

## LEGISLATIVE BILL 800

Approved by the Governor April 18, 2022

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

A BILL FOR AN ACT relating to government; to amend sections 13-2706, 14-102.01, 14-102.02, 14-104, 14-106, 14-107, 14-108, 14-110, 14-111, 14-112, 14-113, 14-115, 14-116, 14-118, 14-120, 14-121, 14-122, 14-123, 14-124, 14-125, 14-136, 14-201, 14-201.03, 14-202, 14-204, 14-205, 14-206, 14-207, 14-210, 14-211, 14-212, 14-213, 14-214, 14-215, 14-216, 14-217.02, 14-218, 14-219, 14-220, 14-221, 14-224, 14-225, 14-226, 14-227, 14-228, 14-229, 14-230, 14-360, 14-361, 14-362, 14-365, 14-365.01, 14-365.02, 14-365.03, 14-365.04, 14-365.05, 14-365.06, 14-365.07, 14-365.08, 14-365.09, 14-365.10, 14-365.11, 14-365.12, 14-365.13, 14-366, 14-367, 14-372, 14-373, 14-373.01, 14-373.02, 14-374, 14-375, 14-376, 14-383, 14-384, 14-385, 14-386, 14-387, 14-388, 14-389, 14-390, 14-391, 14-393, 14-394, 14-395, 14-396, 14-397, 14-399, 14-3,100, 14-3,101, 14-3,105, 14-3,108, 14-3,109, 14-3,111, 14-3,112, 14-3,113, 14-3,114, 14-3,115, 14-3,116, 14-3,117, 14-3,118, 14-3,119, 14-3,120, 14-3,121, 14-3,122, 14-3,123, 14-3,124, 14-3,125, 14-3,126, 14-3,128, 14-401, 14-402, 14-404, 14-405, 14-406, 14-408, 14-409, 14-410, 14-411, 14-412, 14-413, 14-414, 14-416, 14-417, 14-418, 14-501, 14-501.01, 14-503, 14-504, 14-505, 14-506, 14-507, 14-508, 14-509, 14-510, 14-511, 14-512, 14-513, 14-514, 14-515, 14-516, 14-517, 14-518, 14-519, 14-520, 14-521, 14-522, 14-523, 14-524, 14-525, 14-526, 14-527, 14-528, 14-529, 14-530, 14-531, 14-532, 14-533, 14-534, 14-535, 14-536, 14-538, 14-539, 14-540, 14-541, 14-542, 14-543, 14-544, 14-545, 14-546, 14-547, 14-548, 14-549, 14-550, 14-556, 14-557, 14-558, 14-559, 14-560, 14-562, 14-563, 14-564, 14-565, 14-566, 14-568, 14-601, 14-602, 14-603, 14-604, 14-605, 14-606, 14-609, 14-702, 14-704, 14-709, 14-804, 14-805, 14-806, 14-807, 14-808, 14-809, 14-810, 14-811, 14-812, 14-813, 14-814, 14-816, 14-817, 14-818, 14-1201, 14-1202, 14-1203, 14-1204, 14-1205, 14-1206, 14-1207, 14-1211, 14-1212, 14-1215, 14-1216, 14-1217, 14-1218, 14-1219, 14-1220, 14-1221, 14-1222, 14-1223, 14-1224, 14-1225, 14-1226, 14-1227, 14-1228, 14-1229, 14-1230, 14-1231, 14-1232, 14-1233, 14-1234, 14-1235, 14-1236, 14-1237, 14-1238, 14-1239, 14-1240, 14-1241, 14-1242, 14-1243, 14-1244, 14-1245, 14-1246, 14-1247, 14-1248, 14-1249, 14-1250, 14-1251, 14-1252, 14-1702, 14-1703, 14-1704, 14-1705, 14-1706, 14-1707, 14-1708, 14-1709, 14-1710, 14-1711, 14-1712, 14-1713, 14-1714, 14-1715, 14-1716, 14-1717, 14-1718, 14-1719, 14-1721, 14-1722, 14-1723, 14-1724, 14-1725, 14-1726, 14-1727, 14-1728, 14-1729, 14-1730, 14-1731, 14-1732, 14-1734, 14-1735, 14-1737, 14-1738, 14-1739, 14-2001, 14-2002, 14-2003, 14-2004, 31-538, 31-539, 31-540, 31-541, 31-735, 77-2501, 77-2502, 77-2503, 77-2505, 77-2704.15, and 81-523, Reissue Revised Statutes of Nebraska, sections 13-2703, 13-2705, 13-2707, 13-2707.01, 13-2709, 14-101, 14-101.01, 14-102, 14-103, 14-105, 14-109, 14-117, 14-363, 14-364, 14-392, 14-398, 14-3,102, 14-3,103, 14-3,106, 14-3,107, 14-403, 14-415, 14-419, 14-420, 14-502, 14-553, 14-567, 14-607, 14-1733, 16-6,109, 19-414, 19-415, 19-5503, and 19-5504, Revised Statutes Cumulative Supplement, 2020, and sections 14-137, 18-2705, and 77-3523, Revised Statutes Supplement, 2021; to define and redefine terms and authorize grants of assistance to tribal governments as prescribed under the Civic and Community Center Financing Act; to change provisions relating to city officers, elections, powers, duties, public improvements, subdividing and platting, consolidation of cities and villages, ordinances, planning and zoning, fiscal management, city departments, claims and awards, bridges, parking facilities, and landmark heritage preservation districts; to provide certain funding for the development and implementation of an affordable housing action plan as part of an economic development program under the Local Option Municipal Economic Development Act; to update a federal reference and change the contents of a report under the Municipal Density and Missing Middle Housing Act; to provide for distribution of funds and property and provide liability for debts and obligations upon discontinuance of certain sanitary drainage districts; to change the procedure for election of the board of trustees of a sanitary and improvement district as prescribed; to change provisions of the Affordable Housing Tax Credit Act; to eliminate provisions relating to municipal coal yards, boards of public welfare, superintendency of departments, and taxes and assessments; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 14-114, 14-126, 14-223, and 14-554, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

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

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

(1) Applicant means and includes (a) any city or village in this state

that is eligible for a grant of assistance pursuant to section 13-2706 and (b) any tribal government;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(v) For a municipality with a population of fewer than ten thousand inhabitants as determined by the most recent federal decennial census or the

most recent revised certified count by the United States Bureau of the Census, five hundred sixty-two thousand dollars; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14-101 All cities in this state which have attained a population of three hundred thousand inhabitants or more as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census shall be cities of the metropolitan class and governed by ~~sections 14-101 to 14-2004 this act. Whenever the words this act occur in sections 14-101 to 14-138, 14-201 to 14-229, 14-360 to 14-376, 14-501 to 14-556, 14-601 to 14-609, 14-702 to 14-704, and 14-804 to 14-816, they shall be construed as referring exclusively to these sections.~~ The population of a city of the metropolitan class shall consist of the people residing within the territorial boundaries of such city and the residents of any territory duly and properly annexed to such city. Each city of the metropolitan class shall be a body corporate and politic and shall have power (1) to sue and be sued, (2) to purchase, lease, lease with option to buy, acquire by gift or devise, and hold real and personal property within or without the limits of the city for the use of the city, and real estate sold for taxes, (3) to sell, exchange, lease, and convey any real or personal property estate owned by the city, in such manner and upon such terms as may be in ~~to~~ the best interests of the city, except that real estate acquired for state armory sites shall be conveyed strictly in the

manner provided in sections 18-1001 to 18-1006, (4) to make all contracts and do all other acts in relation to the property and concerns of the city necessary for to the exercise of its corporate or administrative powers, and (5) to exercise such other and further powers as may be conferred by law. The powers hereby granted under this section shall be exercised by the mayor and city council of such city except when otherwise specifically specially provided.

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

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

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

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

~~Taxes, special assessments.~~

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

~~Corporate seal.~~

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

~~Regulation of public health.~~

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

~~Appropriations for debts and expenses.~~

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

~~Protection of strangers and travelers.~~

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

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

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

~~Sale of foodstuffs.~~

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

~~Official bonds.~~

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

~~Official reports of city officers.~~

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

~~Cruelty to children and animals.~~

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

~~Dogs; taxes and restrictions.~~

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

~~Cleaning sidewalks.~~

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

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

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

police protection; and to assess the cost of such trimming thereof upon the abutting property as a special assessment;

~~Naming and numbering streets and houses.~~

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

~~Weeds.~~

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

~~Animals running at large.~~

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

~~Use of streets.~~

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

~~Playing on streets and sidewalks.~~

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

~~Combustibles and explosives.~~

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

~~Public sale of chattels on streets.~~

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

~~Signs and obstruction in streets.~~

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

~~Disorderly conduct.~~

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

~~Vagrants and tramps.~~

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

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

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

~~Police regulation in general.~~

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

~~Fast driving on streets.~~

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

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

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

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

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

~~Market places.~~

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

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

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

~~Plumbing, etc., inspection.~~

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

~~Fire limits and fire protection.~~

(32) To enact a fire code ~~prescribe fire limits~~ and regulate the erection of all buildings and other structures within the corporate limits; to provide for the removal of any buildings or structures or additions to buildings or structures thereto erected contrary to such code or regulations and to provide for the removal of dangerous buildings, and to provide that wooden buildings shall not be erected or placed or repaired in the fire limits; but no such code or regulation ordinance shall not be suspended or modified by resolution, nor shall exceptions be made by ordinance or resolution in favor of any person, firm, or corporation or concerning any particular lot or building; to direct that when all and any building has within such fire limits, when the same shall have been damaged by fire, decay, or otherwise, to the extent of fifty percent of the value of a similar new building above the foundation, shall be torn down or removed; and to prescribe the manner of ascertaining such damages and to assess the cost of removal of any building erected or existing contrary to such code or regulations or provisions, against the lot or real estate upon which such building or structure is located or shall be erected, or

to collect such costs from the owner of any such building or structure; and to enforce the such collection of such costs by civil action in any court of competent jurisdiction;

