credit or
20 taxing power thereof. Such bonds may, at the option of the ~~governing body~~
21 ~~of such city council~~, be supported by mortgage or by deed of trust.

22 Sec. 251. Section 14-1218, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 14-1218 Revenue ~~Such revenue~~ bonds issued pursuant to section
25 14-1217 shall bear interest payable semiannually, and shall mature in not
26 more than twenty years from their date or dates and may be made
27 redeemable at the option of the city of the metropolitan class issuing
28 such bonds ~~the same~~ at not more than the par value of such bonds thereof
29 plus a premium of five percent, under such terms and conditions as the
30 ~~governing body of the city council~~ may fix prior to the issuance of such
31 bonds.

1 Sec. 252. Section 14-1219, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 14-1219 ~~The governing body of the city council of a city of the~~
4 metropolitan class shall provide the form of any such bonds issued
5 pursuant to section 14-1217, including coupons to be attached to such
6 bonds thereto to evidence interest payments, which bonds shall be signed
7 by the mayor and countersigned and registered by the city comptroller,
8 under the city's seal, and which coupons shall bear the facsimile
9 signature of such ~~said~~ mayor and the city clerk, and shall fix the
10 denomination or denominations of such bonds and the place or places of
11 payment of the principal and interest of such bonds ~~thereof~~ which may be
12 at the office of the city treasurer, or any bank or trust company in the
13 State of Nebraska ~~or in the city of New York, State of New York~~. All
14 bonds authorized by sections 14-1215 to 14-1217 and 14-1223 shall be and
15 shall have and are hereby declared to have all the qualities and
16 incidents of negotiable instruments under the Uniform Commercial Code of
17 the state without, however, constituting the revenue bonds herein
18 authorized in such sections an indebtedness of the city issuing such
19 bonds ~~the same~~. The ~~governing body of the city council~~ may provide for
20 the registration of such bonds in the name of the owner as to the
21 principal alone or as to both principal and interest.

22 Sec. 253. Section 14-1220, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 14-1220 Revenue ~~Such~~ bonds issued pursuant to section 14-1217 by a
25 city of the metropolitan class may be sold in such manner as the
26 ~~governing body of the city council~~ may determine to be for the best
27 interests of the city, taking into consideration the financial
28 responsibility of the purchaser, ~~and~~ the terms and conditions of the
29 purchase, ~~and~~ the availability of the proceeds of the bonds when required
30 for payment of the costs. Any ~~÷~~ such sale shall ~~to~~ be at not less than
31 ninety-two cents on the dollar and accrued interest.

1 Sec. 254. Section 14-1221, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 14-1221 The proceeds of any revenue such bonds issued by a city of
4 the metropolitan class pursuant to section 14-1217 shall be deposited in
5 the first instance with the city treasurer and thereafter with such
6 depositories as the bridge commission shall direct and the ~~governing body~~
7 ~~of the city~~ council shall approve, shall be secured in such manner and to
8 such extent as the ~~governing body of the city~~ council and the bridge
9 commission shall require, shall be used solely for the payment of the
10 cost of such ~~the~~ bridges and costs incident to such bridges ~~thereto~~, and
11 shall be drawn upon over the signatures of the chairperson ~~chairman~~ or
12 vice-chairperson ~~vice-chairman~~ of the bridge commission and the secretary
13 and treasurer of the bridge commission ~~thereof~~, and under such further
14 restrictions, if any, as the ~~governing body of the city~~ council may
15 provide. If the face amount of such bonds, less any discount on the sale
16 of such bonds ~~thereof~~, shall exceed such cost, the surplus shall be paid
17 into such funds ~~the fund hereinafter~~ provided for the payment of the
18 principal and interest of such bonds.

19 Sec. 255. Section 14-1222, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 14-1222 The ~~governing body of the city~~ council of a city of the
22 metropolitan class shall have the right to purchase for investment of
23 other funds, and the bridge commission and the ~~governing body of the city~~
24 council shall have the right to purchase for retirement and cancellation,
25 any of such bonds that may be outstanding, at the market price, but at
26 not exceeding one hundred ~~and~~ five percent and accrued interest and not
27 exceeding the price, if any, at which such bonds ~~the same~~ shall in the
28 same year be redeemable, but all bonds redeemed or purchased out of funds
29 provided by the sale of bridge bonds shall ~~forthwith~~ be canceled and
30 shall not ~~again~~ be reissued ~~issued~~.

31 Sec. 256. Section 14-1223, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 14-1223 Prior to the preparation of definitive bonds issued pursuant
3 to sections 14-1201 to 14-1222, the governing body of the city council of
4 a city of the metropolitan class may, under like restrictions, issue
5 temporary bonds with or without coupons, exchangeable for definitive
6 bonds upon the issuance of the latter.

7 Sec. 257. Section 14-1224, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 14-1224 (1) ~~The governing body of the city council of a city of the~~
10 metropolitan class may enter into an agreement with any competent bank or
11 trust company as trustee for the holders of ~~such~~ bonds issued pursuant to
12 sections 14-1201 to 14-1224, setting forth the duties of the city and the
13 bridge commission in respect to the construction, maintenance, operation,
14 and insurance on all funds, the insurance of money on hand or on deposit
15 and the rights and remedies of such ~~said~~ trustee and the holders of such
16 bonds, and restricting the individual right of action of bondholders as
17 is customary in trust agreements respecting bonds of corporations.

18 (2) Such ~~Said~~ trust agreement may:

19 (a) Contain ~~contain~~ such provisions for protecting and enforcing the
20 rights and remedies of the trustee and approval by the original bond
21 purchasers of the appointment of consulting engineers and of the security
22 given by the bridge contractors and by any bank or trust company in which
23 the proceeds of bonds or bridge tolls or other money of the bridge
24 commission shall be deposited, and may provide that no contract for
25 construction shall be made without the approval of the consulting
26 engineers; -

27 (b) Contain ~~Said~~ ~~trust agreement may further contain~~ provisions and
28 covenants that all or any deposited money shall be secured, as may be
29 ~~therein~~ provided in such agreement, by surety company bonds or otherwise,
30 and that investments of any or all money shall be prohibited, except as
31 ~~therein~~ provided in such agreement, or shall be regulated as ~~therein~~

1 provided in such agreement, and that insurance upon the bridge and all
2 property connected with such bridge ~~therewith~~, also use and occupancy
3 insurance, shall be carried to the extent and under the conditions
4 ~~therein~~ provided in such agreement; and -

5 ~~(c) Include Such trust agreement may also include~~ a covenant that
6 until the revenue bonds secured by such agreement and the interest on
7 such bonds ~~thereon shall~~ have been paid, the city will charge and collect
8 for transit over any or all other bridges, then or thereafter owned by
9 such city, rates of tolls which may be fixed in such covenant or may be
10 based upon principles and premises set forth in such covenant. The tolls
11 ~~thereafter~~ collected pursuant to such covenant shall be applied as
12 provided in section 14-1226, or for the acquisition or construction or
13 the maintenance and operation, in whole or in part, of any bridge or
14 bridges now owned or hereafter acquired or constructed by such city or as
15 may be otherwise provided by law.

16 Sec. 258. Section 14-1225, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 14-1225 Neither the State of Nebraska nor any political subdivision
19 thereof shall:

20 (1) Limit ~~limit~~ or restrict the rights and powers granted in
21 sections 14-1201 to 14-1252 to the detriment of owners of outstanding
22 bonds; or

23 (2) Authorize ~~nor shall such state or political subdivision~~
24 ~~authorize~~ the construction or itself construct any competing bridge
25 within a distance of one mile on either side of the bridge unless and
26 until all of such bonds, together with the interest on such bonds
27 ~~thereon~~, have been fully paid and canceled, unless other adequate
28 provisions ~~shall~~ have been made for the protection and guaranty of such
29 bonds thereof.

30 Sec. 259. Section 14-1226, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 14-1226 (1) The rates of tolls to be charged for the use of any
2 bridge acquired or constructed under the provisions of sections 14-1201
3 to 14-1252 shall be fixed and adjusted as may be required by any law of
4 the United States, and shall be so fixed and adjusted as to provide a
5 fund sufficient to pay the interest and principal of any bonds issued
6 under sections 14-1215 to 14-1217 and 14-1223 and to provide an
7 additional fund to pay the cost of maintaining, repairing, and operating
8 such bridge. Such ~~The~~ rates may also be so fixed and adjusted as to
9 provide a reserve fund reasonably sufficient to provide for the cost of
10 the continued operation, supervision, maintenance, and repair of such
11 ~~said~~ bridge or bridges for a period not to exceed twenty-five years after
12 the removal of toll charges.

13 (2) After the provision of such ~~said~~ funds has been completed, such
14 bridge or bridges shall ~~thereafter~~ be maintained and operated free of
15 toll unless or until the charging of reasonable tolls is continued or
16 resumed by the ~~governing body of the city~~ council or bridge ~~its~~
17 commission in order to finance reconstruction, extension, enlargement,
18 replacement, or renewal of that particular bridge or in aid of the
19 acquisition, construction, reconstruction, extension, enlargement,
20 replacement, or renewal of any other bridge owned in whole or in part by
21 such ~~said~~ city.

22 (3) The owners of outstanding bonds issued to finance the bridge, or
23 the authorized trustee for such owners ~~therefor~~, shall have the right to
24 compel the fixing of adequate tolls by application to any court of
25 competent jurisdiction.

26 (4) In case the city is at the same time providing for the payment
27 of more than one bridge through the collection of tolls, the tolls upon
28 such bridges may be maintained and adjusted so that each bridge shall
29 assist the financing of the other.

30 Sec. 260. Section 14-1227, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 14-1227 (1) When it has been determined by the ~~governing body of~~
2 ~~any such city council of a city of the metropolitan class~~ , by resolution
3 or ordinance in the exercise of its discretion, that in the exercise of
4 the powers conferred by sections 14-1201 to 14-1252, it is expedient to
5 create a bridge commission, the mayor of such city, with the approval of
6 the ~~governing body of the city council~~, shall appoint four persons, who,
7 with the mayor, as an ex officio member, shall constitute a bridge
8 commission which shall be a public body corporate and politic under the
9 name of (insert name of city) Bridge Commission ~~bridge commission~~. Such
10 bridge commission ~~It~~ shall have power to contract, to sue and be sued,
11 and to adopt a seal and alter such seal ~~same at pleasure~~, but shall not
12 have power to pledge the credit or taxing power of the city.

13 (2) No officer or employee of such ~~said~~ city, except the mayor
14 ~~thereof~~, whether holding a paid or unpaid office, shall be eligible to
15 hold an appointment on such bridge ~~said~~ commission. Such appointees shall
16 be originally appointed for terms of four years. Upon the expiration of
17 such terms, appointments shall be made in like manner except that the
18 term of the four appointees shall be for one year, two years, three
19 years, and four years, respectively. Not more than two of such appointees
20 shall be members of the same political party. Vacancies shall be filled
21 for any unexpired term in the same manner as the original appointment.
22 Such bridge ~~Said~~ commission shall elect a chairperson ~~chairman~~ and vice-
23 chairperson ~~vice-chairman~~ from its members, and a secretary and treasurer
24 who need not be a member of such commission. The members of the bridge
25 commission shall receive no compensation and shall give such bonds as may
26 be required from time to time by the ~~governing body of the city council~~.
27 The bridge commission shall fix the compensation of the secretary and
28 treasurer.

29 (3) The bridge commission shall have the power to establish bylaws,
30 rules, and regulations for its own government, and to make and enter into
31 all contracts or agreements necessary or incidental to the performance of

1 its duties and the execution of its powers. The bridge commission may
2 employ engineering, architectural, and construction experts and
3 inspectors and attorneys, and such other employees as may be necessary in
4 its opinion, and fix their compensation, and such employees all of whom
5 shall do such work as the bridge commission shall direct. All salaries
6 and compensation for such employees shall be obligations against and be
7 paid solely from funds provided under the authority of sections 14-1201
8 to 14-1252. The office, records, books, and accounts of the bridge
9 commission shall always be maintained in the city which the bridge
10 commission represents. Such bridge commission may be charged by the
11 ~~governing body of the city~~ council with the construction of new bridges
12 or the operation, maintenance, repair, renewal, reconstruction,
13 replacement, extension, or enlargement of existing bridges, ~~or bridges~~
14 hereafter constructed.

15 Sec. 261. Section 14-1228, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 14-1228 (1) Except as provided in subsection (2) of this section,
18 the bridge The commission of a city of the metropolitan class is hereby
19 authorized to:

20 (a) Prepare ~~prepare~~ the necessary and proper plans and
21 specifications for the construction of such bridges as may be designated
22 by the ~~governing body of the city~~ council; 7

23 (b) Select ~~to select~~ the location for such bridges same, determine
24 the size, type and method of construction of such bridges thereof, and ~~to~~
25 plan and fix the their boundaries and approaches of such bridges; 7

26 (c) Make ~~to make~~ the necessary estimates of the probable cost of
27 construction and the acquisition of the land and rights for the sites of
28 the abutments and approaches and avenues or easements of access to such
29 ~~the bridges in the~~ a manner hereinafter provided by law; 7

30 (d) Enter ~~to enter~~ into the necessary contracts to build and equip
31 the entire bridges and the approaches and avenues or easements of access

1 ~~to such bridges; thereto,~~

2 ~~(e) Build to build~~ the superstructures and substructures and all
3 parts ~~of such bridges; thereof,~~

4 ~~(f) Obtain to obtain~~ and exercise such consent or authority as may
5 be necessary from the government of the United States and the approval of
6 the Secretary of the Army and Chief of Engineers; ~~and~~ ~~τ~~

7 ~~(g) Cause and to cause~~ a survey and map to be made of all lands,
8 structures, rights-of-way, franchises, easements, ~~or~~ other interests in
9 lands, including lands under water and riparian rights owned by any
10 ~~person~~ ~~persons~~, corporation, ~~or~~ municipality, the acquisition of which
11 may be deemed necessary for the construction of such bridges, and to
12 cause such map and survey to be filed in its office. The members of the
13 ~~bridge~~ ~~commission~~, or its agents and employees, may enter upon such lands
14 and structures and upon lands under water notwithstanding any interests
15 in such lands or structures, for the purpose of making such surveys and
16 maps. ~~τ~~ ~~Provided,~~

17 ~~(2) The bridge that~~ the commission shall not proceed to exercise or
18 carry out any authority or power ~~granted by this section herein given it~~
19 to bind ~~such bridge said~~ commission beyond the extent to which money has
20 been provided.