~~Building regulations.~~

(33) To regulate the construction, use, and maintenance of party walls, to prescribe and regulate the thickness, strength, and manner of constructing stone, brick, wood, or other buildings and the size and shape of brick and other material placed in such buildings; ~~therein~~, to prescribe and regulate the construction and arrangement of fire escapes and the placing of iron and metallic shutters and doors in or on such fire escapes; ~~therein and thereon~~, and to provide for the inspection of elevators ~~and hoist-way openings to avoid accidents~~; to prescribe, regulate, and provide for the inspection of all plumbing, pipefitting, or sewer connections in all houses or buildings now or hereafter erected; to regulate the size, number, and manner of construction of halls, doors, stairways, seats, aisles, and passageways of theaters, ~~tenement houses, audience rooms,~~ and all buildings of a public character, whether now built or hereafter to be built, so that there may be convenient, safe, and speedy exit in case of fire; to prevent the dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stovepipes, ovens, boilers, and heating appliances used in or about any building ~~or a manufactory~~ and to cause such appliances the same to be removed or placed in safe condition when they are considered dangerous; ~~to regulate and prevent the carrying on of manufactures dangerous in causing and promoting fires~~; to prevent the deposit of ashes in unsafe places and to cause such buildings and enclosures as may be in a dangerous state to be put in a safe condition; to prevent the disposing of and delivery or use in any building or other structure, ~~of soft, shelly, or imperfectly burned brick or other unsuitable building material~~ within the city limits and provide for the inspection of building materials ~~the same~~; to provide for the abatement of dense volumes of smoke; to regulate the construction of areaways, stairways, and vaults and to regulate partition fences; and to enforce proper heating and ventilation of buildings used for schools, workhouses, or shops of every class in which labor is employed or other buildings where large numbers of persons are liable to congregate;

~~Warehouses and street railways.~~

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

~~Lighting railroad property.~~

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

~~City publicity.~~

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

~~Offstreet parking.~~

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

~~Public passenger transportation systems.~~

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



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

~~Regulation of air quality.~~

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

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

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

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

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

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

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

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

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

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

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

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

14-106 The city council of a city of the metropolitan class shall have the power to regulate and provide for the lighting of streets, laying down gas and other pipes, and erection of lampposts, electric towers, or other apparatus; to regulate the sale and use of gas and electric lights; to ~~and~~ fix and determine from time to time the price of gas, the charge of electric lights and

power, and the rents of gas meters within the city, when not furnished by public authority, and regulate the inspection of such gas meters thereof; to prohibit or regulate the erection of telegraph, telephone, or electric wire poles or other poles for whatsoever purpose desired or used in the public grounds, streets, or alleys, and the placing of wires on such poles thereon; and to require the removal from the public grounds, streets, or alleys, of any or all such poles; and to require the removal and placing under ground of any or all telegraph, telephone, or electric wires.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) Upon the vacation of any plat as provided in this section aforesaid,

it shall be the duty of the owners petitioning for such vacation same to cause to be recorded in the office of the register of deeds and county assessor of the county a duly certified copy of the petition, the action of the city council on such petition therein, and the resolution vacating the plat.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Any city or village so merged or annexed or merged with the city of the metropolitan class city shall be deemed fully compensated by virtue of such annexation or merger and assumption of its obligations and contracts, for all

its properties and property rights of every kind so acquired.

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

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

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

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

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

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

14-122 Where, at the time of any ~~such annexation or merger as provided in sections 14-117 to 14-125,~~ the municipal license year, for any kind of license, of any city or village ~~annexed or merged with a city of the metropolitan class as provided in such sections so consolidated with the metropolitan city~~ extends beyond or overlaps the municipal license year of the city of the metropolitan class city, then the proper authorities of the city of the metropolitan class ~~may city are hereby authorized to issue to the lawful holder of any yearly license issued by any such city or village annexed or merged with the city of the metropolitan class city, or to any new applicants applying for license to continue the business at the place covered by such expiring city or village license, a new license under such conditions as may be provided in the laws or ordinances governing the city of the metropolitan class city for the remainder of the city of the metropolitan class city license year, extending from the expiration of such city or village license up to the end of the city of the metropolitan class city license year, and charging and collecting for such license therefor only such portion of the yearly amount fixed for any such license by the laws or ordinances governing the city of the metropolitan class city as will represent proportionately the time for which the new license shall be granted.~~

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

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

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

14-124 All officers of any city or village ~~so annexed or merged with a city of the metropolitan class as provided in sections 14-117 to 14-125 city,~~ having books, papers, bonds, funds, effects, or property of any kind in their hands or under their control belonging to any such city or village shall, upon the taking effect of such consolidation, deliver such books, papers, bonds, funds, effects, or property the same to the respective officers of the city of the metropolitan class city as may be by law or ordinance or resolution of such metropolitan city entitled or authorized to receive such books, papers, bonds, funds, effects, or property the same. Upon such annexation and merger taking effect, the terms and tenure of all offices and officers of any city or village so consolidated with the city of the metropolitan class city shall terminate and entirely cease except as ~~herein~~ otherwise provided by law.

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

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

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

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

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

14-137 The ~~style enacting clause~~ of all ordinances of ~~in~~ a city of the metropolitan class shall be as follows: Be it ordained by the city council of the city of ..... . All ordinances of the city shall be passed pursuant to such rules and regulations as the city council may prescribe. Upon the passage of all ordinances the yeas and nays shall be recorded in the minutes entered upon the record of the city council, and a majority of the votes of all the members of the city council shall be necessary ~~for to their~~ passage. No ordinance shall be passed within a week after its introduction, except the general appropriation ordinances for salaries and wages. Ordinances of a general or permanent nature shall be read by title on three different days unless three-fourths of the city council vote to suspend this requirement, except that such requirement shall not be suspended (1) for any ordinance for the annexation of territory or the redrawing of boundaries for city council election districts or wards or (2) as otherwise provided by law.

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

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

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

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

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

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

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

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

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

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

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

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

Vote for only one:

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

(Names of candidates)

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

In printing, the names shall not be arranged alphabetically but shall be rotated according to the following plan: The form shall be set up by the printer, with the names in the order in which they are placed upon the sample

ballot prepared by the officer authorized to conduct the general city election. In printing the ballots for the various election districts or precincts, the position of the names shall be changed for each election district, and in making the change of position the printer shall take the line of type containing the name at the head of the form and place it at the bottom, shoving up the column so that the name that was second before the change shall be the first after the change. The primary election shall be conducted pursuant to the Election Act except as provided in section 14-204 and unless otherwise provided in the home rule charter or city code.

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

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

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

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

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

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

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

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

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

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

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

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

(7) If a majority of the electors voting on the proposed ordinance shall vote in favor of the question thereof such ordinance shall thereupon become a valid and binding ordinance of the city. An ordinance so adopted as provided in

this section shall not be altered or modified by the city council within one year after such the adoption thereof by the people.

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) Finance;
- (b) Fire;
- (c) Human Resources;
- (d) Human Rights and Relations;
- (e) Law;
- (f) Parks, Recreation, and Public Property;
- (g) Planning;
- (h) Police; and
- (i) Public Works.

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

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

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



to read:

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

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

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

(1) Create ~~create~~ any office or board deemed it deems necessary;  
(2) Discontinue , ~~and shall have power to discontinue~~ any employment or abolish any office at any time when, in the judgment of the city council, such employment or office is no longer necessary; -

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Enforce ~~enforce~~ the laws of the state and the ordinances of the city;
- (2) Order ~~to order,~~ direct, and enforce, through the officers of the

police department, the arrest and prosecution of persons violating such laws and ordinances; and

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

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

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

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

14-225 No officer or agent of a the city of the metropolitan class shall solicit, directly or indirectly, the political support of any contractor, municipal franchised corporation, or railway company, or the officials or agents of such companies, for any municipal election or for any other election or primary election held in the city in pursuance of law. No Nor shall any franchised corporation or railway company, through its agents or officials, or by any other means, shall furnish or appropriate any money, directly or indirectly, to promote the success or defeat of any person whomsoever, in any election or primary election held in such city, or to promote or prevent the appointment or confirmation of any appointive officer of such city. A violation of any of this section these provisions on the part of any officer or agent of the city shall be deemed malfeasance in office, and upon conviction of such violation thereof such officer shall be removed from office by the order of the court, and fined in any sum not to exceed five hundred dollars. A violation of this section any of these provisions on the part of any franchised corporation through its officials or agents, upon conviction by any court of competent jurisdiction, shall subject such corporation to forfeiture of its franchise and the imposition of a fine of not exceeding five hundred dollars upon every officer or agent of such company who shall have been proved guilty of such violation.

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

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

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

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

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

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

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

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

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

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

14-228 It shall be the duty of all officers of a city of the metropolitan class at the expiration of their terms of office to prepare written detailed abstracts of all books, documents, tools, implements, and materials of every kind belonging to the city in their trust and care, also all work or storehouses owned or leased by the city for storage or other purposes, in duplicate, and to certify as members of such boards, to the correctness of such books, documents, tools, implements, and materials thereof. Such certified abstracts shall be delivered to the mayor, who shall file one copy of each of such copies for record with the city clerk, and with the other copies shall be handed to the heads of the respective departments to be used as a basis of checking up the abstract.

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

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

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

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

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

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

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

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

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

(d) Require to require and compel sewer connections to be made. ÷ Provided, the

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

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

14-361 Whenever sewer connections for sewerage or drainage may be deemed necessary or advisable, whether within the corporate limits or within the extraterritorial zoning jurisdiction of a city of the metropolitan class areas within three miles of such corporate limits, the property owners shall be given thirty days from the publication of the ordinance ordering such improvements and connections, to make such improvements and connections the same in conformity with approved plans to be kept on file by the city. The publication of such ordinance ordering such connections in the official newspaper shall be the only notice required to be given such property owners. Upon the failure or neglect of the property owners to construct such connections within the time fixed, the city shall cause such work to be done and shall contract for such construction therefor with the lowest responsible bidder. The cost of construction thereof, including superintendence and inspection, shall be assessed against the property to which such connections have been made as a special assessment in the same manner as special taxes are levied for other purposes.

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

14-362 A The city of the metropolitan class shall require the issuance of a permit to connect with any sewer on any street, alley, or private property within the corporate limits or within the extraterritorial zoning jurisdiction of such city three miles thereof, and shall require the sewer assessment on the abutting property to be paid before such permit is issued, except ÷ Provided, that if such assessment is being paid in installments as by law provided by law, the city shall require delinquent and current installments to be paid before such permit is issued. In case the cost of the sewer has not been assessed, or such assessment has been declared invalid by any court of

competent jurisdiction, the city shall require the payment of the pro rata share of the cost of such sewer before such permit is issued.

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

14-363 The city council of a city of the metropolitan class may provide for the sprinkling or armor coating of the streets of the city and, for the purpose of accomplishing such work, may by ordinance create suitable districts to be designated sprinkling or armor-coating districts and may order and direct the work, including preparatory grading, to be done upon any or all of the streets in such the districts. The work shall be done upon contract in writing let upon advertisement to the lowest responsible bidder. Such advertisement shall specify the district or districts proposed to be so worked, specifically ~~especially~~ describing such district or districts, and bids shall be made and contracts let with reference to such district or districts so specified. For the purpose of paying the cost of the work contemplated and contracted for, the city council may levy and assess the cost upon all lots, lands, and real estate in such the district, such tax or assessment to be equal and uniform upon all front footage or property within or abutting upon the streets within the district so created. The assessment shall be a lien upon all such lots, lands, and real estate and shall be enforced and collected as a special assessment.

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

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

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

14-365 All persons who contract with ~~a the~~ city of the metropolitan class for work to be done, or material or supplies to be furnished, shall give bond to the city, with not less than two sureties in an amount not less than fifty percent of the amount of the contract price, for the faithful performance of such work ~~the same~~. The sureties on the bonds shall be resident property owners ~~freeholders~~ of the county within which the city is located ~~situated~~ and shall certify ~~justify~~ under oath that they are worth double the amount for which they may sign the bond, over and above all debts, liabilities, obligations, and exemptions. The city council may also ~~, however,~~ accept security from one or more reliable sureties or guaranty companies for the same amount.

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

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

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

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

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

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

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

14-365.02 For the purpose of owning, operating, constructing, and equipping a ~~such~~ sewage disposal plant or sewerage system, including any storm sewer system, or improving or extending such existing system, as provided in section 14-365.01, a city of the metropolitan class municipality may issue revenue mortgage bonds therefor. Such revenue mortgage bonds as provided in this section shall not impose any general liability upon the city municipality but shall be secured only on the property and revenue, as provided in section 14-365.04, of such utility including a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate the system. Such franchise shall in no case extend for a longer period than twenty years from the date of the sale of such franchise thereof on foreclosure. Such revenue mortgage bonds

shall be sold for not less than par. The amount of such ~~revenue mortgage~~ bonds, either issued or outstanding, shall not be included in computing the maximum amount of bonds which ~~such city the said municipality~~ may be authorized to issue under its home rule charter or any ~~statute of this state~~ statute.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) General obligation bonds authorized by section 14-365.06 may be issued only (a) after the question of their issuance has been submitted to the electors of the city of the metropolitan class at a general or special election, of which three weeks' notice has been published in a legal newspaper in or of general circulation in such city, and (b) if a majority of the electors voting at the election have voted in favor of the issuance of the bonds. Publication of such a notice in such a newspaper once each week during three consecutive weeks prior to the date of such election shall constitute a compliance with the requirements of this section for notice of such election.

General obligation bonds shall not be issued in excess of one and eight-tenths percent of the taxable value of all the taxable property in the city or in excess of the amount authorized by sections 14-365.12 and 14-365.13.

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

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

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

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

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

14-365.10 The mayor and city council of any city of the metropolitan class ~~city~~, in addition to other sources of revenue available to the city, may by ordinance set up appropriate rental or use charges to be collected from users of ~~any of its system of sanitary~~ sewerage system and provide methods of collection of such charges, except thereof; ~~Provided,~~ that users shall include in part any users outside of such city where the sewer is directly or indirectly connected to the sewerage system of such city and users within any sanitary and improvement district now existing or hereafter organized under the laws of this state when the sewerage system, or any part thereof, of the sanitary and improvement district directly or indirectly connects to any part of the sewerage system of the ~~metropolitan~~ city. ~~Such~~ The charges shall be charged to each property served by the ~~its~~ sewerage system, shall be a lien upon the property served, and may be collected either from the owner or the person, firm, or corporation using the service. All money raised from such ~~the~~ charges shall be used for maintenance or operation of the existing sewerage system, for payment of principal and interest on bonds issued, as is provided for in section 14-365.06, or to create a reserve fund for the payment of future maintenance, operation, or construction of a new sewerage ~~sewer~~ system for or additions to the sewerage system of the city. Any funds raised from such charges ~~this charge~~ shall be placed in a separate fund and not be used for any other purpose or diverted to any other fund.

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

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

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

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

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

14-365.13 The provisions of sections 14-365.01 to 14-365.13 shall be independent of and in addition to any other provisions of the laws of the State

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14-373.01 The Legislature finds that:

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

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

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

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

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

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

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

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

(5) For purposes of this section:

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

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

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

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

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

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

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

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

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

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

14-376 Whenever the qualified electors of any city of the metropolitan class vote at any general or special election to acquire and appropriate by an exercise of the power of eminent domain, any waterworks, waterworks system, gas



plant, electric light plant, ~~or~~ electric light and power plant, ~~or~~ street railway, or street railway system, located or operating within or partly within and partly without such city if the main part of such works, plant, or system be within any such city and even though a franchise for the construction and operation of any such works, plant, or system may or may not have expired, then the any such city shall have the power and authority by an exercise of the power of eminent domain to appropriate and acquire for the public use of the any such city, any such works, plant, or system. The procedure to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724. ~~The duly constituted authorities of any such city council shall have the power to submit such question or proposition, in the usual manner, to the qualified electors of the any such city at any general city election or at any special city election and may submit such proposition in connection with any city special election called for any other purpose, and the votes cast on such question thereon shall be canvassed and the result found and declared as in any other city election.~~ The city council ~~Such city authorities~~ shall submit such question at any ~~of~~ such election ~~elections~~ whenever a petition asking for such submission is signed by the legal voters of the city equaling in number fifteen percent of the votes cast at the last general city election, and is filed in the city clerk's office at least fifteen days before the election at which the submission is asked.

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

14-383 Without limiting the applicability of sections 14-366 to 14-372, the city council of a city of the metropolitan class is authorized to levy special taxes and assessments on properties benefited by parks, recreational areas, and playgrounds acquired either by purchase or condemnation without regard to whether the benefited property is within or without the corporate limits of the such city when an improvement district is created by the city council and approved by a majority of the property owners in the district as provided in this section. Each property owner may cast one vote at an election to be held to determine whether such improvement district shall be created for each fifteen thousand dollars of taxable valuation, or fraction of such valuation thereof, of real property and improvements in the proposed district as determined by the official records of the county assessor for the previous calendar year. When such a district is created by the city council and approved by a majority of the property owners, the special taxes shall be levied proportionately to the taxable valuation of the district. Notice of the election shall be given and the election shall be held in the same manner as other special elections are held in such a city.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) Temporary surfacing means shall mean surfacing applied to any major traffic street, connecting link, controlled-access facility, main thoroughfare, highway, or boulevard or street wherein it is planned by the city that the grade or surfacing of any such street, link, facility, thoroughfare, highway,

~~or boulevard of the aforementioned shall be changed within two years from the date of completion of such said temporary surfacing and a permanent grade established or surfacing applied.~~

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

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

- ~~(a) Pave~~ pave, repave, surface, resurface, and relay paving;
- ~~(b) Widen to widen,~~ to improve the horizontal and vertical alignment, to insert traffic medians, channels, overpasses, and underpasses;
- ~~(c) Apply to apply~~ temporary surfacing;
- ~~(d) Curb to curb;~~
- ~~(e) Gutter to gutter~~ as provided in sections 14-386 to 14-388;
- ~~(f) Improve to improve~~ in combinations as authorized in section 14-391;
- ~~(g) Recurb and to recurb~~ and regutter streets, boulevards, alleys, public grounds and parts of such streets, boulevards, alleys, or grounds thereof;
- ~~(h) Regulate to regulate,~~ restrict, eliminate, or prohibit access to, and vehicular travel upon, any existing or subsequently hereafter acquired street or other public way; ~~;~~

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

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

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

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

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

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

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

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

14-388 Any The city may without petition order any main thoroughfare or major traffic street or part of such thoroughfare or street thereof improved in any manner specified in section 14-385 after the city shall determine it to be such a main thoroughfare or major traffic street, which determination shall be conclusive. Such main thoroughfares or major traffic streets shall include all connecting links as well as county highways leading into the city, and may include part or all of any street which lies partly in the city and partly in the abutting county. The city ~~It~~ may create improvement districts for such purposes, including the abutting, adjacent, or benefited property. The costs of such improvements to the extent of special benefits conferred ~~occasioned~~ by the improvement may be assessed in whole or in part against the property in such districts and the assessments supplemented either by federal or state aid or both or by other city municipal funds, ~~but~~ including permanent improvement funds, all other street resurfacing funds, or highway bond funds.