21 Sec. 262. Section 14-1229, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 14-1229 No contract or agreement for the acquisition, construction,
24 reconstruction, repair, enlargement, extension, renewal, replacement, ~~or~~
25 equipment of ~~any bridge as provided in section 14-1228 such bridges~~
26 exceeding ~~in amount the sum of~~ twenty-five hundred dollars shall be made
27 without advertisement for ~~public bids, which shall be opened publicly,~~
28 and an award made to the best bidder. ~~The bridge~~ ~~, with power in the~~
29 commission ~~shall have the authority to reject any or all bids.~~

30 Sec. 263. Section 14-1230, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 14-1230 The plans and specifications, the location, size, type, and
2 method of construction, the boundaries and approaches, and the estimates
3 of cost of construction and acquisition, provided for in sections 14-1228
4 and 14-1229, shall be first submitted to the ~~governing body of the city~~
5 council and receive the its approval of the city council before final
6 adoption by the bridge commission, which shall have no power to proceed
7 further until such approval has been given ~~had~~.

8 Sec. 264. Section 14-1231, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 14-1231 No contract for acquisition, construction, or incidents
11 thereto, and no liabilities in connection with such contract ~~therewith~~
12 shall be entered into or incurred by a bridge commission of a city of the
13 metropolitan class until bonds to finance the project have been
14 authorized by the electors of the city in the method provided in section
15 14-1251, or until revenue bonds, as authorized by section 14-1217, have
16 been issued ~~and disposed of~~ by the ~~governing body of the city~~ council.

17 Sec. 265. Section 14-1232, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 14-1232 (1) The bridge commission of a city of the metropolitan
20 class shall:

21 (a) Operate ~~operate~~, manage, and control the bridges under the its
22 charge of such commission in their entirety; ~~τ~~

23 (b) Fix ~~fix~~ the rate of tolls of such bridges; ~~τ~~

24 (c) Establish ~~establish~~ bylaws and rules and regulations for the use
25 and operation of such bridges; ~~τ~~

26 (d) Provide ~~provide~~ for the lighting and policing of such bridges;
27 ~~thereof,~~

28 (e) Select ~~select~~ such employees as the bridge commission ~~it~~
29 deems necessary and fix their compensation; ~~τ~~ and

30 (f) If ~~if~~ and when authorized by the ~~governing body of the city~~
31 council, shall have the power to renew, replace, reconstruct, extend, and

1 enlarge bridges. ~~7~~

2 ~~(2) The bridge commission but~~ shall not have the power to create
3 liens upon or to mortgage any property unless first authorized by the
4 ~~governing body of the city council~~.

5 Sec. 266. Section 14-1233, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 14-1233 The bridge commission of a city of the metropolitan class
8 shall keep an accurate record of all its acts, the property entrusted to
9 the bridge commission ~~it~~, the cost of the bridge or bridges, and
10 incidents thereto, the expenditures for maintaining, repairing, ~~and~~
11 operating such bridges ~~same~~, and the daily tolls collected. Such ~~which~~
12 records shall be public records and the property of the city. A
13 semiannual statement shall be published on each bond interest date in the
14 official newspaper of the city. The ~~governing body of the city~~ council
15 shall have the power to examine such ~~the~~ accounts at any time, to call
16 for any reports at any time in its discretion, and to require the bridge
17 commission and its employees to appear before the city council ~~it~~ to
18 report or testify at any time.

19 Sec. 267. Section 14-1234, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 14-1234 The ~~governing body of the city~~ council of a city of the
22 metropolitan class, after reasonable notice and hearing, may at any time
23 remove any member of a bridge ~~the~~ commission or discharge any employee of
24 such bridge commission for good cause shown, but not arbitrarily nor for
25 political reasons.

26 Sec. 268. Section 14-1235, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 14-1235 The accounts and statements of the bridge commission of a
29 city of the metropolitan class shall be audited by or under the direction
30 of the city comptroller semiannually and finally upon the completion of
31 the work of the bridge commission and at such other times as may be

1 directed by the ~~governing body of the city council~~. The ~~,~~ the cost of
2 such audit shall ~~thereof to~~ be charged against the funds provided for in
3 sections 14-1201 to 14-1252.

4 Sec. 269. Section 14-1236, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 14-1236 The ~~governing body of the city council of a city of the~~
7 metropolitan class, and in the absence of action by the city council ~~it~~,
8 the bridge commission of such city, shall have the power to require bonds
9 of officers and employees to require guarantees of deposited money~~,~~ and
10 to insure the bridges and all property connected with such bridges
11 ~~therewith~~ against every manner of loss or injury.

12 Sec. 270. Section 14-1237, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 14-1237 Funds under control of the bridge commission of a city of
15 the metropolitan class may be invested in certificates of deposit in
16 national banks, capital stock financial institutions, or qualifying
17 mutual financial institutions or in bonds or other evidences of
18 indebtedness which are general obligations of the United States, the
19 State of Nebraska, ~~or~~ other states, or the city or the cities cooperating
20 as provided in section 14-1202, but only in such a manner as to be
21 immediately available for recapture when needed for the purposes
22 authorized in sections 14-1201 to 14-1252. Section 77-2366 shall apply to
23 deposits in capital stock financial institutions. Section 77-2365.01
24 shall apply to deposits in qualifying mutual financial institutions.

25 Sec. 271. Section 14-1238, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 14-1238 The bridge commission of a city of the metropolitan class is
28 ~~hereby~~ authorized to purchase in the State of Nebraska and in any
29 adjoining state when authorized by such state or the government of the
30 United States, if such authority be necessary, solely from funds provided
31 under the authority of sections 14-1201 to 14-1252, such lands,

1 structures, rights-of-way, franchises, easements, or other interests in
2 lands, including lands under water and riparian rights of any person,
3 railroad, or other public or private corporation, necessary or convenient
4 for the acquisition, construction, extension, or enlargement of such said
5 bridges and approaches to such bridges ~~thereto~~, upon such terms, prices,
6 or consideration as may be considered by such bridge commission ~~it~~ to be
7 reasonable and can be agreed upon between such bridge commission ~~it~~ and
8 the owner or owners, title to such property ~~thereto~~ to be taken in the
9 name of and to vest in the city.

10 Sec. 272. Section 14-1239, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 14-1239 Whenever it shall be necessary to condemn property in the
13 State of Nebraska for the purpose of constructing, extending, or
14 enlarging any portion of a bridge ~~the bridges~~ or the approaches to such
15 bridge ~~thereto~~, or securing avenues of access or rights-of-way leading to
16 such ~~the~~ approaches, the bridge commission of a city of the metropolitan
17 class may condemn any interests, franchises, easements, rights, or
18 privileges, land, or improvements which may, in the its opinion of such
19 commission, be necessary for the purpose of constructing such bridge ~~the~~
20 ~~bridges~~ or approaches ~~thereto~~, or necessary for rights-of-way or avenues
21 of access leading to such ~~the~~ approaches. Condemnation shall be certified
22 to the ~~governing body of the city~~ council for its action. The procedure
23 to condemn property shall be exercised in the manner set forth in
24 sections 76-704 to 76-724. The bridge commission is further empowered to
25 exercise in any adjoining state such powers of eminent domain as may be
26 conferred upon the bridge commission by any act of Congress of the United
27 States or as may be authorized by the law of that state. No payments of
28 award in any condemnation proceedings ~~proceeds~~ or for the costs of such
29 proceedings or the expense of such proceedings ~~thereof~~, shall be made
30 except from funds provided under the authority of sections 14-1201 to
31 14-1252. Title to property condemned under this section shall be taken in

1 the name of and vest in the city.

2 Sec. 273. Section 14-1240, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 14-1240 Any individual ~~All individuals~~ or corporation ~~corporations~~
5 having buildings, structures, works, conduits, mains, sewers, wires,
6 tracks, or other obstructions in, over, upon, or adjacent to the public
7 streets, lanes, alleys, or highways or in, under, over or adjacent to the
8 river over which a bridge is ~~the bridges are~~ to be constructed by a city
9 of the metropolitan class, and which ~~shall~~ interfere with or impede the
10 progress of such bridge ~~the bridges~~ and approaches when in process of
11 construction and establishment, shall upon reasonable notice from the
12 bridge commission temporarily so shift, adjust, accommodate, or remove
13 any such interference or impediment ~~the same~~, as fully to meet the
14 exigencies occasioning such action. Upon completion of such construction,
15 the actual cost of such measures ~~thereof~~, if reasonable, otherwise the
16 reasonable cost of such measures ~~thereof~~, and other incidental damages,
17 shall be promptly paid to such person by the bridge commission. In case
18 of disagreement as to reasonable cost, the damages sustained shall be
19 ascertained and determined as provided in sections 76-704 to 76-724 and
20 shall be paid at once by the bridge commission out of funds provided for
21 in sections 14-1201 to 14-1252. Similar powers may be exercised in an
22 adjoining state if and in the manner authorized by an act of Congress or
23 the law of that state.

24 Sec. 274. Section 14-1241, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 14-1241 The ~~governing body of the city~~ council of a city of the
27 metropolitan class shall cause to be assessed the damages to property by
28 reason of the construction and operation of any ~~the complete~~ bridge
29 property and appurtenances and to pay such damages ~~same~~ out of funds
30 provided for in sections 14-1201 to 14-1252. The damages sustained shall
31 be ascertained and determined as provided in sections 76-704 to 76-724.

1 Similar powers may be exercised in an adjoining state if and in the
2 manner authorized by an act of Congress or the law of that state.

3 Sec. 275. Section 14-1242, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 14-1242 Any public ways or public works, including those of a the
6 metropolitan utilities district, damaged or destroyed by reason of the
7 construction building of a bridge such bridges or approaches as provided
8 in sections 14-1201 to 14-1252 shall be restored or repaired by or at the
9 expense of the bridge commission created by a city of the metropolitan
10 class and placed in their original condition as near as practicable, or,
11 at the option of the owner owners of such property, such property the
12 same may be repaired or restored by the owner and the bridge commission
13 shall reimburse the owner for the reasonable cost of such repair or
14 restoration thereof.

15 Sec. 276. Section 14-1243, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 14-1243 Any bridge local commission of a city of the metropolitan
18 class provided for in sections 14-1227 and 14-1244 may be dissolved by
19 the governing body of the city council at any time after the acquisition,
20 construction, and equipment of any the complete bridge or bridges under
21 within its care have been completed and all the costs of such bridges
22 thereof have been paid from the funds provided by the bond issues
23 provided for in sections 14-1215 to 14-1217 and 14-1223. The Thereupon
24 the governing body of the city council shall assume the further duties in
25 connection with any such bridges bridge, including the operation,
26 maintenance, and repair of such bridges thereof, the administration of
27 funds, the collection of tolls, and all other necessary or proper acts.
28 At any time the city council thereafter it may create a new bridge
29 commission to effect any of the purposes or objects authorized by
30 sections 14-1201 to 14-1252.

31 Sec. 277. Section 14-1244, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 14-1244 (1) In case the ~~governing body of any city council of a~~
3 city of the metropolitan class designated in section 14-1201, having been
4 authorized by the electors as required in section 14-1251, shall at any
5 stage of the proceedings determine to cooperate with any such properly
6 authorized political subdivision in this or an adjoining state in the
7 joint acquisition and operation of any a bridge or bridges, a joint
8 bridge commission shall be created.

9 (2) Such joint bridge commission shall be created and the members
10 selected by the action of each political unit cooperating, in the same
11 manner provided for the creation of a local bridge commission by the
12 statutes applicable to each political unit, and upon which representation
13 may be proportioned to the respective contribution of funds by the
14 political units cooperating for the purpose of such acquisition except ;
15 ~~Provided~~, that the total membership shall not exceed ten members. The
16 joint bridge commission shall select a chairperson ~~chairman~~ and a vice-
17 chairperson ~~vice-chairman~~ to represent each political subdivision
18 cooperating in the enterprise and shall maintain a single office at the
19 place selected by the joint bridge commission but for legal purposes
20 shall be domiciled within the jurisdiction of each political unit
21 cooperating and shall have the power to sue and be sued. The joint bridge
22 ~~This~~ commission shall constitute a public body corporate and politic,
23 shall select and adopt its own name, and shall be vested with such powers
24 and subject to such conditions as may be conferred and imposed by the
25 government of the United States and such powers and conditions in the
26 State of Nebraska as are conferred and imposed in sections 14-1201 to
27 14-1252 upon a local bridge commission, and such powers and subject to
28 such conditions in an adjoining state as may be conferred and imposed by
29 the laws of such state.

30 (3) The plans and specifications, the location, size, type, and
31 method of construction, the boundaries and approaches, and the estimates

1 of the costs of construction, acquisition of property, and financing,
2 shall be first submitted to the governing bodies of the political units
3 cooperating and receive their approval by resolution before final
4 adoption by the joint bridge commission, which shall not enter into
5 contracts and shall have no power to proceed further unless and until
6 such approval has been given ~~had~~.