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

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

(2) In order to carry out the purposes of this section, in addition to any other powers the city ~~it~~ may have, the city may acquire in public or private property such rights of access as are deemed necessary, including, but not necessarily limited to, air, light, view, ingress, and egress. Such

acquisitions may be by gift, devise, purchase, agreement, adverse possession, prescription, condemnation, or otherwise as provided by law and may be in fee simple absolute or in any lesser estate or interest. The city may make provision to mitigate damages caused by such acquisitions, terms, and conditions regarding the abandonment or reverter of such acquisitions, and any other provisions or conditions that are desirable for the needs of the city and the general welfare of the public.

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

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

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

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

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

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

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

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

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

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

(2) All such assessments shall be:

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

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

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

14-393 Whenever it is desired to establish or to change the previously established grade of any street, highway, boulevard, main thoroughfare, controlled-access facility, connecting link, major traffic street, alley, or part of such street, highway, boulevard, thoroughfare, facility, link, or alley thereof, such establishment or change may be authorized by ~~a~~ the city. Such authorization shall state the proposed grade by elevations or other definite data and shall refer to a plat with specifications fully detailing and showing

the established grade or the amount of change in the grade line, which plat shall remain on file in the city offices. The authorization for and the order establishing or changing the previous grade may include the establishment of or the change of the previously established grade on any number of intersecting or connecting streets which may be reasonably appropriate and necessary to a proper adjustment of grade lines to the principal grade line proposed to be changed or to include the change of grade on cross streets so that traffic on such cross streets may pass under the street to the principal grade line to be changed by a subway or over the street to the principal grade line on a bridge, viaduct, or overpass.

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

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

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

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

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

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

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

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

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

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

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

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

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

14-3,100 After the grade of any street or alley shall be finally changed or the grading of such street or alley thereof finally ordered as provided in sections 14-384 to 14-3,127 and before any assessments are levied, a committee of at least three disinterested residents of the city shall be appointed by the city to appraise the damages caused by the change of grade or grading. The committee shall promptly make an appraisal of and report its award of such damages as the committee ~~it~~ determines have been occasioned by such change of

grade or grading. Prior to entering upon their duties, such appraisers shall take and file such oath as may be required by law or ordinance required. The committee shall hold meetings on such reasonable notice to the interested parties as the city may from time to time provide, and may take testimony with respect to the question of damages. The committee shall report its award to the city and the city shall ~~thereupon~~ have the authority to approve such report the same, to change or modify any award on reasonable notice to the interested parties, or to reject the entire report or the award as to any particular property. The appraisers appointed under this section shall be entitled to fees for their time spent which shall be determined in such manner as the city shall from time to time provide.

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

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

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

14-3,102 Whenever it is desired to make any improvement or improvements authorized in section 14-385, where the costs of such improvement or improvements are to be assessed against the adjacent and abutting property benefited by such improvement or improvements thereby, and no petition has been filed for such improvement or improvements therefor in accordance with section 14-391, the city ~~for that purpose~~ may propose such improvement or improvements stating the specific character of the improvement or improvements ~~thus~~ to be made. The city shall cause to be published in the official newspaper a brief notice of such proposal stating the character of the improvement or improvements proposed ~~thereby~~, and shall give additional notice to the property owners in the improvement district or districts, or proposed improvement district or districts, as required by section 25-520.01. If within thirty days after giving notice thereafter the owners of fifty-one percent of the taxable property abutting upon the street or streets, or part or parts of such street or streets ~~thereof~~ proposed to be improved protest against such project, such work shall not be done. In the absence of such protest, the city shall be authorized to proceed with the work as proposed. The cost and expense of such improvement or improvements thereof, as provided by law, may be assessed against the property within the improvement district or districts specially benefited to the extent of such benefits as a special assessment. Where assessment against the property within the improvement district or districts specially benefited is not made, or where the improvement or improvements are on a main thoroughfare, major traffic street, or connecting link, or made pursuant to sections 14-3,103 to 14-3,106, this section shall not apply.

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

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

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

14-3,105 Before any sidewalk shall be constructed or repaired by the city as provided in section 14-3,103, the owner or owners of the lots or lands to be assessed shall be given notice to construct or repair such sidewalk and shall have twenty days after the giving of such notice within which to construct or repair such sidewalk ~~the same~~. Such notice shall be served or published as directed by ordinance and if the notice be by publication it shall be sufficient to address such notice to the owners generally. The city shall give an additional notice by registered letter or certified mail directed to the last-known address of such owners or their agents, but failure to give such additional notice shall not invalidate the proceedings, or the special assessments for such sidewalk.

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

14-3,106 In case the owner or owners shall fail to construct or repair a such sidewalk as provided in section 14-3,105 directed, the city may construct or repair such sidewalk or cause such work ~~the same~~ to be done and assess the cost of such work thereof upon the abutting property as a special assessment assessments. Where the owner or owners of abutting property fail to keep in

repair the sidewalk adjacent to such property thereto, the owner or owners they shall be liable for all damages or injuries occasioned or recovered by reason of the defective or dangerous condition of such sidewalk.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14-3,109 ~~A~~ The city shall have the power to compel any water company, gas company, or other person, corporation, or firm owning or controlling any pipe or other underground conduits or other appliances usually installed under the

surface of the streets, to provide for and construct all connections that may be deemed necessary for the future, to the curb or property lines in all streets, highways, boulevards, controlled-access facilities, main thoroughfares, connecting links, major traffic streets, or alleys to be paved, repaved, or otherwise improved in such manner and in conformity with such plans as may be determined by the city upon. If any such companies or other parties shall neglect to carry out such construction or fail to make the connections required within thirty days after such connections ~~the same~~ shall have been ordered, the city shall be empowered to cause such connections ~~the same~~ to be done. For and for the purpose of paying for such connections, ~~therefor~~ the cost ~~thereof~~ shall be deducted from such accounts as the city may have with such companies or persons.

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

14-3,111 No contract for any of the improvements provided by sections 14-384 to 14-3,127 shall be let unless first the city shall have made a detailed estimate of the costs of the contemplated improvement, nor shall any such contract be let until after the city has advertised for and received bids for the performance of such work. If no bid is received within the estimate, no award shall be made upon any bids received until after fifteen days after the time for receiving bids under such advertisement shall have expired. Within such time anyone desiring to do so may file a bid within the estimate and award may be made on such bid ~~thereon~~ in like manner as if such ~~said~~ bid had been received in pursuance to the advertisement calling for bids. All improvements authorized by sections 14-384 to 14-3,127 shall be done under contract with the lowest responsible bidder, except that when bids are called for by advertisement for grading in a street or alley and no bid is received within the estimate, the city may enter into a contract to do such grading without further advertisement for bids if the contract price be within the estimate and the contract be entered into within thirty days after the time for receiving bids under the advertisement calling for bids ~~therefor~~.

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

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

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

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

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

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

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

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

14-3,115 A The city shall, when it creates an improvement district for paving, repaving, curbing, or guttering, or other improvements of like character, prepare an estimate of the cost of such improvement and shall thereafter advertise for and receive bids upon such material as may be designated by the city for such improvement. The advertisements, specifications for bids, and petitions designating materials shall contain such information and be worded in such language as the city may from time to time direct. All bids shall be received and opened at the same time as provided by ordinance except as otherwise provided in section 14-3,111. The city may reject any and all bids.

Sec. 120. Section 14-3,116, Reissue Revised Statutes of Nebraska, is

amended to read:

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

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

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

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

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

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

14-3,119 Petitions for improvements provided for under sections 14-384 to 14-3,127 shall be examined and certified for sufficiency as the city may provide. Certificates as to sufficiency when properly filed as provided by the city shall be prima facie evidence of the truth and correctness of the matter ~~therein~~ certified in such petition. If such certificates show the petition for any improvement to be irregular, illegal, or insufficient it shall be the duty of the city to give notice by publication for three successive days in the official newspaper of the city of such irregularity, illegality, or insufficiency and the property owners within any improvement district ~~such districts~~ may at any time file supplemental petitions for such improvement and such supplemental petitions shall be considered and taken as a part of the original petition. Such supplemental petitions shall be examined and certified as in the case of the original petition.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (ii) The home shall have no less than an eighteen-foot exterior width;
  - (iii) The roof shall be pitched with a minimum vertical rise of two and one-half inches for each twelve inches of horizontal run;
  - (iv) The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single-family construction;
  - (v) The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile, or rock; and
  - (vi) The home shall have wheels, axles, transporting lights, and removable towing apparatus removed.
- (b) The city council may not require additional standards unless such standards are uniformly applied to all single-family dwellings in the zoning district.

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

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

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

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

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

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

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

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

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

Sec. 137. Section 14-406, Reissue Revised Statutes of Nebraska, is amended

to read:

14-406 The lawful use of land existing on April 1, 1925, although such use does not conform to sections 14-401 to 14-418 ~~the provisions hereof~~, may be continued, but if such nonconforming use is abandoned, any future use of such land said premises shall be in conformity with ~~the provisions of~~ sections 14-401 to 14-418. The lawful use of a building existing on April 1, 1925, may be continued, although such use does not conform with sections 14-401 to 14-418 ~~the provisions hereof~~, and such use may be extended throughout the building, provided no structural alterations, except those required by law or ordinance, are made in such building therein. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or a higher classification. Whenever a use district shall be changed, any then existing nonconforming use in such changed district may be continued or changed to a use permitted in that district if ~~provided~~ all other regulations governing the new use are complied with. Whenever a nonconforming use of a building has been changed to a more restricted use or to a conforming use such use shall not thereafter be changed to a less restricted use.

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

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

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

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

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

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

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

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

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

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

14-411 The zoning board of appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it pursuant to section 14-409

and give due notice of such hearing thereof to the parties and decide such appeal or other matter the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. The zoning board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal is taken. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of such ordinance, the zoning board of appeals shall have the power in passing upon appeals, to vary or modify the application of any of the regulations or provisions of such ordinance relating to the use, construction, or alteration of buildings or structures or the use of land, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

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

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

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

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

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

14-414 If, upon the hearing of a petition filed pursuant to section 14-413 ~~it appears shall appear~~ to the district court that testimony is necessary for the proper disposition of the matter, ~~the court it~~ may take evidence or appoint a referee to take such evidence as ~~the court it~~ may direct and report such evidence ~~the same~~ to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review. Costs shall not be allowed against the zoning board of appeals, unless it shall appear to the court that ~~such board it~~ acted with gross negligence or in bad faith or with malice in making the decision appealed from. All issues in any proceeding under sections 14-408 to 14-414 shall have preference over all other civil actions and proceedings.

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

14-415 A ~~The~~ city of the metropolitan class, in addition to other remedies, may institute any appropriate action or proceedings to prevent an unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use of any building or structure in violation of any ordinance or regulations enacted or issued pursuant to sections 14-401 to 14-418, to restrain, correct, or abate such violation, to prevent the occupancy of the building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. ~~Such~~ The ordinance or regulations shall be enforced by the city as ~~the city council it~~ may provide. In addition to, and not in restriction of any other powers, the city may cause any building, structure, place, or premises to be inspected and examined and to order in writing the remedying of any condition found to exist in or at such building, structure, place, or premises ~~therein or thereat~~ in violation of any provision of the ordinance or regulations made under authority of such sections. The owner, general agent, lessee, or tenant of a building or premises or of any part of such building or premises where a violation of any provision of the ordinance or regulations has been committed or shall exist or the general agent, architect, builder, contractor, or any other person who commits, takes part, or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of a Class IV misdemeanor for a first or second violation and a Class II misdemeanor for a third or subsequent violation, if the third or subsequent violation is committed within two years after the commission of the prior violation.

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

14-416 Wherever the regulations made under authority of sections 14-401 to 14-418 require a greater width or size of yards, courts, or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute, local ordinance, or regulation, the provisions of the regulations made under authority of such said sections shall govern. Wherever the provisions of any other statute, local

ordinance, or regulation require a greater width or size of yards, courts, or other open spaces, or require a lower height of building or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of such said sections, the provisions of such statute, local ordinance, or regulation shall govern.

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) No additional or further notice beyond that required by subsections

(2) and (3) of this section shall be necessary in the event that the scheduled planning board or city council public hearing on the proposed zoning change is adjourned, continued, or postponed until a later date.

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

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

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

(8) For purposes of this section:

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

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

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

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

14-501 The city council of a city of the metropolitan class shall annually or biennially ~~and within the first week of January, if possible,~~ appropriate money and credits of the city in such amounts as may be deemed necessary and proper and set such money and credits ~~the same~~ aside to the following designated funds to be known as statutory funds: (1) For the fire department of the city, (2) for the police department of the city, (3) ~~for the health department of the city,~~ (4) for the public library, (5) ~~for the purposes of the welfare board,~~ and (4) (6) for the purpose of paying judgments and costs. The amounts so appropriated and set aside to such funds respectively shall be the maximum amounts that may be appropriated to or expended from such funds within the fiscal year or biennial period for the purposes for which such funds respectively are created.

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

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

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

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

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

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

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

for the fiscal year or biennial period.

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

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

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

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

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

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

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

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

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

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

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

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

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

14-508 Neither the city council nor any officer of a the city of the metropolitan class or superintendent of a department shall expend or incur obligations for the expenditure of more money than has been provided and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Such (3) such other amounts and sums as may be transferred to such



sinking fund thereto by the city council.

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

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

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

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

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

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

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

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

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

14-515 Bonds of a the city of the metropolitan class shall be prepared under the direction of the city council, shall be signed by the mayor and countersigned and registered by the city comptroller, and shall be sold and disposed of by and under the direction of the city council. Such bonds They shall be delivered by the city finance director ~~superintendent of the department of accounts and finances,~~ who shall report the proceeds from such bonds ~~therefrom~~ to the city treasurer in all cases except where an exchange of bonds is directed. The purpose of the issue of bonds shall be stated in such bonds ~~therein~~ and the proceeds received from the sale shall be used for no other purpose. Whenever an issue of bonds is required to be submitted to the electors for authority to issue such bonds ~~the same~~, the proposition submitting such question shall contain but a single issue and but one subject, shall specify the maximum amount proposed for issue and state distinctly the purpose for which such bonds are to be issued ~~the same is to issue~~. Bonds of the city shall not be sold or exchanged for less than par value of such bonds ~~thereof~~ and shall bear interest payable semiannually. Interest coupons at the rate of interest specified may be attached to such bonds ~~annexed thereto~~. Interest coupons may be signed by the ~~lithographed signatures of the~~ mayor and city clerk. Bonds shall be made payable at the office or place provided by general law for the payment of bonds of the city. Where this section, in its application to water bonds or bonds issued for the extension or improvement of a gas plant or other public utility, is in conflict with any provision which has been or may be made by statute respecting such bonds, the latter shall control.

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

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

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

14-517 (1) Cities of the metropolitan class ~~in the State of Nebraska~~ are

hereby authorized and empowered to issue and sell special assessment sewer bonds, ~~such said~~ bonds not to exceed two hundred thousand dollars, without a vote of the electors, and to use the proceeds of such bonds for the purpose of constructing or reconstructing storm or sanitary sewers where at least five-sixths of the cost of such sewers ~~same~~ will be borne by some agency of the government of the United States of America.

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

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

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

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

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

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

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

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

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

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

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

14-521 The city council of a city of the metropolitan class ~~may~~ ~~is~~ ~~authorized~~ to issue bonds, as provided in this section ~~provided~~, for the purpose of improving lands, lots, or grounds purchased, appropriated, or acquired for parks, parkways, boulevards, or playgrounds. Bonds so issued shall be known as park bonds and the issuance of such bonds ~~thereof~~ except as ~~herein~~ provided in this section shall be governed by ~~the general provisions of~~ section 14-515. The city council may issue in any one year and without a vote of the electors one hundred thousand dollars of such bonds. The city council may also issue such bonds if ~~the same~~ are authorized by a majority vote of the electors of the city voting on the proposition at a general city election or a special election called for that purpose. A part of the proceeds from the sale of such

bonds may be used to pay for improvements upon streets, sidewalks, or thoroughfares abutting upon or immediately adjacent to parks, parkways, boulevards, and playgrounds when such costs would otherwise be chargeable to the city.

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

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

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

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

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

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

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

14-525 The bonded indebtedness of a the city of the metropolitan class shall not at any time exceed in the aggregate five percent of the taxable value of the taxable property within its corporate limits. The value shall be determined from the assessment of the taxable value of the property of the city. In order to arrive at the net amount of the aggregate indebtedness referred to in this section, there shall be deducted from the total bonded indebtedness of the city and excepted from such indebtedness ~~therefrom~~ bonds issued to acquire a the water plant or and the gas plant and any bonds which may be issued to acquire or construct electric light or power plants or other utility plants or systems when a charge for the service is provided sufficient to pay the bonded obligations for such plants or systems ~~therefor and pledges made to that end~~, bonds which may be issued to construct subways or conduits when the revenue charged for the use of such may be sufficient to retire such the bonds and is pledged to that end, and all other bonds the payment of which is secured by pledges of a special assessment sinking fund in the nature of a sinking fund of any character other than the general sinking fund of the city. There shall be included in such indebtedness all floating indebtedness of the city which under section 14-524 may be funded by the issuance of bonds.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14-532 A city of the metropolitan class The avails and proceeds of the special assessment sinking fund may, when not required for any of the purposes heretofore specified in section 14-530, be temporarily invest funds contained in the special assessment sinking fund invested in securities of the United States Government, the State of Nebraska, the city, the county containing such city Douglas County, metropolitan city, school district of such city, or any publicly owned and operated municipal utilities of such city. All thereof; but all such investments shall be made so as to be closed out and realized upon

whenever the proceeds so invested are needed for the purpose specified in such ~~said~~ section. The proceeds of the special assessment sinking fund, insofar as required, may be used to complete the work under a contract where the contractor fails or refuses to perform such work.