7 (4) If such joint bridge commission is created after any work has
8 been done, any funds provided, or any liabilities incurred by the
9 ~~governing body of the city council~~ or by a local bridge commission, such
10 joint bridge commission shall take over, succeed to, assume and be liable
11 for such work, funds, or liabilities ~~therefor~~.

12 Sec. 278. Section 14-1245, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 14-1245 A city of the metropolitan class is ~~The cities specified in~~
15 ~~section 14-1201~~ are authorized and empowered to authorize or require a
16 ~~said~~ joint bridge commission created pursuant to section 14-1244 to
17 conduct and to complete the sale of bonds provided for in sections
18 14-1215 to 14-1217 and 14-1223 at the same time and to the same purchaser
19 under the best conditions obtainable, together with the bonds of the
20 political subdivision with which such joint bridge commission ~~it~~ is
21 cooperating so that the benefits of a joint offering and sale may be
22 obtained. The funds derived from the sale of the bonds of all political
23 subdivisions cooperating may be mingled and shall be administered and
24 expended by the joint bridge commission as one common fund. As nearly as
25 may be, and subject to any rules and regulations which may be adopted by
26 the joint bridge commission for that purpose, the fund shall be deposited
27 and maintained in equitable proportions within the territory of each
28 political subdivision, and applied to the purchase or redemption of the
29 separate bond issues in an equitable manner. All contracts, evidences of
30 indebtedness, and payment vouchers shall be signed by the treasurer and
31 countersigned by each vice-chairperson ~~vice-chairman~~.

1 Sec. 279. Section 14-1246, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 14-1246 Title to all real and personal property and to a the
4 ~~completed~~ bridge constructed by a joint bridge commission and all its
5 appurtenances and incidents to such bridge shall vest in the political
6 subdivisions cooperating as tenants in common in the same proportion as
7 the contributions made to the joint fund as provided in section 14-1245.
8 In the event of the inability of the governing bodies of the political
9 subdivisions cooperating or ~~the their~~ joint bridge commission to agree,
10 the specific controversy may be submitted to arbitration in such manner
11 as may be agreed upon by the parties.

12 Sec. 280. Section 14-1247, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 14-1247 Any city of the metropolitan class exercising specified in
15 ~~section 14-1201 desiring to exercise~~ the power as granted in section
16 14-1202 to jointly purchase by bargain and sale any existing bridge may
17 do so either when the electors have authorized such joint purchase or
18 have authorized any independent purchase of such bridge. The ~~governing~~
19 ~~body of the city council may is authorized to~~ enter into a joint contract
20 with the other political unit as to all the conditions of purchase and
21 the conditions of subsequent reconditioning, operation, toll charges,
22 repair, maintenance, renewal, replacement, enlargement, and extension of
23 such bridge. Title to the bridge shall vest in the political units
24 cooperating as tenants in common and operation shall be by the joint
25 bridge commission provided for in section 14-1244 and subject to the
26 conditions provided with reference to such joint bridge commission.

27 Sec. 281. Section 14-1248, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 14-1248 (1) Any city of the metropolitan class specified in section
30 ~~14-1201~~ may acquire an existing bridge by entering into joint
31 condemnation proceedings with other political units, as authorized by in

1 section 14-1202. Where the property to be condemned is situated within
2 the jurisdiction of more than one political unit or partly in the State
3 of Nebraska and partly in an adjoining state, the political units
4 cooperating shall first enter into a contract electing in what
5 jurisdiction and in which state a single joint proceeding to condemn the
6 property as an entirety shall be instituted and the proceedings shall be
7 conducted subject to the law of and in the manner provided for that
8 jurisdiction, or such proceedings may be conducted subject to the law and
9 in the manner provided by an act of Congress conferring the power of
10 condemnation where the property to be acquired is situated in more than
11 one state.

12 (2) For purposes of this section ~~this purpose~~, cities of the
13 metropolitan class in this state ~~and specified in section 14-1201~~ are
14 authorized to become parties to a single proceeding in an adjoining state
15 and to subject themselves to the law of that state governing such
16 proceedings. In the event of such joint proceedings in this state, the
17 procedure to condemn property shall be exercised in the manner set forth
18 in sections 76-704 to 76-724.

19 (3) The contract provided for in this section ~~provided for~~ shall be
20 similar to the contract provided for in section 14-1247, ~~and shall also~~
21 fix the proportionate contribution to be made by each political unit
22 cooperating, ~~and shall also~~ provide for the creation of a joint bridge
23 commission to take over the operation of the property in the event of its
24 acquisition, subject to the conditions provided in sections 14-1244 to
25 14-1250 with reference to such joint bridge commission.

26 (4) Title to the property condemned under this section shall vest in
27 the political units cooperating as tenants in common when, as, and if the
28 approval of the electors has been given ~~had~~ as provided in section
29 14-1251.

30 Sec. 282. Section 14-1249, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 14-1249 Whenever the electors of any city of the metropolitan class
2 ~~city shall~~ have authorized the construction of a bridge as provided in
3 section 14-1201, the ~~governing body of the city~~ council shall have the
4 power to construct such bridge independently or jointly with any state or
5 political unit as authorized in section 14-1202. Such cities are
6 authorized to enter into any contract which may be necessary to
7 effectuate this purpose. The title to all property thus acquired shall
8 vest in the political units cooperating as tenants in common. The actual
9 control of all construction and subsequent operation, including all
10 property necessary to the ~~completed~~ bridge, ~~and~~ all maintenance and
11 repair of such bridge thereof, and all funds and the collection and
12 custody of tolls, shall vest in a joint bridge commission as provided in
13 section 14-1244. Such joint bridge ~~, which~~ commission and its control
14 shall not be terminated until such tenancy in common is ~~shall be~~
15 terminated.

16 Sec. 283. Section 14-1250, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 14-1250 Any city in an adjoining state which has been properly
19 authorized by the laws of that state or the United States, may exercise
20 in the State of Nebraska any and all of the powers granted in sections
21 14-1201 to 14-1252 to cities in Nebraska, subject to the conditions and
22 requirements of such ~~said~~ sections.

23 Sec. 284. Section 14-1251, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 14-1251 (1) Elections on propositions arising in connection with
26 the exercise of any of the powers granted by sections 14-1201 to 14-1252
27 may be submitted by the ~~governing body of the city~~ council of a city of
28 the metropolitan class to the electors of such city thereof at any
29 general, city, or state election or at any special election called for
30 that purpose. Any ~~, and any~~ proposition shall be carried if a majority of
31 the electors voting on such proposition ~~thereon~~ vote in favor of such

1 proposition thereof.

2 (2) No bridge shall be finally or irrevocably acquired, whether by
3 purchase, ~~or by~~ condemnation, or by construction, until such action and
4 the necessary financing shall have been approved by a majority of the
5 electors voting on the proposition at a general city or state election or
6 at a special election called for that purpose, ~~or shall~~ have been
7 approved by the ~~governing body of the city council~~, as authorized by such
8 ~~said~~ sections.

9 (3) Two or more propositions or questions may be submitted at the
10 same election and on the same ballot provided each is so presented that
11 the electors may vote separately upon each proposition. A vote of the
12 electors authorizing independent action shall be held to also authorize
13 joint action for the purpose so authorized but a vote on a proposition of
14 joint action shall not be held to authorize independent action.

15 (4) The ~~governing body of the city council~~ is hereby authorized to
16 determine what shall be included in the proposition to be stated in
17 notices of election and upon the ballots in its full discretion, except
18 that any proposition must indicate whether the bridge shall be acquired
19 by ~~the~~ purchase, ~~or~~ by the condemnation of an existing bridge, or by the
20 construction of a new bridge, and the kind of bonds to be issued to
21 finance such bridge ~~the same~~ and the amount of such bonds may be set
22 forth in any manner authorized in such ~~said~~ sections.

23 Sec. 285. Section 14-1252, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 14-1252 Any ~~If any such~~ city of the metropolitan class that has
26 ~~shall have~~ adopted a home rule charter ~~it~~ may exercise any powers granted
27 in sections 14-1201 to 14-1251 in the method ~~herein~~ provided by this
28 section or by ~~in~~ such other method, in whole or in part, as may from time
29 to time be provided in whole or in part by such ~~said~~ home rule charter.
30 The powers ~~hereby~~ conferred by such sections shall ~~are to~~ be exercised
31 without any restriction or limitation under the home rule ~~city~~ charter or

1 laws of the state except the provisions of the Constitution of Nebraska
2 ~~the state~~, and are supplementary and additional to powers which have been
3 or may hereafter be conferred upon the city by the laws of the state or
4 such home rule charter of the city. All powers granted or provided to be
5 conferred upon ~~the~~ bridge commissions authorized by such said sections
6 are likewise granted to and conferred upon and may be exercised by the
7 ~~governing body of the city~~ council and such ~~the governing body of the~~
8 city council may delegate to any bridge commission created for such city
9 under such said sections, in the discretion of such city council
10 ~~governing body~~, any or all of the powers, privileges, and rights of
11 approval and restraint conferred upon it by such said sections.

12 Sec. 286. Section 14-1702, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 14-1702 The Legislature finds and declares that ~~It is hereby~~
15 ~~determined and declared as a matter of legislative finding and policy:~~

16 (1) Traffic ~~That the traffic~~ in the streets of the business section
17 of ~~metropolitan~~ cities of the metropolitan class has become congested by
18 the great number of motor vehicles entering and traversing such streets,
19 and the trend is for an ever-increasing number of vehicles on such
20 streets and that, unless appropriate action is taken, the congestion will
21 become worse and constitute a public nuisance;

22 (2)(a) Such ~~(2) That (a)~~ the traffic congestion has created a hazard
23 to life, limb, and property of those using such streets, (b) the free
24 circulation of traffic of all kinds is necessary to the health, safety,
25 and general welfare of the public, and (c) any impeding of the free flow
26 of traffic might seriously affect the rapid and effective fighting of
27 fires and the disposition of the police force and emergency vehicles;

28 (3) There ~~That there~~ is insufficient space, on the streets or places
29 adjacent to such streets ~~thereto~~, to provide the required parking and
30 that convenient offstreet parking would facilitate the free flow of
31 traffic. The space below the surface of property, owned by the county for

1 courthouse sites or other public uses, and the space below the surface of
2 the streets could properly and beneficially be used for parking areas and
3 such use would promote public safety, convenience, and welfare; and

4 (4) ~~Providing That providing~~ for the relieving of traffic congestion
5 is a matter of public welfare, of general public interest, of statewide
6 concern, and within the powers reserved to the state.

7 Sec. 287. Section 14-1703, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 14-1703 As used in the Parking Authority Law sections 14-1701 to
10 ~~14-1725~~, unless the context otherwise requires:

11 (1) Authority means a parking authority shall mean the body politic
12 ~~and corporate~~ created pursuant to the Parking Authority Law sections
13 ~~14-1701 to 14-1725~~;

14 (2) Board means the governing body of such authority, constituted as
15 is provided by section 14-1705;

16 (2) ~~Facilities shall mean the entire subsurface parking area and all~~
17 ~~improvements therein or appurtenances used in connection therewith,~~
18 ~~including entrances and exits, and all equipment, machinery, and~~
19 ~~accessories necessary or convenient for the parking of vehicles;~~

20 (3) City means shall mean the city of the metropolitan class which
21 requested the Governor to establish a parking authority within the city;

22 (4) County means shall mean the county in Nebraska where the
23 authority is located; and

24 (5) Facilities means the entire subsurface parking area and all
25 improvements in such parking area or appurtenances used in connection
26 with such parking area, including entrances and exits, and all equipment,
27 machinery, and accessories necessary or convenient for the parking of
28 vehicles.

29 (5) ~~The authority shall be deemed located in the county where the~~
30 ~~city requesting the establishment of the authority is located; and~~

31 (6) ~~Board shall mean the governing body of such authority,~~

1 ~~constituted as is provided by section 14-1705.~~

2 Sec. 288. Section 14-1704, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 14-1704 The Governor shall establish a parking authority whenever
5 requested by the city council governing~~body~~ of a city of the
6 metropolitan class in which the county seat is located. The authority
7 shall be established by the Governor issuing a proclamation declaring the
8 existence of such an authority and filing a copy of such proclamation
9 ~~thereof~~ with the Secretary of State. The authority shall be a body
10 corporate and politic to be known as Parking Authority,
11 therein inserting the name of the city requesting the authority. Such an
12 authority shall be a governmental subdivision of the State of Nebraska
13 with the powers and authority provided by the Parking Authority Law
14 ~~sections 14-1701 to 14-1725~~. Such authority is declared to be an
15 instrumentality of the state exercising public and essential governmental
16 functions in the performance of the powers conferred upon it by the
17 Parking Authority Law, and shall be deemed located in the county where
18 the city requesting the establishment of the parking authority is located
19 ~~sections 14-1701 to 14-1725~~.

20 Sec. 289. Section 14-1705, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 14-1705 (1) The governing body of the authority shall be a board
23 consisting of seven members, two of whom shall, ~~ex officio,~~ be the mayor
24 of the city requesting the establishment of the authority and the
25 chairperson ~~chairman~~ of the board of county commissioners of the county
26 in which wherein the authority is located, both serving as ex officio
27 members. Each of these ex officio members shall serve without bond during
28 their respective terms as mayor and chairperson ~~chairman~~.

29 (2) The remaining five members shall be residents of the county in
30 which the authority is located. Two of such ~~these~~ members shall be
31 originally appointed for a term of two years and three for a term of four

1 years from the date of their appointment, and thereafter the members
2 shall hold office for a term of four years and until their successors are
3 appointed and have qualified. The Governor, in making the original
4 appointments, shall designate the term of each appointee. Any vacancy~~r~~ in
5 the appointed members of the board for any reason~~r~~ shall be filled for
6 the unexpired term by an appointment by the Governor. No appointive
7 member shall hold office for more than three successive full terms.

8 (3) Each appointive member, before entering upon the duties of his
9 office, shall file with the Secretary of State an oath that such person
10 ~~he~~ will duly and faithfully perform to the best of such person's ~~his~~
11 ability all duties of such ~~his~~ office, as provided in the Parking
12 Authority Law sections 14-1701 to 14-1725, and a bond in the penal sum of
13 five thousand dollars executed by one or more qualified sureties for the
14 faithful performance of all such person's ~~his~~ duties as a member of the
15 board of such authority. If any appointive member fails to file such oath
16 and bond with the Secretary of State within thirty days after written
17 notice of such appointment, the office shall be deemed to be vacant and a
18 new appointment made.

19 Sec. 290. Section 14-1706, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 14-1706 The board authority shall annually elect a chairperson and
22 vice-chairperson from its members and a secretary and treasurer who shall
23 not be a member of the board authority. A quorum for the transaction of
24 business shall consist of four members of the board authority. The
25 affirmative vote of four members shall be necessary for any action taken
26 by the board authority. No vacancy in the membership shall impair the
27 right of the quorum to exercise all the rights and perform all the duties
28 of the board authority. The members of the board authority shall receive
29 no compensation for services rendered, but shall be reimbursed for all
30 expenses incurred by them in the exercise of their duties in the same
31 manner as provided in section 23-1112 for county officers and employees

1 and for the cost of their bonds. The secretary and treasurer may be
2 compensated in such amounts as the board shall fix ~~authority~~ from time to
3 time ~~shall fix~~, and such persons ~~he or she~~ may be required to give bond,
4 in the amount prescribed by the board ~~authority~~, before entering upon the
5 ~~his or her~~ duties of ~~as such~~ secretary or ~~and~~ treasurer. The premium of
6 such bond shall be paid for by the board ~~authority~~.

7 Sec. 291. Section 14-1707, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 14-1707 (1) For the purpose of accomplishing the object and purpose
10 of the Parking Authority Law ~~sections 14-1701 to 14-1725~~, the authority
11 shall possess all the necessary powers of a public body corporate and
12 governmental subdivision of the State of Nebraska, including the
13 following powers which shall not be construed as a limitation on the
14 general powers ~~herein~~ conferred by the Parking Authority Law:

15 (a) ~~(1)~~ To adopt bylaws for the regulation of its affairs and for
16 the conduct of its business;

17 (b) ~~(2)~~ To adopt the official seal of the authority and to alter
18 such seal ~~the same at pleasure~~;

19 (c) ~~(3)~~ To maintain an office within the county where the authority
20 is located;

21 (d) ~~(4)~~ To sue and be sued in its own name;

22 (e) ~~(5)~~ To make and enter into any and all contracts and agreements
23 with any individual, public or private corporation, or agency of this
24 state or the United States, as may be necessary or incidental to the
25 performance of its duties and the execution of its powers under the
26 Parking Authority Law ~~provisions of sections 14-1701 to 14-1725~~;

27 (f) ~~(6)~~ To acquire, lease, and hold such real or personal property
28 or any rights, interest, or easements in such property ~~therein~~ as may be
29 necessary or convenient for the purpose of the authority and to sell,
30 assign, and convey such property ~~the same~~;

31 (g) ~~(7)~~ To (i) ~~(a)~~ employ a general manager, engineers, accountants,

1 attorneys, financial experts, and such other employees and agents as the
2 authority ~~it~~ may deem ~~to be~~ necessary, ~~(ii) (b)~~ fix the ~~their~~
3 compensation of such employees and agents, and ~~(iii) (c)~~ discharge such
4 employees and agents ~~the same~~;

5 ~~(h) (8)~~ To borrow money and issue and sell negotiable bonds, notes,
6 or other evidence of indebtedness, to provide for the rights of the
7 holders of such bonds, notes, or other evidence of indebtedness thereof,
8 and to pledge all or any part of the income of the authority received, as
9 provided in the Parking Authority Law sections 14-1701 to 14-1725, to
10 secure the payment thereof, except that ; ~~Provided~~, the authority shall
11 not have the power to pledge the credit or taxing power of the state or
12 any political subdivision thereof or to place any lien or encumbrance on
13 property owned by the state, the county, or the city which requested the
14 establishment of ~~used by~~ the authority;

15 ~~(i) (9)~~ To receive and accept from the federal government, or any
16 agency thereof, the State of Nebraska, or any subdivision thereof, or
17 from any person or corporation, donations or grants for or in aid of the
18 construction of ~~the~~ parking facilities, and to hold, use, and apply such
19 donations or grants ~~the same~~ for the purpose for which such donations or
20 grants or donations may have been made; and

21 ~~(j) (10)~~ To have and exercise all powers usually granted to the
22 board of directors of corporations which are necessary or convenient to
23 carry out the powers given the authority under the Parking Authority Law.
24 ~~provisions of sections 14-1701 to 14-1725~~;

25 ~~(2) (11)~~ The authority shall operate only in the county in which it
26 is located. ; ~~and~~

27 ~~(3) (12)~~ The authority shall have no rights of eminent domain.

28 Sec. 292. Section 14-1708, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 14-1708 Upon establishing an ~~the~~ authority, the county in which ~~r~~
31 ~~wherein~~ the authority is located, shall grant to the authority the right

1 to use any space below the plot of ground used as a courthouse site and
2 such portion of the surface of such said plot not then used by the county
3 for a courthouse ~~located thereon~~. The city shall likewise grant to the
4 authority the right to use the space below the surface of the streets
5 abutting on such said courthouse site including the street intersections
6 connecting such said streets. The governing bodies of the county and city
7 shall have the authority to execute the required grants without a vote of
8 the electorate or any authorization other than that contained in the
9 Parking Authority Law sections 14-1701 to 14-1725. All such grants shall
10 be for a period of fifty years. The authority may also acquire by lease,
11 purchase, gift, grant, or any lawful manner, such adjoining privately
12 owned property as may be necessary or convenient for the exercise of its
13 powers for the construction of entrances to or exits from its ~~parking~~
14 facilities.

15 Sec. 293. Section 14-1709, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 14-1709 The authority shall construct and maintain ~~subsurface~~
18 ~~parking~~ facilities at the location acquired under section 14-1708, with
19 all necessary entrances, exits, air vents, and other appurtenances
20 required for an efficient facilities subsurface parking facility. In
21 constructing and maintaining the ~~parking facilities~~, the surface above
22 such facilities ~~the facility~~ shall not be disturbed more than shall be
23 necessary. Any portion of such location ~~thereof~~ not required by the
24 facilities facility shall, on completion of the facilities facility, be
25 restored to a good usable condition. If it is necessary to relocate or do
26 other work to protect any sewer line or utility, the authority shall do
27 the necessary work or bear the expense of such relocation or other work
28 ~~thereof~~ and the authority shall reimburse the county and city for any
29 expense or liability incurred as a result of the construction or
30 maintenance of the facilities facility. The authority shall also protect
31 the owners of private property abutting the facility against loss of

1 lateral support for improvements erected on their property at the time of
2 the construction of the facilities or reimburse such owners ~~them~~ for
3 expenses incurred as a result of the removal of such ~~said~~ support, but
4 neither the state, county, city, nor authority shall be otherwise liable
5 to such owners. The county and city shall cooperate with the authority
6 and make available to the authority without cost any information such
7 county or city ~~it~~ has that would be useful to the authority in the
8 construction of the facilities. The ~~parking~~ authority shall not construct
9 any private entrances or grant the right to others to construct private
10 entrances to its ~~parking~~ facilities.

11 Sec. 294. Section 14-1710, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 14-1710 All purchases and all contracts relating to the
14 construction, maintenance, improvement, or extension of the authority's
15 facilities, except ~~other than~~ contracts relating to the acquiring of real
16 property or some interest in such real property ~~therein~~ or contracts of
17 employment or some specialized service, involving the expenditure of two
18 thousand dollars or more, shall be let to the lowest responsible bidder
19 after not less than twenty days' public notice of request for bids.

20 Sec. 295. Section 14-1711, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 14-1711 The authority shall lease or grant concessions for the use
23 of its ~~the~~ facilities or various portions of such facilities ~~thereof~~ to
24 one or more operators to provide for the efficient operation of the
25 facilities. All leases or concessions shall be let on a competitive basis
26 and no lease or concession shall run for a period in excess of thirty
27 years. In granting any lease or concession, the authority shall retain
28 such control of the facilities as may be necessary to insure that the
29 facilities will be properly operated in the public interest and that the
30 prices charged are reasonable.

31 Sec. 296. Section 14-1712, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 14-1712 (1) The authority may from time to time borrow such money,
3 as authorized in this section or subdivision (1)(h) ~~(8)~~ of section
4 14-1707, as it may require in the exercise of its powers and duties, and
5 to evidence such borrowings and to fund or refund any bonds or interest
6 on such bonds ~~thereon~~ or other indebtedness it may have outstanding,
7 issue its negotiable bonds as ~~herein~~ provided in this section. ÷

8 (2) ~~(1)~~ The principal and interest of the bonds shall be payable
9 only out of the revenue, income, and money of the authority, and shall
10 not constitute a debt or liability of the state or any political
11 subdivision thereof, other than of the ~~this~~ authority, and neither the
12 credit nor the taxing power of the state or any political subdivision
13 thereof, other than the ~~this~~ authority, shall be pledged for the payment
14 of such ~~said~~ bonds, and all bonds shall bear on their face a statement to
15 such ~~that~~ effect. The bonds shall mature at such time or times, not
16 exceeding twenty-five years from their date, as may be determined by the
17 authority. Such bonds may be redeemable before maturity at the option of
18 the authority at such price or prices, and under such terms and
19 conditions as may be fixed by the authority prior to the issuance of the
20 bonds. The authority shall determine the form of the bonds and fix the
21 denominations and place of payment, which may be at any bank or trust
22 company within or outside ~~without~~ the state. The bonds shall be signed by
23 the chairperson ~~chairman~~ of the authority, or bear the chairperson's ~~his~~
24 facsimile signature. The seal of the authority shall be impressed on such
25 bonds ~~thereon~~, and attested by the secretary and treasurer of the
26 authority. Any coupons attached to such bonds ~~thereto~~ shall bear the
27 facsimile signature of the chairperson ~~chairman~~ of the authority. In case
28 any officer, whose facsimile signature or signature shall appear on any
29 bond or coupon, shall cease to be such officer before the delivery of
30 such bonds, such signature or such facsimile shall nevertheless be valid
31 and sufficient for all purposes, the same as if such person ~~he~~ had

1 remained in office until such delivery;

2 (3) (2) The bonds issued under the Parking Authority Law provisions
3 of ~~sections 14-1701 to 14-1725~~ in negotiable form shall have and are
4 hereby declared to have all the qualities and incidents of negotiable
5 instruments under the Uniform Commercial Code of the state. The bonds may
6 be issued in coupon or in registered form, or both. The authority may
7 sell such bonds in such a manner and for such price as it determines in
8 ~~may determine to be~~ for the best interests of the authority; and

9 (4) (3) Prior to the preparation of definitive bonds, the authority
10 may, under like restrictions, issue interim receipts or temporary bonds,
11 with or without coupons, exchangeable for definitive bonds when such
12 bonds shall have been executed and are available for delivery. The
13 authority may also provide for the replacement of any bonds which ~~shall~~
14 become mutilated, ~~or shall be destroyed,~~ or lost.

15 Sec. 297. Section 14-1713, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 14-1713 At ~~In~~ the discretion of the authority, any bonds issued
18 under the provisions of the Parking Authority Law ~~sections 14-1701 to~~
19 ~~14-1725~~ may be secured by trust agreement by and between the authority
20 and a corporate trustee which may be any trust company or bank having the
21 powers of a trust company within or outside ~~without~~ the state. Such trust
22 agreement may contain provisions which shall be deemed to be for the
23 benefit of the trustee or holders of the bonds as to:

24 (1) The pledging of all or any part of the income, receipts, and
25 revenue of the authority to secure the payment of the bonds or any issue
26 of bonds, subject to such agreement with bondholders as may then exist;

27 (2) Provisions for protecting and enforcing the rights and remedies
28 of the bondholders, including the establishment of reasonable charges,
29 construction, improvement, maintenance, and operation of the authority's
30 facilities and insurance upon its properties;

31 (3) The appointment of a trustee, fiduciary, or depositary for the

1 collection, deposit, and disbursement of the funds of the authority;

2 (4) Limitations on the issuance of additional bonds and the terms
3 upon which additional bonds may be issued and secured and the issuance of
4 refunding bonds;

5 (5) The procedure by which any contract with the bondholders may be
6 amended or modified;

7 (6) The keeping of records and making reports to the trustee or
8 bondholders;

9 (7) The rights and remedies of the trustee and the bondholders and
10 restrictions on individual actions by the bondholders; and

11 (8) Any additional provisions which may be reasonable and proper for
12 the security of the bondholders.

13 Sec. 298. Section 14-1714, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 14-1714 Any pledge of revenue or other money of the authority made
16 by the authority, in accordance with the Parking Authority Law provisions
17 ~~of sections 14-1701 to 14-1725~~, shall be valid and binding from the time
18 when such ~~the~~ pledge is made, and ~~÷~~ the revenue or other money so pledged
19 and thereafter received by the authority shall immediately be subject to
20 the lien of such pledge without any ~~delivery thereof~~ or further act. The
21 lien of any such pledge shall be valid and binding as against all parties
22 having claims of any kind, sort, contract, or otherwise against the
23 authority, irrespective of whether or not such parties have notice of
24 such pledge ~~thereof~~. Neither the resolution nor any other instrument by
25 which a pledge is created need be recorded.