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

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

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

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

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

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

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

14-536 Upon the completion of any grading of a street, avenue, alley, or thoroughfare, the city council of a city of the metropolitan class shall levy special assessments in the manner provided in sections 14-501 to 14-566 ~~special assessments~~, to the extent of the benefits, to cover the total costs of such grading. Special assessments so levied shall be made payable as provided in section 14-537. All installments shall draw interest at a rate not to exceed the rate of interest specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, from the time of levy until due, and the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, whenever such installments become delinquent. All such special assessments and all interest accruing on such special assessments ~~thereon~~ shall constitute a sinking fund and shall be used only for the purpose of paying the interest on the bonds issued in that connection as such interest ~~the same~~ accrues and of paying the principal sum of the bonds at the maturity of such bonds ~~thereof~~.

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

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

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

14-539 Within a city of the metropolitan class, ~~in~~ ~~in~~ case the lots and real estate abutting upon that part of the street ordered paved as shown upon any such plat or map are not of uniform depth, as well as in all cases where, in the discretion of the city council sitting as a board of equalization, it is just and proper so to do, such ~~the~~ board shall have the right and authority to fix and determine the depth to which the real estate shall be charged and assessed with the cost of such improvement, without regard to the line of such

lots. Such assessments shall ~~, the same to~~ be fixed and determined upon the basis of benefits accruing to the real estate by reason of such improvement. The provisions of this section, in regard to the depth to which real estate may be charged and assessed, shall apply to all special assessments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14-547 (1) In all cases when special assessments are authorized by sections 14-101 to 14-2004 ~~this act~~, except as otherwise provided, before any special tax or assessment is levied, it shall be the duty of the city council to sit as a board of equalization for one or more days each month as the city council shall elect. The city council shall by rule provide for the day or days on which such meetings shall be held ~~and for the opening and closing hours of such meetings~~. Notice of the date, time, and place of such meeting or meetings shall be published in the official newspaper for at least three days, the first publication to be at least seven days prior to the first session of the board of equalization. A majority of all members elected to the city council shall constitute a quorum for the transaction of any business properly brought before the board of equalization ~~them~~, but a less number may adjourn from time to time and compel the attendance of absent members. The proceedings of such board of equalization shall not be invalidated by the absence of a quorum during the meeting advertised hours of sitting but the city clerk or some member of the board of equalization shall be present to receive complaints and applications and to give information. No final action shall be taken by the board of equalization except by a quorum in open session. When sitting as a board of equalization, the city council may adopt such reasonable rules as to the manner of presenting complaints and applying for remedy and relief as shall seem just.

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

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

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

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

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

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

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

14-549 Any All special assessment within a city of the metropolitan class, assessments except when payable in installments, shall be deemed delinquent if not paid within fifty days after the passage and approval of the

ordinance levying such special assessment the same, and interest at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, payable in advance, shall be paid on any all delinquent special assessment assessments from the time such special assessment the same shall become delinquent.

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

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

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

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

(2) The city treasurer shall annually complete continuing education through a program approved by the Auditor of Public Accounts, and proof of completion of such program shall be submitted to the Auditor of Public Accounts.

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

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

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

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

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

(3) The fact that a stockholder, director, or other officer of such bank, capital stock financial institution, or qualifying mutual financial institution is also serving as mayor, as a member of the city council, as a member of a board of public works, or as any other officer of the city such municipality shall not disqualify such bank, capital stock financial institution, or qualifying mutual financial institution from acting as a depository for such city municipal funds.

(4) Section 77-2366 shall apply to deposits in capital stock financial institutions.

(5) Section 77-2365.01 shall apply to deposits in qualifying mutual financial institutions.

Sec. 203. Section 14-557, Reissue Revised Statutes of Nebraska, is amended to read:

14-557 All general municipal taxes levied upon real estate within a city of the metropolitan class shall be a first lien upon the real estate upon which such taxes are it is levied and take priority over all other encumbrances and liens on such real estate thereon. All special assessments regularly levied within a city of the metropolitan class shall be a perpetual lien on the real estate assessed from the date of levy until paid irrespective of the county in which such real estate is situated, but shall be subject to all general taxes. The lien of all general municipal taxes levied on personal and real property within a city of the metropolitan class shall be governed by the general revenue laws of this state.

Sec. 204. Section 14-558, Reissue Revised Statutes of Nebraska, is amended to read:

14-558 It shall be the duty of the city treasurer of a city of the



metropolitan class to proceed as soon as practicable after any personal tax becomes delinquent, or prior to such delinquency ~~thereto~~ whenever the city treasurer shall believe that any person, firm, or corporation is about to dispose of any personal property on which a tax has been levied, to collect such delinquent taxes ~~the same~~ by ~~distress and~~ sale of the personal property of such person, firm, or corporation if any such property can be found within such city. No demand of taxes shall be necessary, but it shall be the duty of every person owing any municipal tax or taxes in such cities to pay such taxes at the city ~~attend at the treasurer's office and pay the same.~~

Sec. 205. Section 14-559, Reissue Revised Statutes of Nebraska, is amended to read:

14-559 All municipal taxes and all special assessments in such cities of the metropolitan class shall be paid in cash. The city treasurer may sue for the recovery of any tax, in the his own name of as city treasurer, or in the name of the city, and shall have all the rights of a creditor in such suits and in the enforcement of a judgment or decree.

Sec. 206. Section 14-560, Reissue Revised Statutes of Nebraska, is amended to read:

14-560 No warrant, other than the warrant of the county clerk issued to the county treasurer under the general revenue law, shall be necessary for the collection of the general taxes levied for such cities of the metropolitan class.

Sec. 207. Section 14-562, Reissue Revised Statutes of Nebraska, is amended to read:

14-562 Whenever any municipal tax or taxes levied by a city of the metropolitan class for any former year shall remain uncollected because of any defect, error, or irregularity in either the power or manner of making the levy of such taxes thereof, it shall be lawful for the city council of such city to again levy a tax upon the property so delinquent in lieu of such former tax or taxes, and at the same rate, and upon the same assessment as such former tax or taxes were levied, and such tax or taxes shall be inserted in the tax list, and shall be collected in the same manner as other general taxes. The city council may, at any time, correct any error or defect, or supply any omission in the assessment or listing of any property subject to municipal tax made for the purpose of taxation for the then current fiscal year, and may require any and all persons to appear and answer under oath as to their possession or control of personal property subject to municipal taxation.

Sec. 208. Section 14-563, Reissue Revised Statutes of Nebraska, is amended to read:

14-563 Notwithstanding any provision of a home rule charter, funds of a the city of the metropolitan class available for such purpose may be invested in securities of the United States, the State of Nebraska, the a city of the metropolitan class, a county in which such city of the metropolitan class is located, or a school district of such city, in the securities of municipally owned and operated public utility property and plants of such city, or in the same manner as funds of the State of Nebraska are invested, except that the city treasurer may purchase certificates of deposit from and make time deposits in banks, capital stock financial institutions, or qualifying mutual financial institutions selected as depositories of city funds. Section 77-2366 shall apply to deposits in capital stock financial institutions. Section 77-2365.01 shall apply to deposits in qualifying mutual financial institutions.

Sec. 209. Section 14-564, Reissue Revised Statutes of Nebraska, is amended to read:

14-564 (1) During the month of December of each year, the city council of a city of the metropolitan class shall prepare, or cause to be prepared, a list of all supplies required for each office and department or board of the city for the ensuing year. Such list shall designate clearly the quantity and quality of the articles required, but shall not specify the particular product of any manufacturer.

(2)(a) The city council may negotiate directly with a sheltered workshop for such supplies pursuant to section 48-1503.

(b) ~~If in the event~~ the city council does not negotiate with a sheltered workshop, the city clerk shall advertise for bids on the articles in such list for at least three successive days in the official newspaper. Such advertisement shall state, in substance, that at a certain stated regular meeting of the city council, bids will be received and opened for all such supplies, and it shall be sufficient in such advertisement to describe the articles in a general way and refer to such list as being on file in the office of the city clerk. Such bids shall be received at the first regular meeting of the city council held after such advertisement has been completed, and awards shall be made at the next regular meeting thereafter. Bidders shall not be required to bid on all items included in such estimates, nor upon all items in one class. The city council may accept the lowest and best bid on any item or items and may reject any and all bids.

(3) Other or additional supplies not exceeding the value of one hundred dollars for any officer or board may be purchased on the request of the mayor and city comptroller.

Sec. 210. Section 14-565, Reissue Revised Statutes of Nebraska, is amended to read:

14-565 The list described in section 14-564 shall include any and all supplies or equipment for public improvements, street cleaning or repairs, or horses, hose, engines, vehicles, or implements used by the park board, fire department, or police department. A list of such supplies may be made and

advertised for at any time upon request of the proper board or department of officers, but subject to such said section as to the bids and newspapers and advertisement for bids. ~~Such~~ The said list shall not include the books, documents, or other papers or material purchased by the library board.

Sec. 211. Section 14-566, Reissue Revised Statutes of Nebraska, is amended to read:

14-566 (1) At the beginning of the term of each city council in a city of the metropolitan class, the city clerk purchasing agent shall advertise for three days in each daily legal newspaper in or of general circulation in the city for proposals for publishing in such daily legal ~~some daily~~ newspaper, published in the English language and otherwise meeting the requirements of a ~~legal newspaper~~ fixed by state law, all public advertisements, notices, ordinances, resolutions, city council proceedings, and all other matter published by the city. In addition to considering the rate bid for printing, the city clerk purchasing agent may give weight to the character of circulation, quality of printing, plant, delivery service, and responsibility of the bidders in determining the lowest and best bid. ~~The city clerk~~ He may also consider the advantage of the same plant's combining publication of ordinances and providing an ordinance publishing service to subscribers.

(2) The city clerk purchasing agent shall notify the city council clerk of the city clerk's his selection of the official newspaper, which shall continue as such throughout the term of the city council. The city council may order additional publication of any of its proceedings in any other qualified legal newspaper or publication.

(3) If at any time, the designated official newspaper ceases regular publication or is not giving service satisfactory to the city council, the city clerk purchasing agent shall recommend another qualified legal newspaper to the city council and, upon approval of the city council, such legal newspaper it shall become the official newspaper.

(4) In case of refusal or neglect of the official newspaper to publish any required notice, the city clerk shall post such notice on the city's website and it in a conspicuous place in the city hall, and the city clerk he shall keep a written record of such posting witnessed by two persons. The record of such posting shall be evidence that such posting the same was done as required and shall be sufficient to fulfill the requirement of publication.

(5) The city shall not be without an official newspaper more than thirty days at a time.

Sec. 212. Section 14-567, Revised Statutes Cumulative Supplement, 2020, is amended to read:

14-567 (1) ~~Beginning December 31, 1998, through December 31, 2017, the pension board of a city of the metropolitan class shall file with the Public Employees Retirement Board an annual report on each retirement plan established by such city pursuant to section 401(a) of the Internal Revenue Code and shall submit copies of such report to the Auditor of Public Accounts. The Auditor of Public Accounts may prepare a review of such report pursuant to section 84-304.02 but is not required to do so. The annual report shall be in a form prescribed by the Public Employees Retirement Board and shall contain the following information for each such retirement plan:~~

- ~~(a) The number of persons participating in the retirement plan;~~
- ~~(b) The contribution rates of participants in the plan;~~
- ~~(c) Plan assets and liabilities;~~
- ~~(d) The names and positions of persons administering the plan;~~
- ~~(e) The names and positions of persons investing plan assets;~~
- ~~(f) The form and nature of investments;~~
- ~~(g) For each defined contribution plan, a full description of investment policies and options available to plan participants; and~~
- ~~(h) For each defined benefit plan, the levels of benefits of participants in the plan, the number of members who are eligible for a benefit, and the total present value of such members' benefits, as well as the funding sources which will pay for such benefits.~~

~~If a plan contains no current active participants, the pension board may file in place of such report a statement with the Public Employees Retirement Board indicating the number of retirees still drawing benefits, and the sources and amount of funding for such benefits.~~

(2) ~~Through December 31, 2017, if such retirement plan is a defined benefit plan which was open to new members on January 1, 2004, in addition to the reports required by section 13-2402, the pension board of a city of the metropolitan class shall cause to be prepared an annual report and shall file the same with the Public Employees Retirement Board and the Nebraska Retirement Systems Committee of the Legislature and submit to the Auditor of Public Accounts a copy of such report. The Auditor of Public Accounts may prepare a review of such report pursuant to section 84-304.02 but is not required to do so. If the pension board does not submit a copy of the report to the Auditor of Public Accounts within six months after the end of the plan year, the Auditor of Public Accounts may audit, or cause to be audited, the city. All costs of the audit shall be paid by the city. The report shall consist of a full actuarial analysis of each such retirement plan established by the city. The analysis shall be prepared by an independent private organization or public entity employing actuaries who are members in good standing of the American Academy of Actuaries, and which organization or entity has demonstrated expertise to perform this type of analysis and is unrelated to any organization offering investment advice or which provides investment management services to the retirement plan. The report to the Nebraska Retirement Systems Committee~~

shall be submitted electronically.

(1) Each ~~(3)(a) Beginning December 31, 2018, and each~~ December 31 thereafter, for a defined benefit plan the pension board or its designee shall prepare and electronically file an annual report with the Auditor of Public Accounts and the Nebraska Retirement Systems Committee of the Legislature. If such retirement plan is a defined benefit plan which was open to new members on January 1, 2004, the report shall be in addition to the reports required by section 13-2402. The report shall be on a form prescribed by the Auditor of Public Accounts and shall include, but not be limited to, the following information:

(a) ~~(i)~~ The levels of benefits of participants in the plan, the number of members who are eligible for a benefit, the total present value of such members' benefits, and the funding sources which will pay for such benefits; and

(b) ~~(ii)~~ A copy of a full actuarial analysis of each such defined benefit plan. The analysis shall be prepared by an independent private organization or public entity employing actuaries who are members in good standing of the American Academy of Actuaries, and which organization or entity has demonstrated expertise to perform this type of analysis and is unrelated to any organization which offers investment advice or provides investment management services to the retirement plan.

(2) ~~(b)~~ The Auditor of Public Accounts may prepare a review of such report pursuant to section 84-304.02 but is not required to do so. If the pension board does not submit a copy of the report to the Auditor of Public Accounts within six months after the end of the plan year, the Auditor of Public Accounts may audit, or cause to be audited, the pension board. All costs of the audit shall be paid by the pension board.

Sec. 213. Section 14-568, Reissue Revised Statutes of Nebraska, is amended to read:

14-568 Notwithstanding any home rule charter or statutory provisions or restrictions, any municipal bidding procedure may be waived by the city council of a city of the metropolitan class when required to comply with any federal grant, loan, or program.

Sec. 214. Section 14-601, Reissue Revised Statutes of Nebraska, is amended to read:

14-601 The city council of a city of the metropolitan class shall have the power, and ~~it shall be its duty~~ to appoint a chief of police, and all other members of the police force to the extent that funds may be available to pay their salaries, and as may be necessary to protect citizens and property, and maintain peace and good order. ~~The council may appoint and define the duties of not to exceed two police matrons.~~

Sec. 215. Section 14-602, Reissue Revised Statutes of Nebraska, is amended to read:

14-602 The chief of police of a city of the metropolitan class shall have the supervision and control of the police force of the city, ~~subject to the orders of the superintendent of police~~. All orders relating to the direction of the police force shall be given through the chief of police or, in the chief's absence, the officer in charge of the police force.

Sec. 216. Section 14-603, Reissue Revised Statutes of Nebraska, is amended to read:

14-603 The chief of police of a city of the metropolitan class shall be the principal ministerial officer of the city corporation. His or her jurisdiction and that of his or her officers in the service of process in all criminal cases and in cases for the violation of city ordinances shall be coextensive with the county. The chief of police or his or her officers shall take bail in all bailable cases for the appearance before the county court of persons under arrest, but such bail shall be subject to the approval of the county court.

Sec. 217. Section 14-604, Reissue Revised Statutes of Nebraska, is amended to read:

14-604 The chief of police of a city of the metropolitan class shall be subject to the orders of the mayor in the suppression of riots, and tumultuous disturbances, and breaches of the peace. He or she may pursue and arrest any person fleeing from justice in any part of the state and shall ~~forthwith~~ bring all persons arrested by him or her ~~arrested~~ before the county court for trial or examination. He or she may receive and execute any proper authority for the arrest and detention of criminals fleeing or escaping from other places or states.

Sec. 218. Section 14-605, Reissue Revised Statutes of Nebraska, is amended to read:

14-605 The chief of police of a city of the metropolitan class shall have, in the discharge of his or her proper duties, like powers and be subject to like responsibilities as a county sheriff ~~sheriffs~~ in similar cases.

Sec. 219. Section 14-606, Reissue Revised Statutes of Nebraska, is amended to read:

14-606 Each police officer of a city of the metropolitan class shall give a bond, shall have the same powers as a county sheriff ~~sheriffs~~ in arresting all offenders against the laws of the state, and may arrest all offenders against the ordinances of the city with or without a warrant. In discharge of their duties as police officers, they shall be subject to the immediate orders of the chief of police.

Sec. 220. Section 14-607, Revised Statutes Cumulative Supplement, 2020, is amended to read:

14-607 It shall be the duty of police officers of a city of the metropolitan class to make a daily report to the chief of police of the time of lighting and extinguishing of all public lights and lamps upon their beats, and also any lamps that may be broken or out of repair. They shall also report to the chief of police same office any defect in any sidewalk, street, alley, or other public highway, or the existence of ice or dangerous obstructions on the walks or streets, a or break in any sewer, any or disagreeable odors emanating from inlets to sewers, or any violation of the health laws or ordinances of the city. Suitable forms blanks for making such reports shall be furnished to the chief of police by the city department of public works electrician and health commissioner. Such reports shall be transmitted by the chief of police transmitted to the proper officers of the city. In case of any violation of laws or ordinances, the police officer making report shall report the facts to the appropriate prosecuting authority. Such police officers They shall also perform such other duties as may be required by ordinance.

Sec. 221. Section 14-609, Reissue Revised Statutes of Nebraska, is amended to read:

14-609 All members or appointees of the police department of a city of the metropolitan class shall be subject to removal by the city council in the same manner as provided for members of the fire department.