26 Sec. 299. Section 14-1715, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 14-1715 The holder of any bonds or coupons appertaining to such
29 bonds or coupons issued by the authority ~~thereto~~, unless the trust
30 agreement vests the right of action solely in the trustee, then the
31 trustee, may by civil action or proceedings, protect and enforce any and

1 all rights under the trust agreement covering the issuance of such said
2 bonds, and may enforce and compel the performance of all duties required
3 by the Parking Authority Law sections 14-1701 to 14-1725 or trust
4 agreement to be performed by the authority or any officer of the
5 authority thereof and the court having jurisdiction of the proceedings
6 may, if necessary for the protection of the bondholders, appoint a
7 receiver or other administrator to operate the facilities until such time
8 as the obligations to the bondholders have been paid in full. No
9 execution shall be levied upon, or sale made ~~had~~, of any properties
10 belonging to the authority which are necessary for the operation of the
11 facilities.

12 Sec. 300. Section 14-1716, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 14-1716 Nothing in the Parking Authority Law sections 14-1701 to
15 14-1725 shall be construed (1) as granting to the authority any power to
16 alienate or encumber any real property belonging to the state or any of
17 its political subdivisions, (2) to grant to the authority any right or
18 power to pledge the credit of the State of Nebraska, or any of its
19 subdivisions, or (3) to give the authority any power to levy or assess
20 taxes.

21 Sec. 301. Section 14-1717, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 14-1717 Before delivering any bonds, the authority shall prepare a
24 written statement under oath setting forth its proceedings authorizing
25 the issuance of the bonds and a copy of the trust or other bond agreement
26 executed in connection with such bonds ~~therewith~~.

27 Sec. 302. Section 14-1718, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 14-1718 Bonds issued by the authority under the Parking Authority
30 Law ~~provisions of sections 14-1701 to 14-1725~~ are hereby made securities
31 in which the state and all political subdivisions of the state, their

1 officers, boards, commissions, departments, or other agencies, all banks,
2 bankers, savings banks, trust companies, savings and loan associations,
3 investment companies, insurance associations, and other persons carrying
4 on an insurance business, and all administrators, executors, guardians,
5 trustees, and other fiduciaries, and all other persons who are now or may
6 hereafter be authorized to invest in bonds or other obligations of the
7 state, may properly and legally invest any funds, including capital
8 belonging to them or within their control. Such bonds or other securities
9 or obligations are hereby made securities which may properly and legally
10 be deposited with and received by any state or municipal officers or
11 agency of the state for any purpose for which the deposit of bonds or
12 other obligations of the state is now or may hereafter be authorized by
13 law.

14 Sec. 303. Section 14-1719, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 14-1719 All money received by the authority from whatever source,
17 including sale of its bonds, shall be deemed to be public trust funds to
18 be held and applied in the manner provided in the Parking Authority Law
19 and under such restrictions, if any, as the authority may provide in any
20 resolution authorizing the issuance of bonds or bond agreement executed
21 by the authority. ~~Such it.~~ The money shall be deposited in such banks,
22 capital stock financial institutions, qualifying mutual financial
23 institutions, or trust companies as may be selected by the authority from
24 time to time. Section 77-2366 shall apply to deposits in capital stock
25 financial institutions. Section 77-2365.01 shall apply to deposits in
26 qualifying mutual financial institutions.

27 Sec. 304. Section 14-1721, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 14-1721 The authority shall not be required to pay any taxes or
30 assessments upon its facilities or properties acquired by it and used for
31 a public purpose. Bonds issued under the Parking Authority Law, their

1 transfer and income from such bonds ~~therefrom~~, including any profits made
2 from the sale of such bonds ~~thereof~~, shall be exempt from taxation.

3 Sec. 305. Section 14-1722, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 14-1722 The authority shall keep a full set of books and records
6 showing all of its transactions according to the best business practices.
7 The Auditor of Public Accounts shall cause the books of the account to be
8 examined and audited annually by a certified public accountant under ~~his~~
9 direction of the Auditor of Public Accounts. The reports of all audits
10 made by the Auditor of Public Accounts shall be made and remain a part of
11 the public records in such ~~his~~ office. The expense of such audits shall
12 be paid out of the funds of the authority. The auditor shall be given
13 access to all books, papers, contracts, documents, and memoranda of every
14 kind and character and be furnished all additional information that may
15 be essential to the making of a comprehensive and correct audit.

16 Sec. 306. Section 14-1723, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 14-1723 The authority shall not be terminated by any act of the
19 state prior to the payment in full of all obligations incurred by the
20 authority. Unless terminated prior to such date ~~thereto~~, the authority
21 shall terminate at the end of fifty years from the date of its
22 establishment and ~~it~~ shall ~~forthwith~~ liquidate its affairs and convey to
23 the city and county respectively any improvements on the property
24 contributed by them. Any surplus funds shall be distributed to the county
25 and city in the manner provided by section 14-1720 ~~and thereupon the~~
26 ~~authority shall cease to exist.~~

27 Sec. 307. Section 14-1724, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 14-1724 In the event the authority fails to commence the
30 construction of the ~~parking~~ facilities within three years from the date
31 of the proclamation issued by the Governor under ~~, as provided for by~~

1 section 14-1704, establishing the authority, the authority shall
2 terminate and any leases, grants, or rights obtained from the city or
3 county shall ~~forthwith~~ terminate and revert to the city and county
4 respectively.

5 Sec. 308. Section 14-1725, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 14-1725 The Parking Authority Law ~~provisions of sections 14-1701 to~~
8 ~~14-1725~~ shall be independent of and in addition to any other provisions
9 of law ~~provision of the laws~~ of the State of Nebraska with reference to
10 the matters covered by such law ~~hereby~~ and shall be considered as a
11 complete and independent act and not as amendatory of or limited by any
12 other provisions of law ~~provision of the laws~~ of the State of Nebraska.
13 If any provision of the Parking Authority Law ~~sections 14-1701 to 14-1725~~
14 is held unconstitutional or invalid, it shall not affect the other
15 provisions of such law ~~sections 14-1701 to 14-1725~~.

16 Sec. 309. Section 14-1726, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 14-1726 The Legislature finds and declares that ~~It is hereby~~
19 ~~determined and declared as a matter of legislative finding and policy:~~

20 (1) Traffic ~~That the traffic~~ in the streets of the business section
21 of ~~metropolitan~~ cities of the metropolitan class has become congested by
22 the great number of motor vehicles entering and traversing such streets,
23 and the trend is for an ever-increasing number of vehicles on such
24 streets and that, unless appropriate action is taken, the congestion will
25 become worse and constitute a public nuisance;

26 (2)(a) Traffic ~~(2) That (a) the traffic~~ congestion has created a
27 hazard to life, limb, and property of those using such streets, (b) the
28 free circulation of traffic of all kinds is necessary to the health,
29 safety, and general welfare of the public, and (c) any impeding of the
30 free flow of traffic might seriously affect the rapid and effective
31 fighting of fires and the disposition of the police force and emergency

1 vehicles;

2 (3) ~~There That~~ there is insufficient space, on the streets or places
3 adjacent ~~to such streets thereto~~, to provide the required parking and
4 that convenient offstreet parking would facilitate the free flow of
5 traffic. The space below the surface of property, owned by the county for
6 courthouse sites or other public uses, the space below the surface of the
7 streets, and the space above and below the surface of an area adjacent to
8 public buildings within the civic center of such city could properly and
9 beneficially be used for parking areas and such use would promote public
10 safety, convenience, and welfare; and

11 (4) ~~Providing That~~ providing for the relieving of traffic congestion
12 is a matter of public welfare, of ~~or~~ general public interest, of
13 statewide concern, and within the powers reserved to the state.

14 Sec. 310. Section 14-1727, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 14-1727 As used in sections 14-1726 to 14-1730, unless the context
17 otherwise requires:

18 (1) Parking facilities means ~~shall mean~~ the entire surface or
19 subsurface parking area and all improvements in such parking area therein
20 or appurtenances used in connection with such parking area therewith,
21 including entrances and exits, and all equipment, machinery, and
22 accessories necessary or convenient for the parking of vehicles; and

23 (2) Civic center means ~~shall mean~~ the area designated by the city
24 council of a city of the metropolitan class in the master plan of the
25 city as the site for city and county administrative, legislative, and
26 judicial headquarters, together with such other governmental functions
27 and subdivisions as may be deemed appropriate.

28 Sec. 311. Section 14-1728, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 14-1728 Any city of the metropolitan class, any county in which such
31 city is located, or such city and county jointly may construct parking

1 facilities in conjunction with a civic center. When constructed, such
2 parking facilities shall be leased for operation, in which case the lease
3 shall be granted to the highest and best bidder, after publication and
4 notice of such offering for lease in the same manner as required by law
5 for other contracts awarded by the city, ~~or~~ county, or city and county.
6 Such facilities shall not be operated by the city, ~~or~~ county, or city and
7 county.

8 Sec. 312. Section 14-1729, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 14-1729 For the purpose of constructing ~~such~~ parking facilities as
11 provided in section 14-1728, the city and county may jointly issue
12 revenue bonds. The principal and interest of such bonds shall be payable
13 only out of the revenue and income of such parking facilities.

14 Sec. 313. Section 14-1730, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 14-1730 (1) Each city of the metropolitan class shall have the
17 power to lease, upon such terms as the city deems ~~it shall deem~~
18 appropriate for a term not to exceed ninety-nine years, air space above
19 any street, alley, major traffic street, connecting link, controlled-
20 access facility, main thoroughfare, boulevard, or other property owned by
21 such city, to one or more of the owners of the fee title adjoining such
22 air space on either or both sides of such street, alley, major traffic
23 street, connecting link, controlled-access facility, main thoroughfare,
24 boulevard, or other city property, but only if the air space to be so
25 leased is not needed for and does not materially interfere with the use
26 of such street, alley, major traffic street, connecting link, controlled-
27 access facility, main thoroughfare, boulevard, or other city property.

28 (2) All leases of such air space shall provide (a) the minimum
29 clearances to be maintained at various points over the street, alley,
30 major traffic street, connecting link, controlled-access facility, main
31 thoroughfare, boulevard, or other city property, (b) \div the area of the

1 air space to be leased, (c) ÷ the location of supports, columns, pillars,
2 foundations or other similar or supporting structures within or on such
3 street, alley, major traffic street, connecting link, controlled-access
4 facility, main thoroughfare, boulevard, or other city property, ÷ and (d)
5 that such supporting structures shall be so located as not to materially
6 interfere with the use of the street, alley, major traffic street,
7 connecting link, controlled-access facility, main thoroughfare,
8 boulevard, or other city property. Such leases may contain such other
9 terms and conditions as shall be deemed appropriate by the city.

10 (3) In determining rental under any such lease, the city may take
11 into account the public purpose or use, if any, to be served by the
12 lessee.

13 Sec. 314. Section 14-1731, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 14-1731 (1) The Legislature hereby finds and declares that the great
16 increase in the number of motor vehicles, including buses and trucks, has
17 created hazards to life and property in cities of the metropolitan class
18 in Nebraska.

19 ~~(2) State recognition is hereby given to the hazard created in the~~
20 ~~streets of cities of the metropolitan class by the great increase in the~~
21 ~~number of motor vehicles, buses, and trucks. In order to remove or reduce~~
22 the hazards of life and property and the inconvenience of congested
23 traffic on the streets in such cities in this state, it is hereby deemed
24 necessary and of general benefit to the entire State of Nebraska to
25 provide means for such cities to own offstreet vehicle parking facilities
26 exclusively for the parking of motor vehicles.

27 Sec. 315. Section 14-1732, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 14-1732 Any city of the metropolitan class is hereby authorized to
30 own, purchase, construct, equip, lease, or operate within such city
31 offstreet motor vehicle parking facilities on property located beneath

1 any elevated segment of the National System of Interstate and Defense
2 Highways or portion thereof, or public property title to which is held by
3 ~~in~~ the city on May 7, 1971, or property owned by the city and used in
4 conjunction with and incidental to city-operated facilities, or on
5 property situated so as to serve business in the central business
6 district, or business in long-established outlying neighborhood business
7 districts for the use of the general public. The grant of power in this
8 section does not include the power to engage, directly or indirectly, in
9 the sale of gasoline, oil, or other merchandise or in the furnishing of
10 any service other than that of parking motor vehicles as provided in this
11 section ~~herein~~. Any such city shall have the authority to acquire by
12 grant, contract, or purchase, as provided by law for such acquisition,
13 all real or personal property, including a site or sites on which to
14 construct such facilities, necessary or convenient in the carrying out of
15 this grant of power.

16 Sec. 316. Section 14-1733, Revised Statutes Cumulative Supplement,
17 2020, is amended to read:

18 14-1733 (1) In order to pay the cost required by any purchase,
19 construction, or lease of property and equipping of offstreet parking
20 such facilities under sections 14-1731 to 14-1740, or the enlargement of
21 presently owned facilities, a the city of the metropolitan class may:

22 (a) ~~(1)~~ Issue revenue bonds to provide the funds for such
23 improvements. Such revenue bonds shall be a lien only upon the revenue
24 and earnings of parking facilities and onstreet parking meters. Such
25 revenue bonds shall mature in no more than forty years and shall be sold
26 at public or private sale. Any such revenue bonds which may be issued
27 shall not be included in computing the maximum amount of bonds which the
28 issuing city of the metropolitan class may be authorized to issue under
29 its home rule charter or any statute of this state. Such revenue bonds
30 may be issued and sold or delivered to the contractor at par and accrued
31 interest for the amount of work performed. The city may pledge the

1 revenue from any facility or parking meters as security for the bonds;

2 (b) Upon ~~(2) upon~~ an initiative petition of the majority of the
3 record owners of taxable property included in a proposed parking
4 district, create, by ordinance, parking districts and delineate the
5 boundaries of such parking districts ~~thereof~~. If the city council finds
6 that there are common benefits enjoyed by the public at large without
7 reference to the ownership of property, or that there is a common benefit
8 to the property encompassed within a parking district or districts, the
9 city may assess the costs of such improvement or improvements as special
10 assessments against all the property included in such district or
11 districts, according to such rules as the city council, sitting as a
12 board of equalization, shall adopt for the distribution or adjustment of
13 the costs of such improvement or improvements. All such special
14 assessments shall be equalized, levied, and collected as special
15 assessments. Special assessments levied pursuant to this section shall be
16 due, payable, and bear interest as the city council shall determine by
17 ordinance. Installment payments shall not be allowed for any period in
18 excess of twenty years; or

19 (c) Use ~~(3) use~~, independently or together with revenue derived
20 pursuant to subdivision (1)(a) ~~(1)~~ or (b) ~~(2)~~ of this section, gifts,
21 leases, devises, grants, federal or state funds, or agreements with other
22 public entities.

23 (2) No real property shall be included in any parking district
24 created pursuant to this section when the zoning district in which such
25 property is located is a residential zoning district or a district where
26 the predominant type of land use authorized is residential in nature.

27 Sec. 317. Section 14-1734, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 14-1734 Before the issuance of any revenue bonds for improvements as
30 provided under section 14-1733, a the city of the metropolitan class
31 shall have an independent and qualified firm of engineers prepare plans

1 and specifications for ~~the such~~ improvements financed with such bonds. In
2 the preparation of such ~~the~~ plans and specifications, the independent
3 engineer shall collaborate and counsel with any city engineering or
4 traffic department so as to coordinate the program with the program for
5 the control of traffic within such city.

6 Sec. 318. Section 14-1735, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 14-1735 The city council governing body of ~~a any such~~ city of the
9 metropolitan class shall make all necessary rules and regulations
10 governing the use, operation, and control of ~~the~~ facilities authorized by
11 sections 14-1731 to 14-1740. In the exercise of the grant of power set
12 forth in sections 14-1731 to 14-1740, the city of the metropolitan class
13 shall make contracts with others, if such contracts are necessary and
14 needed for the payment of the revenue bonds authorized in sections
15 14-1731 to 14-1740 and for the successful operation of the parking
16 facilities. If the city is unable to secure a reasonable lease with
17 another party for operation of the facility, the city may operate the
18 facility itself. The city council governing body may also make any other
19 agreements with the purchasers of the bonds for the security of the
20 ~~issuing~~ city and the purchasers of such bonds not in contravention with
21 ~~of the provisions of~~ sections 14-1731 to 14-1740.

22 Sec. 319. Section 14-1737, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 14-1737 On the creation of a such motor vehicle parking facility for
25 the use of the general public under sections 14-1731 to 14-1740, a the
26 city of the metropolitan class shall lease such facility to one or more
27 operators to provide for the efficient operation of the facility. Such
28 lease shall be let on a competitive basis and no lease shall run for a
29 period in excess of four years except ~~;~~ ~~Provided,~~ that leases of
30 facilities in conjunction with office buildings, shopping centers, public
31 facilities, or redevelopment areas may be for any period not to exceed

1 twenty years. In granting any lease, the city shall retain such control
2 of the facility as may be necessary to insure that the facility will be
3 properly operated in the public interest and that the prices charged are
4 reasonable. If the city is unable to secure a reasonable lease with
5 another party for operation of the facility, the city may operate the
6 facility itself. Sections ~~The provisions of sections~~ 14-1731 to 14-1740
7 shall not be construed to authorize the city or the lessee of the
8 facility to engage in the sale of any commodity, product, or service, or
9 to engage in any business other than the purposes set forth in section
10 14-1732.

11 Sec. 320. Section 14-1738, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 14-1738 A multilevel ~~Multilevel~~ parking structure ~~structures~~ now
14 used or hereafter acquired for offstreet motor vehicle parking by a
15 private operator within a city of the metropolitan class shall not be
16 subject to eminent domain for the purpose of creating a parking facility
17 pursuant to sections 14-1733, 14-1735, 14-1737, and 14-1738 when such
18 multilevel structure has a capacity of more than two hundred automobiles.

19 Sec. 321. Section 14-1739, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 14-1739 Sections ~~The provisions of sections~~ 14-1731 to 14-1740 and
22 of any ordinance authorizing the issuance of bonds under such ~~the~~
23 ~~provisions of sections 14-1731 to 14-1740~~ shall constitute a contract
24 with the holders of such bonds, and any holder of a bond or bonds or any
25 of the coupons of any bond or bonds of a city of the metropolitan class
26 ~~such municipality~~, issued under such ~~the provisions of sections 14-1731~~
27 ~~to 14-1740~~, may either in law or in equity, by suit, action, mandamus, or
28 other proceedings, enforce and compel the performance of all duties
29 required by such ~~the provisions of sections 14-1731 to 14-1740~~ or by the
30 ordinance authorizing the bonds, including the making and collection of
31 sufficient charges and fees for service and the use of such charges and

1 fees thereof, and the application of income and revenue from such charges
2 and fees thereof.

3 Sec. 322. Section 14-2001, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 14-2001 Any city of the metropolitan class may by ordinance provide
6 for the creation and establishment of landmark heritage preservation
7 districts and a landmark heritage preservation commission for the purpose
8 of preserving buildings, lands, areas, or districts within any such city
9 which are determined by the landmark heritage preservation commission to
10 possess particular historical, architectural, cultural, or educational
11 value.

12 Sec. 323. Section 14-2002, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 14-2002 (1) The powers and duties of any landmark heritage
15 preservation commission created pursuant to sections 14-2001 to 14-2004
16 shall be such as are delegated or assigned by the ordinance establishing
17 the landmark heritage preservation ~~such~~ commission. The city council
18 shall specifically state in such ordinance which powers the landmark
19 heritage preservation commission shall be allowed to exercise.

20 (2) The powers of a landmark heritage preservation commission shall
21 not be repugnant to any other provision of law and shall be exercised
22 only in the manner prescribed by the ordinance. No action of the landmark
23 heritage preservation commission shall contravene any provision of a
24 ~~municipal~~ zoning or planning ordinance unless such action is expressly
25 authorized by the city council.

26 Sec. 324. Section 14-2003, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 14-2003 (1) Each city of the metropolitan class may exercise its
29 power of eminent domain to maintain or preserve buildings, lands, areas,
30 or districts which have been determined by the landmark heritage
31 preservation commission created by such city to be of historical,

1 architectural, cultural, or educational value.

2 (2) Within a landmark heritage preservation district, a city of the
3 metropolitan class shall not exercise its power of eminent domain to
4 acquire property for the purpose of demolition and reconveyance for
5 private use. This subsection shall not be applicable to any eminent
6 domain action filed by such city prior to September 6, 1991.

7 (3) Whenever it becomes necessary to take control of property
8 pursuant to and for the purposes stated in this section, the purpose and
9 necessity for such control shall be declared by ordinance. The procedure
10 to condemn property shall be exercised in the manner set forth in
11 sections 76-704 to 76-724.

12 Sec. 325. Section 14-2004, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 14-2004 (1) A landmark heritage preservation commission created
15 pursuant to sections 14-2001 to 14-2004 shall have nine members. If
16 available, one of the members shall be an architect, one member shall be
17 a curator or director of an art or other museum, one member shall be a
18 professional artist or historian, three members shall be interested and
19 qualified persons chosen, as far as possible, from any existing
20 historical society, preservation group, architectural, landscape
21 architectural, interior design, or planning association, or cultural
22 organization, two members shall be laypersons, and one member shall be an
23 owner or operator of a business or property within a landmark heritage
24 preservation district, which business or property may be owned or
25 operated by a corporation of which such member is an officer, by a
26 partnership in which such member is a partner, or by a limited liability
27 company in which such member is a member.

28 (2) Members of the landmark heritage preservation commission shall
29 be appointed by the mayor and approved by the city council and shall
30 serve for terms of three years. Members shall serve until their
31 successors are appointed and qualified. Members may be appointed to

1 successive terms.

2 (3) The landmark heritage preservation commission shall select one
3 of its members as chairperson. The director of the planning department of
4 the city shall act as the executive director of the landmark heritage
5 preservation ~~such~~ commission, and staff assistance for the landmark
6 heritage preservation commission shall be provided by the planning
7 department of such city.

8 Sec. 326. Section 16-6,109, Revised Statutes Cumulative Supplement,
9 2020, is amended to read:

10 16-6,109 The powers granted by sections 16-6,106 to 16-6,109 are
11 independent of and in addition to all other grants of powers on the same
12 or related subjects but may be exercised jointly with or supplemented by
13 the powers granted by existing state law, including, but not limited to,
14 sections 16-667 to 16-672.11, 16-680, 16-683, 16-693, 18-401 to 18-411,
15 18-501 to 18-512, 19-1305, 23-320.07 to 23-320.13, and 31-501 to 31-553
16 and section 336 of this act and the Combined Improvement Act.

17 Sec. 327. Section 18-2705, Revised Statutes Supplement, 2021, is
18 amended to read:

19 18-2705 (1) Economic development program means any project or
20 program utilizing funds derived from local sources of revenue for the
21 purpose of providing direct or indirect financial assistance to a
22 qualifying business or the payment of related costs and expenses or both,
23 without regard to whether that business is identified at the time the
24 project or program is initiated or is to be determined by specified means
25 at some time in the future.

26 (2) An economic development program may include, but shall not be
27 limited to, ~~the following activities:~~ (a) Direct loans or grants to
28 qualifying businesses for fixed assets or working capital or both, (b) ÷
29 loan guarantees for qualifying businesses, (c) ÷ grants for public works
30 improvements which are essential to the location or expansion of, or the
31 provision of new services by, a qualifying business, (d) ÷ grants or

1 loans to qualifying businesses for job training, (e) ÷ the purchase of
2 real estate, options for such purchases, and the renewal or extension of
3 such options, (f) ÷ grants or loans to qualifying businesses to provide
4 relocation incentives for new residents, (g) ÷ the issuance of bonds as
5 provided for in the Local Option Municipal Economic Development Act, ÷
6 and (h) payments for salaries and support of city staff to implement the
7 economic development program or develop an affordable housing action
8 plan, including any such plan required under section 19-5505, or payments
9 for the contracting of such program implementation or plan development to
10 an outside entity.

11 (3) For cities of the first class, cities of the second class, and
12 villages, an economic development program may also include grants, loans,
13 or funds for:

14 (a) ~~Construction Grants or loans for the construction or~~
15 ~~rehabilitation for sale or lease of housing~~ (i) for persons of low or
16 moderate income, (ii) as part of a workforce housing plan, or (iii) as
17 part of an affordable housing action plan, including any such plan
18 required under section 19-5505;

19 (b) ~~Rural Grants, loans, or funds for rural infrastructure~~
20 ~~development as defined in section 66-2102; or~~

21 ~~(c) Grants or loans for the construction or rehabilitation for sale~~
22 ~~or lease of housing as part of a workforce housing plan; or~~

23 ~~(c) Early (d) Grants, loans, or funds for early childhood~~
24 ~~infrastructure development.~~

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

28 Sec. 328. Section 19-414, Revised Statutes Cumulative Supplement,
29 2020, is amended to read:

30 19-414 The executive and administrative powers, authorities, and
31 duties in cities adopting the commission plan of government shall be

1 distributed into and among departments as follows:

2 In cities of the metropolitan class, (1) finance department of
3 public affairs, (2) fire department of accounts and finances, (3) human
4 resources department of police, sanitation, and public safety, (4) human
5 rights and relations department of fire protection and water supply, (5)
6 law department of street cleaning and maintenance, (6) parks, recreation,
7 and public property department of public improvements, and (7) planning,
8 (8) police, and (9) public works department of parks and public property;

9 In cities of the primary class, (1) department of public affairs,
10 (2) department of accounts and finances, (3) department of public safety,
11 (4) department of streets and public improvements, and (5) department of
12 parks and public property; and

13 In cities containing two thousand or more and not more than forty
14 thousand inhabitants as determined by the most recent federal decennial
15 census or the most recent revised certified count by the United States
16 Bureau of the Census, (1) department of public affairs and public safety,
17 (2) department of accounts and finances, (3) department of streets,
18 public improvements, and public property, (4) department of public works,
19 and (5) department of parks and recreation.

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

29 Sec. 329. Section 19-415, Revised Statutes Cumulative Supplement,
30 2020, is amended to read:

31 19-415 ~~In cities of the metropolitan class under the commission~~

1 ~~plan of government, the city council shall consist of the mayor who shall~~
2 ~~be superintendent of the department of public affairs, one city council~~
3 ~~member to be superintendent of the department of accounts and finances,~~
4 ~~one city council member to be superintendent of the department of police,~~
5 ~~sanitation, and public safety, one city council member to be~~
6 ~~superintendent of the department of fire protection and water supply, one~~
7 ~~city council member to be superintendent of the department of street~~
8 ~~cleaning and maintenance, one city council member to be superintendent of~~
9 ~~the department of public improvements, and one city council member to be~~
10 ~~superintendent of parks and public property.~~

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

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

1 member to be commissioner of the department of parks and recreation.

2 In all of such cities, the commissioner of the department of
3 accounts and finances shall be vice president of the city council and
4 shall, in the absence or inability of the mayor to serve, perform the
5 duties of the mayor. In case of vacancy in the office of mayor by death
6 or otherwise, the vacancy shall be filled as provided in section 32-568.

7 Sec. 330. Section 19-5503, Revised Statutes Cumulative Supplement,
8 2020, is amended to read:

9 19-5503 For purposes of the Municipal Density and Missing Middle
10 Housing Act:

11 (1) Accessory dwelling unit means an interior, attached, or detached
12 residential structure that is used in connection with, or that is an
13 accessory to, a single-family dwelling and is located on the same lot or
14 parcel as such single-family dwelling;

15 (2) Affordable housing means residential dwelling units affordable
16 to a household earning not more than eighty percent of the income limit
17 as set forth by the United States Department of Housing and Urban
18 Development under its Income Limits Documentation System, as such limits
19 existed on January 1, ~~2020~~ 2022, for the county in which the units are
20 located and for a particular household size;

21 (3) City means any city of the metropolitan class, city of the
22 primary class, or city of the first class in the State of Nebraska with a
23 population of at least twenty thousand inhabitants as determined by the
24 most recent federal decennial census or the most recent revised certified
25 count by the United States Bureau of the Census;

26 (4) Cottage cluster means a grouping of no fewer than four detached
27 housing units per acre with a footprint of less than nine hundred square
28 feet each and that includes a common courtyard;

29 (5) Density bonus means a density increase over the otherwise
30 maximum allowable residential density under a city's zoning codes,
31 ordinances, and regulations;

1 (6) Middle housing means:

2 (a) Duplexes;

3 (b) Triplexes;

4 (c) Quadplexes;

5 (d) Cottage clusters; or

6 (e) Townhouses;

7 (7) Townhouse means a dwelling unit constructed in a row of two or
8 more attached units where each dwelling unit is located on an individual
9 lot or parcel and shares at least one common wall with an adjacent unit;
10 and

11 (8) Workforce housing means:

12 (a) Housing that meets the needs of working families;

13 (b) Owner-occupied housing units that have an after-construction
14 appraised value of at least one hundred twenty-five thousand dollars but
15 not more than two hundred seventy-five thousand dollars to construct;

16 (c) Owner-occupied housing units for which the cost to substantially
17 rehabilitate exceeds fifty percent of a unit's assessed value;

18 (d) Upper-story housing for occupation by a homeowner; and

19 (e) Housing that does not receive federal or state low-income
20 housing tax credits, community development block grants, HOME funds as
21 defined in section 81-1228, or funds from the Affordable Housing Trust
22 Fund.

23 Sec. 331. Section 19-5504, Revised Statutes Cumulative Supplement,
24 2020, is amended to read:

25 19-5504 (1) On or before July 1, 2021, and by each July 1 every two
26 years thereafter, each city shall electronically submit a report to the
27 Urban Affairs Committee of the Legislature detailing its efforts to
28 address the availability of and incentives for affordable housing through
29 its zoning codes, ordinances, and regulations. Such report shall include,
30 but not be limited to:

31 (a) An overview of the city's current residential zoning

1 requirements;

2 (b) The percentage of areas within the corporate limits of ~~in~~ the
3 city zoned for residential use which permit the construction of
4 multifamily housing and middle housing, including whether such areas are
5 zoned specifically for residential use or generally allow residential
6 use, and whether such construction is permitted with or without any
7 additional permit requirements;

8 (c) A breakdown of new residential construction within the corporate
9 limits of ~~in~~ the city over the previous five years, including the
10 percentage of such construction that was single-family housing,
11 multifamily housing, and middle housing;

12 (d) A breakdown of residential units annexed by the city over the
13 previous five years, including the percentage of such units that were
14 single-family housing, multifamily housing, and middle housing;

15 (e) An estimate of the per-unit cost of housing within the corporate
16 limits of ~~in~~ the city;

17 (f) Whether such zoning codes, ordinances, and regulations provide
18 for density bonuses or other concessions or incentives which encourage
19 residential density, and the frequency with which such bonuses,
20 concessions, or incentives are utilized;

21 (g) Whether such zoning codes, ordinances, and regulations allow the
22 construction of accessory dwelling units;

23 (h) What incentives the city applies to encourage the development of
24 affordable housing, including both direct incentives and regulatory
25 relief;

26 (i) The percentage of areas within the corporate limits of the city
27 zoned for residential use which have been declared substandard and
28 blighted areas under the Community Development Law;

29 (j) The percentage of areas within the corporate limits of the city
30 zoned for residential use which have been declared extremely blighted
31 areas under the Community Development Law;

1 (k) ~~(i)~~ A demographic analysis of the city with trends and estimates
2 of the housing need classified by housing type and price range; and

3 (1) ~~(j)~~ Efforts to adopt an affordable housing action plan as
4 required under section 19-5505.

5 (2) The Urban Affairs Committee of the Legislature may require any
6 city to present its report to the committee at a public hearing.

7 Sec. 332. Section 31-538, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 31-538 (1) The result of such election shall be certified to the
10 county board of the county in which such district is located, and if at
11 such election a majority of the qualified electors actually voting in
12 such sanitary district shall vote in favor of the discontinuance of the
13 activities and work of the district, the trustees of such district shall
14 thereupon cease the performance of their duties as such trustees, and the
15 county board of the county in which such district is located shall
16 thereupon act as trustees ex officio of the district and shall have all
17 the powers, rights, and authority previously vested by law in the
18 trustees of the district, but without additional compensation. ÷
19 ~~Provided,~~

20 (2) Except as otherwise provided in section 336 of this act, all
21 tangible property within the territorial limits of any city or village
22 within such district, and any tangible property serving a particular city
23 or village, such as a sanitary sewage treatment plant, and which could be
24 operated and maintained by the particular city or village so served,
25 shall be transferred and assigned to such city or village which shall,
26 upon an acceptance of such transfer or assignment by its council or board
27 of trustees or other local governing body, be thereafter wholly operated
28 and maintained out of funds appropriated and levied by such city or
29 village.

30 Sec. 333. Section 31-539, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 31-539 Except as otherwise provided in section 336 of this act, all
2 ~~All~~ lawful claims, rights, and demands against such a district, and all
3 contractual obligations of such a district, existing in any person at the
4 time of discontinuance of the activities and work of such district, shall
5 continue to subsist in such person and shall remain the charge and
6 obligation of the sanitary district, ~~and~~ and all claims and demands in
7 favor of such district at the time of the discontinuance of its
8 activities and work, shall subsist in its favor and may be collected in
9 the same manner as might have been theretofore done by the district.

10 Sec. 334. Section 31-540, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 31-540 Except as otherwise provided in section 336 of this act, for
13 ~~For~~ the purpose of discharging obligations of such district incurred
14 prior to the discontinuance of its activities and work as provided in
15 sections 31-501 to 31-534, such district shall continue to have the power
16 to levy taxes as provided in such sections, and thereafter the district
17 shall have the power to levy and collect general taxes in an amount not
18 to exceed one and seven-tenths cents on each one hundred dollars upon the
19 taxable value of all the taxable property in such district and shall have
20 the power to levy special assessments in the manner and to the extent
21 previously vested in such district.

22 Sec. 335. Section 31-541, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 31-541 Except as otherwise provided in section 336 of this act, the
25 ~~The~~ county board of the county within which such district is located
26 shall take possession of all rights and personal property, books, papers
27 and records of such district, and shall discharge the duties within the
28 territorial limits of such district imposed by law upon the district. For
29 the discharge of such services the county board may employ such officers,
30 servants and agents as may be necessary in the manner provided by law.

31 Sec. 336. (1) For a discontinued sanitary district which lies

1 solely within the zoning jurisdiction of a city, title to all funds and
2 all other property and property rights of the discontinued district, and
3 all taxes, assessments, and demands of every kind due or owing to the
4 discontinued district, shall be vested in or paid to and collected by (a)
5 such city or (b), except as specifically provided in subsection (3) of
6 this section, the riverfront development authority established pursuant
7 to section 19-5305 if such city has elected to create a riverfront
8 development district pursuant to section 19-5304.

9 (2) The city or riverfront development authority described in
10 subsection (1) of this section shall also be liable for and recognize,
11 assume, and carry out all valid contracts and obligations of that portion
12 of the discontinued district assumed by such city or authority, including
13 all outstanding bonds, warrants, or other debts and financial
14 obligations.

15 (3) For any discontinuance of a district under subdivision (1)(b) of
16 this section, the riverfront development authority shall only take title
17 to and ownership of that property or those property rights of the
18 discontinued sanitary district contained within the boundaries of the
19 riverfront development district managed by the authority. The city shall
20 take title to and ownership of any discontinued sanitary district
21 property outside the boundaries of such riverfront development district.
22 The city or authority shall thereafter maintain any drainway or drainage
23 or sewage system of that portion of the discontinued district conveyed or
24 transferred to the city or authority.

25 Sec. 337. Section 31-735, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 31-735 (1) On the first Tuesday after the second Monday in September
28 which is at least fifteen months after the judgment of the district court
29 creating a sanitary and improvement district and on the first Tuesday
30 after the second Monday in September each two years thereafter, the board
31 of trustees shall cause a special election to be held, at which election

1 a board of trustees shall be elected. The board of trustees shall have
2 five members except as provided in subsection (2) of this section. Each
3 member elected to the board of trustees shall be elected to a term of two
4 years and shall hold office until such member's successor is elected and
5 qualified. Any person desiring to file for the office of trustee may file
6 for such office with the election commissioner, or county clerk in
7 counties having no election commissioner, of the county in which the
8 greater proportion in area of the district is located not later than
9 fifty days before the election. If such person will serve on the board of
10 trustees as a designated representative of a limited partnership, general
11 partnership, limited liability company, public, private, or municipal
12 corporation, estate, or trust which owns real estate in the district, the
13 filing shall indicate that fact and shall include appropriate
14 documentation evidencing such fact. No filing fee shall be required. A
15 person filing for the office of trustee to be elected at the election
16 held four years after the first election of trustees and each election
17 thereafter shall designate whether such person ~~he or she~~ is a candidate
18 for election by the resident owners of such district or ~~whether he or she~~
19 ~~is~~ a candidate for election by all of the owners of real estate located
20 in the district. If a person filing for the office of trustee is a
21 designated representative of a limited partnership, a general
22 partnership, a limited liability company, a public, private, or municipal
23 corporation, an estate, or a trust which owns real estate in the
24 district, the name of such entity shall accompany the name of the
25 candidate on the ballot in the following form: (Name of candidate) to
26 represent (name of entity) as a member of the board. The name of each
27 candidate shall appear on only one ballot.

28 The name of a person may be written in and voted for as a candidate
29 for the office of trustee, and such write-in candidate may be elected to
30 the office of trustee. A write-in candidate for the office of trustee who
31 will serve as a designated representative of a limited partnership, a

1 general partnership, a limited liability company, a public, private, or
2 municipal corporation, an estate, or a trust which owns real estate in
3 the district shall not be elected to the office of trustee unless (a)
4 each vote is accompanied by the name of the entity which the candidate
5 will represent and (b) within ten days after the date of the election the
6 candidate provides the ~~county clerk or~~ election commissioner or county
7 clerk with appropriate documentation evidencing the candidate's ~~his or~~
8 ~~her~~ representation of the entity. Votes cast which do not carry such
9 accompanying designation shall not be counted.

10 A trustee shall be an owner of real estate located in the district
11 or shall be a person designated to serve as a representative on the board
12 of trustees if the real estate is owned by a limited partnership, a
13 general partnership, a limited liability company, a public, private, or
14 municipal corporation, an estate, or a trust. Notice of the date of the
15 election shall be mailed by the clerk of the district not later than
16 sixty-five days prior to the election to each person who is entitled to
17 vote at the election for trustees whose property ownership or lease
18 giving a right to vote is of record on the records of the register of
19 deeds as of a date designated by the election commissioner or county
20 clerk, which date shall be not more than eighty days prior to the
21 election.

22 (2)(a) For any sanitary and improvement district, a person whose
23 ownership or right to vote becomes of record or is received after the
24 date specified pursuant to subsection (1) of this section may vote when
25 such person establishes the ~~his or her~~ right to vote to the satisfaction
26 of the election board. At the first election and at the election held two
27 years after the first election, any person may cast one vote for each
28 trustee for each acre of unplatted land or fraction thereof and one vote
29 for each platted lot which such person ~~he or she~~ may own in the district.

30 (b) This subdivision applies to a district until the board of
31 trustees amends its articles of association pursuant to subdivision (2)

1 (d) of this section. At the election held four years after the first
2 election of trustees, two members of the board of trustees shall be
3 elected by the legal property owners resident within such sanitary and
4 improvement district and three members shall be elected by all of the
5 owners of real estate located in the district pursuant to this section.
6 Every resident property owner may cast one vote for a candidate for each
7 office of trustee to be filled by election of resident property owners
8 only. Such resident property owners may also each cast one vote for each
9 acre of unplatted land or fraction thereof and for each platted lot owned
10 within the district for a candidate for each office of trustee to be
11 filled by election of all property owners. For each office of trustee to
12 be filled by election of all property owners of the district, every legal
13 property owner not resident within such sanitary and improvement district
14 may cast one vote for each acre of unplatted land or fraction thereof and
15 one vote for each platted lot which such legal property owner ~~he or she~~
16 owns in the district. At the election held six ~~eight~~ years after the
17 first election of trustees and at each election thereafter, three members
18 of the board of trustees shall be elected by the legal property owners
19 resident within such sanitary and improvement district and two members
20 shall be elected by all of the owners of real estate located in the
21 district pursuant to this section, ~~and at the election held six years~~
22 ~~after the first election of trustees and at each election thereafter,~~
23 ~~three members of the board of trustees shall be elected by the legal~~
24 ~~property owners resident within such sanitary and improvement district~~
25 ~~and two members shall be elected by all of the owners of real estate~~
26 ~~located in the district pursuant to this section.~~ If there are not any
27 legal property owners resident within such district or if not less than
28 ninety percent of the area of the district is owned for other than
29 residential uses, the five members shall be elected by the legal property
30 owners of all property within such district as provided in this section.

31 (c) Any public, private, or municipal corporation owning any land or

1 lot in the district may vote at an election the same as an individual. If
2 more than fifty percent of the homes in any sanitary and improvement
3 district are used as a second, seasonal, or recreational residence, the
4 owners of such property shall be considered legal property owners
5 resident within such district for purposes of electing trustees. For
6 purposes of voting for trustees, each condominium apartment under a
7 condominium property regime established prior to January 1, 1984, under
8 the Condominium Property Act or established after January 1, 1984, under
9 the Nebraska Condominium Act shall be deemed to be a platted lot and the
10 lessee or the owner of the lessee's interest, under any lease for an
11 initial term of not less than twenty years which requires the lessee to
12 pay taxes and special assessments levied on the leased property, shall be
13 deemed to be the owner of the property so leased and entitled to cast the
14 vote of such property. When ownership of a platted lot or unplatted land
15 is held jointly by two or more persons, whether as joint tenants, tenants
16 in common, limited partners, members of a limited liability company, or
17 any other form of joint ownership, only one person shall be entitled to
18 cast the vote of such property. The executor, administrator, guardian, or
19 trustee of any person or estate interested shall have the right to vote.
20 No corporation, estate, or irrevocable trust shall be deemed to be a
21 resident owner for purposes of voting for trustees. Should two or more
22 persons or officials claim the right to vote on the same tract, the
23 election board shall determine the party entitled to vote. Such board
24 shall select one of their number chairperson and one of their number
25 clerk. In case of a vacancy on such board, the remaining trustees shall
26 fill the vacancy on such board until the next election.

27 (d) For any sanitary and improvement district which has been in
28 existence for at least ten years, which has less than seventy property
29 owners entitled to vote for trustees, which has at least two resident
30 property owners, and in which less than ten percent of the area of the
31 district is owned for other than residential uses, the board of trustees

1 may amend its articles of association as provided in section 31-740.01 to
2 provide for a reduction in the number of trustees on the board from five
3 members to three members to be effective at the beginning of the term of
4 office for the board of trustees elected at the next election. At the
5 next election and at each election thereafter, two members of the board
6 of trustees shall be elected by the legal property owners resident within
7 such sanitary and improvement district and one member shall be elected by
8 all of the owners of real estate located in the district pursuant to this
9 section. Every resident property owner may cast one vote for a candidate
10 for each office of trustee to be filled by election of resident property
11 owners only. Such resident property owners may also each cast one vote
12 for each acre of unplatted land or fraction thereof and for each platted
13 lot owned within the district for a candidate for the office of trustee
14 to be filled by election of all property owners. For the office of
15 trustee to be filled by election of all property owners of the district,
16 every legal property owner not resident within such sanitary and
17 improvement district may cast one vote for each acre of unplatted land or
18 fraction thereof and one vote for each platted lot which such legal
19 property owner ~~he or she~~ owns in the district.

20 (3) The election commissioner or county clerk shall hold any
21 election required by subsection (1) of this section by sealed mail ballot
22 by notifying the board of trustees on or before July 1 of a given year.
23 The election commissioner or county clerk shall, at least twenty days
24 prior to the election, mail a ballot and return envelope to each person
25 who is entitled to vote at the election and whose property ownership or
26 lease giving a right to vote is of record with the register of deeds as
27 of the date designated by the election commissioner or county clerk,
28 which date shall not be more than eighty days prior to the election. The
29 ballot and return envelope shall include: (a) The names and addresses of
30 the candidates; (b) room for write-in candidates; and (c) instructions on
31 how to vote and return the ballot. Such ballots shall be returned in the

1 return envelope to the election commissioner or county clerk no later
2 than 5 p.m. on the date set for the election. If the ballot is not
3 returned in the return envelope, such ballot shall not be counted. If
4 more than one ballot is included in the same return envelope, such
5 ballots shall not be counted and shall be reinserted into the return
6 envelope which shall be resealed and marked rejected.

7 Sec. 338. Section 77-2704.15, Reissue Revised Statutes of Nebraska,
8 is amended to read:

9 77-2704.15 (1)(a) Sales and use taxes shall not be imposed on the
10 gross receipts from the sale, lease, or rental of and the storage, use,
11 or other consumption in this state of purchases by the state, including
12 public educational institutions recognized or established under the
13 provisions of Chapter 85, or by any county, township, city, village,
14 rural or suburban fire protection district, city airport authority,
15 county airport authority, joint airport authority, drainage district
16 organized under sections 31-401 to 31-450, sanitary drainage district
17 organized under sections 31-501 to 31-553 and section 336 of this act,
18 land bank created under the Nebraska Municipal Land Bank Act, natural
19 resources district, county agricultural society, elected county fair
20 board, housing agency as defined in section 71-1575 except for purchases
21 for any commercial operation that does not exclusively benefit the
22 residents of an affordable housing project, cemetery created under
23 section 12-101, or joint entity or agency formed by any combination of
24 two or more counties, townships, cities, villages, or other exempt
25 governmental units pursuant to the Interlocal Cooperation Act, the
26 Integrated Solid Waste Management Act, or the Joint Public Agency Act,
27 except for purchases for use in the business of furnishing gas, water,
28 electricity, or heat, or by any irrigation or reclamation district, the
29 irrigation division of any public power and irrigation district, or
30 public schools or learning communities established under Chapter 79.

31 (b) For purposes of this subsection, purchases by the state or by a

1 governmental unit listed in subdivision (a) of this subsection include
2 purchases by a nonprofit corporation under a lease-purchase agreement,
3 financing lease, or other instrument which provides for transfer of title
4 to the property to the state or governmental unit upon payment of all
5 amounts due thereunder. If a nonprofit corporation will be making
6 purchases under a lease-purchase agreement, financing lease, or other
7 instrument as part of a project with a total estimated cost that exceeds
8 the threshold amount, then such purchases shall qualify for an exemption
9 under this section only if the question of proceeding with such project
10 has been submitted at a primary, general, or special election held within
11 the governmental unit that will be a party to the lease-purchase
12 agreement, financing lease, or other instrument and has been approved by
13 the voters of such governmental unit. For purposes of this subdivision,
14 (i) project means the acquisition of real property or the construction of
15 a public building and (ii) threshold amount means the greater of fifty
16 thousand dollars or six-tenths of one percent of the total actual value
17 of real and personal property of the governmental unit that will be a
18 party to the lease-purchase agreement, financing lease, or other
19 instrument as of the end of the governmental unit's prior fiscal year.

20 (2) The appointment of purchasing agents shall be recognized for the
21 purpose of altering the status of the construction contractor as the
22 ultimate consumer of building materials which are physically annexed to
23 the structure and which subsequently belong to the state or the
24 governmental unit. The appointment of purchasing agents shall be in
25 writing and occur prior to having any building materials annexed to real
26 estate in the construction, improvement, or repair. The contractor who
27 has been appointed as a purchasing agent may apply for a refund of or use
28 as a credit against a future use tax liability the tax paid on inventory
29 items annexed to real estate in the construction, improvement, or repair
30 of a project for the state or a governmental unit.

31 (3) Any governmental unit listed in subsection (1) of this section,

1 except the state, which enters into a contract of construction,
2 improvement, or repair upon property annexed to real estate without first
3 issuing a purchasing agent authorization to a contractor or repairperson
4 prior to the building materials being annexed to real estate in the
5 project may apply to the Tax Commissioner for a refund of any sales and
6 use tax paid by the contractor or repairperson on the building materials
7 physically annexed to real estate in the construction, improvement, or
8 repair.

9 Sec. 339. Section 77-3523, Revised Statutes Supplement, 2021, is
10 amended to read:

11 77-3523 The county treasurer and county assessor shall, on or before
12 November 30 of each year, certify to the Tax Commissioner the total tax
13 revenue that will be lost to all taxing agencies within the county from
14 taxes levied and assessed in that year because of exemptions allowed
15 under sections 77-3501 to 77-3529. The county treasurer and county
16 assessor may amend the certification to show any change or correction in
17 the total tax that will be lost until May 30 of the next succeeding year.
18 If a homestead exemption is approved, denied, or corrected by the Tax
19 Commissioner under subsection (2) of section 77-3517 after May 1 of the
20 next year, the county treasurer and county assessor shall prepare and
21 submit amended reports to the Tax Commissioner and the political
22 subdivisions covering any affected year and shall adjust the
23 reimbursement to the county and the other political subdivisions by
24 adjusting the reimbursement due under this section in later years. The
25 Tax Commissioner shall, on or before January 1 next following such
26 certification or within thirty days of any amendment to the
27 certification, notify the Director of Administrative Services of the
28 amount so certified to be reimbursed by the state. Reimbursement of the
29 funds lost shall be made to each county according to the certification
30 and shall be distributed in six as nearly as possible equal monthly
31 payments on the last business day of each month beginning in January. The

1 Director of Administrative Services shall, on the last business day of
2 each month, issue payments by electronic funds transfer. Out of the
3 amount so received the county treasurer shall distribute to each of the
4 taxing agencies within his or her county the full amount so lost by such
5 agency, except that one percent of such amount shall be deposited in the
6 county general fund and that the amount due a Class V school district
7 shall be paid to the district and the county shall be compensated one
8 percent of such amount pursuant to section 14-554. Each taxing agency
9 shall, in preparing its annual or biennial budget, take into account the
10 amount to be received under this section.

11 Sec. 340. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,
12 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32,
13 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50,
14 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68,
15 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86,
16 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103,
17 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117,
18 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131,
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27 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257,
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1 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 327, 328,
2 329, 330, 331, 337, 339, 341, and 343 of this act become operative three
3 calendar months after the adjournment of this legislative session. The
4 other sections of this act become operative on their effective date.

5 Sec. 341. 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,
19 14-3,124, 14-3,125, 14-3,126, 14-3,128, 14-401, 14-402, 14-404, 14-405,
20 14-406, 14-408, 14-409, 14-410, 14-411, 14-412, 14-413, 14-414, 14-416,
21 14-417, 14-418, 14-501, 14-501.01, 14-503, 14-504, 14-505, 14-506,
22 14-507, 14-508, 14-509, 14-510, 14-511, 14-512, 14-513, 14-514, 14-515,
23 14-516, 14-517, 14-518, 14-519, 14-520, 14-521, 14-522, 14-523, 14-524,
24 14-525, 14-526, 14-527, 14-528, 14-529, 14-530, 14-531, 14-532, 14-533,
25 14-534, 14-535, 14-536, 14-538, 14-539, 14-540, 14-541, 14-542, 14-543,
26 14-544, 14-545, 14-546, 14-547, 14-548, 14-549, 14-550, 14-556, 14-557,
27 14-558, 14-559, 14-560, 14-562, 14-563, 14-564, 14-565, 14-566, 14-568,
28 14-601, 14-602, 14-603, 14-604, 14-605, 14-606, 14-609, 14-702, 14-704,
29 14-709, 14-804, 14-805, 14-806, 14-807, 14-808, 14-809, 14-810, 14-811,
30 14-812, 14-813, 14-814, 14-816, 14-817, 14-818, 14-1201, 14-1202,
31 14-1203, 14-1204, 14-1205, 14-1206, 14-1207, 14-1211, 14-1212, 14-1215,

1 14-1216, 14-1217, 14-1218, 14-1219, 14-1220, 14-1221, 14-1222, 14-1223,
2 14-1224, 14-1225, 14-1226, 14-1227, 14-1228, 14-1229, 14-1230, 14-1231,
3 14-1232, 14-1233, 14-1234, 14-1235, 14-1236, 14-1237, 14-1238, 14-1239,
4 14-1240, 14-1241, 14-1242, 14-1243, 14-1244, 14-1245, 14-1246, 14-1247,
5 14-1248, 14-1249, 14-1250, 14-1251, 14-1252, 14-1702, 14-1703, 14-1704,
6 14-1705, 14-1706, 14-1707, 14-1708, 14-1709, 14-1710, 14-1711, 14-1712,
7 14-1713, 14-1714, 14-1715, 14-1716, 14-1717, 14-1718, 14-1719, 14-1721,
8 14-1722, 14-1723, 14-1724, 14-1725, 14-1726, 14-1727, 14-1728, 14-1729,
9 14-1730, 14-1731, 14-1732, 14-1734, 14-1735, 14-1737, 14-1738, 14-1739,
10 14-2001, 14-2002, 14-2003, 14-2004, and 31-735, Reissue Revised Statutes
11 of Nebraska, sections 13-2703, 13-2705, 13-2707, 13-2707.01, 13-2709,
12 14-101, 14-101.01, 14-102, 14-103, 14-105, 14-109, 14-117, 14-363,
13 14-364, 14-392, 14-398, 14-3,102, 14-3,103, 14-3,106, 14-3,107, 14-403,
14 14-415, 14-419, 14-420, 14-502, 14-553, 14-567, 14-607, 14-1733, 19-414,
15 19-415, 19-5503, and 19-5504, Revised Statutes Cumulative Supplement,
16 2020, and sections 14-137, 18-2705, and 77-3523, Revised Statutes
17 Supplement, 2021, are repealed.

18 Sec. 342. Original sections 31-538, 31-539, 31-540, 31-541, and
19 77-2704.15, Reissue Revised Statutes of Nebraska, and section 16-6,109,
20 Revised Statutes Cumulative Supplement, 2020, are repealed.

21 Sec. 343. The following sections are outright repealed: Sections
22 14-114, 14-126, 14-223, and 14-554, Reissue Revised Statutes of Nebraska.

23 Sec. 344. Since an emergency exists, this act takes effect when
24 passed and approved according to law.