Sec. 222. Section 14-702, Reissue Revised Statutes of Nebraska, is amended to read:

14-702 The city council of a city of the metropolitan class shall employ a chief of the fire department and all other officers, firefighters, and assistants as may be proper and necessary for the effective service of the fire department to the extent and limit that the funds provided by the city council for that purpose will allow. Each fire department applicant shall, as a condition of employment, submit to the city a full set of his or her fingerprints along with written permission authorizing the city to forward the set of fingerprints to the Federal Bureau of Investigation, through either the Nebraska State Patrol or the city police department, to facilitate a check of his or her criminal history record information by the Identification Division of the Federal Bureau of Investigation. The fingerprint check provided for in this section shall be solely for the purpose of confirming information provided by the fire department applicant.

Sec. 223. Section 14-704, Reissue Revised Statutes of Nebraska, is amended to read:

14-704 (1) All members or appointees of the fire department of a city of the metropolitan class shall be subject to removal by the city council under such rules and regulations as may be adopted, and whenever the city council shall consider and declare such removal necessary for the proper management or discipline, or for the more effective working or service of the fire department.

(2) No member or officer of the fire department shall be discharged for political reasons, nor shall a person be employed by or taken into such department for political reasons.

(3) Before a firefighter fireman can be discharged, charges must be filed against such firefighter him before the city council and a hearing had on such charges thereon, and an opportunity given such firefighter member to defend against such charges, but this provision shall not be construed to prevent peremptory suspension of such member by such member's his superiors in case of misconduct or neglect of duty or disobedience to orders. Whenever any such suspension is made, charges shall be at once filed before the city council by the person ordering such suspension, and a trial had on such charges thereon.

(4) The city council shall have the power to enforce the attendance of witnesses and the production of books and papers, and to administer oaths to such witnesses them in the same manner and with like effect and under the same penalties as in the case of magistrates exercising civil and criminal jurisdiction under the statutes of the State of Nebraska. The city council It shall have such other powers and perform such other duties as may be authorized or defined by ordinance.

Sec. 224. Section 14-709, Reissue Revised Statutes of Nebraska, is amended to read:

14-709 (1) Any person who is a sworn member of an organized and paid fire department of any city of the metropolitan class and who is an authorized arson investigator for such city in order to determine the cause, origin, and circumstances of fires shall be classified as a peace officer while on duty and in the course of any such investigation. Such person shall possess the same powers of arrest, search, and seizure, and the securing and service of warrants as police officers of such city.

(2) While on duty and in the course of any such investigation, an arson investigator such person may carry such weapons as may be necessary but only if such investigator that person has satisfactorily completed a training program offered or approved by the Nebraska Police Standards Advisory Council or equivalent training offered by such city and certified by the city council. Such training need not include exposure to vehicle and traffic law, traffic control and accident investigation, or first aid.

(3) An arson investigator Such person shall, in addition to having have been an active member of an organized fire department for a minimum of six years, and shall meet the minimum qualifications and training standards established by the city for all firefighters.

(4) Any arson investigator person granted the powers enumerated in this section may exercise such powers only while on duty and during the course of

investigating the cause, origin, and circumstances of a fire.

Sec. 225. Section 14-804, Reissue Revised Statutes of Nebraska, is amended to read:

14-804 Before any claim against ~~a the city of the metropolitan class,~~ except officers' salaries earned within twelve months or interest on the public debt is allowed, the claimant or ~~the claimant's~~ his agent or attorney shall verify ~~such claim the same~~ by his affidavit, stating that the several items ~~therein mentioned in such affidavit~~ are just and true and the services charged ~~therein~~ or articles furnished, as the case may be, were rendered or furnished as ~~therein charged in such affidavit,~~ and that the amount ~~therein~~ charged and claimed ~~in such affidavit~~ is due and unpaid, allowing all just credits. The city comptroller and ~~the comptroller's~~ his deputy shall have authority to administer oaths and affirmations in all matters required by this section. All claims against the city must be filed with the city ~~clerk~~ ~~comptroller~~. When the claim of any person against the city is disallowed, in whole or in part, by the city council, such person may appeal from the decision of ~~such~~ said city council to the district court of the same county, as provided in section 14-813.

Sec. 226. Section 14-805, Reissue Revised Statutes of Nebraska, is amended to read:

14-805 Upon the rejection or disallowance of any claim ~~against a city of the metropolitan class,~~ it shall be the duty of the city clerk to notify the claimant or ~~the claimant's~~ his agent or attorney of such fact, unless such notice is waived in writing. Such notice may be served by any person authorized by the city clerk and must be served within ten days from the rejection of such claim. The notice and return of ~~such notice shall~~ thereon ~~must~~ be filed with the ~~city clerk~~ ~~comptroller~~.

Sec. 227. Section 14-806, Reissue Revised Statutes of Nebraska, is amended to read:

14-806 No bill or claim for labor, salary, or material, or for extra service or overtime or account of any kind against ~~a the city of the metropolitan class,~~ after ~~such bill or claim~~ it has been adversely reported on and rejected by the ~~city administration under which it has been incurred,~~ and no bill, account, or claim, not presented or claimed within eighteen months after ~~such bill, account, or claim~~ it was incurred and payable, shall be allowed or authorized to be paid by ~~the any mayor and city council~~ except through the judgment of a court of competent jurisdiction. These provisions shall apply equally to any modification of the same account in whatever form ~~such account~~ it may be presented.

Sec. 228. Section 14-807, Reissue Revised Statutes of Nebraska, is amended to read:

14-807 In all cases of damage arising under the provisions of ~~sections 14-101 to 14-2004,~~ ~~this act~~ the party or parties whose property is damaged or sought to be taken by the provisions of ~~such sections~~ ~~this act~~ shall have the right to appeal from such assessment of damages, but such appeal shall not delay the appropriation of the property sought to be taken, ~~or~~ delay the improvement proposed, or retard the change of grade sought to be made. In no case shall ~~a the city of the metropolitan class~~ be liable for the costs or interest on such appeal, unless the party appealing shall be adjudged entitled, upon the appeal, to a greater amount of damage than was awarded. The remedy by appeal ~~herein~~ allowed by ~~this section~~ shall be ~~deemed and held to be~~ exclusive.

Sec. 229. Section 14-808, Reissue Revised Statutes of Nebraska, is amended to read:

14-808 The corporate name of each ~~city of the metropolitan class~~ city shall be The City of ....., and all process or notice whatever affecting any such city shall be served in the manner provided for service of a summons in a civil action.

Sec. 230. Section 14-809, Reissue Revised Statutes of Nebraska, is amended to read:

14-809 The city attorney ~~of a city of the metropolitan class~~ shall have the power to:

- (1) ~~Intervene~~ ~~intervene~~ in any suit or proceeding when the rights of the city are involved, or where the city is a proper party; -
- (2) ~~Waive~~ He shall also have power to waive the issuance and service of summons and may enter a voluntary appearance when in ~~the city attorney's~~ his opinion the interests of the city may require it; and -
- (3) ~~Confess~~ He shall have power to confess judgment, but only when authorized by the city council, ~~and not otherwise.~~

Sec. 231. Section 14-810, Reissue Revised Statutes of Nebraska, is amended to read:

14-810 If ~~a the city of the metropolitan class~~ shall refuse or neglect to defend any suit at law or in equity brought against ~~such city~~ it, any resident taxpayer may defend ~~such~~ said suit on its behalf ~~of such city~~ at the cost of the city, not including attorney's fees.

Sec. 232. Section 14-811, Reissue Revised Statutes of Nebraska, is amended to read:

14-811 Any ordinance or resolution granting, extending, changing, or modifying the terms and conditions of a franchise ~~in a city of the metropolitan class~~ shall not be passed until at least four weeks shall have elapsed after its introduction or proposal, and not until such resolution or ordinance has been published daily for at least two weeks in the official newspaper of the city. ~~Such ordinance or resolution~~ It shall not become effective or binding until submitted to the electors and approved by a majority vote ~~of such~~

electors thereof. Submission to the electors shall be made as provided in section 14-202. A new franchise shall not hereafter be granted or any modification or extension of any existing franchise made unless an annuity or royalty be provided and reserved to the city to be based either upon a fixed reasonable amount per year or a fixed percentage of the earnings under the operation of the franchise so granted, and not then until such franchise the same has been submitted to a vote and approved by the electors at a general city election or special election called for that purpose.

Sec. 233. Section 14-812, Reissue Revised Statutes of Nebraska, is amended to read:

14-812 Lands, houses, money, debts due to a city of the metropolitan class ~~the city, and~~ property, and assets of every description belonging to any such metropolitan city, shall be exempt from taxation, execution, and sale. Judgments against such the said city shall be paid out of the judgment fund, or out of a special fund created for such the purpose.

Sec. 234. Section 14-813, Reissue Revised Statutes of Nebraska, is amended to read:

14-813 (1) Whenever the right of appeal is conferred by sections 14-101 to 14-2004 ~~this act~~, the procedure, unless otherwise provided, shall be substantially as provided in this section. follows:

(2) The claimant or appellant shall, within twenty days after the date of the order complained of, execute a bond to the such city of the metropolitan class with sufficient surety to be approved by the city clerk, conditioned for the faithful prosecution of such appeal, and the payment of all costs adjudged against the appellant. Such bond shall be filed in the office of the city clerk.

(3) Upon the request of the appellant and the payment by the appellant to the city clerk or his or her designee of the estimated cost of preparation of the transcript, the city clerk shall cause a complete transcript of the proceedings of the city relating to its decision to be prepared. The cost of preparing the transcript shall be calculated in the same manner as the calculation of the fee for a court reporter for the preparation of a bill of exceptions as specified by rules of practice prescribed by the Supreme Court. At such time as the completed transcript is presented to the appellant, the appellant shall pay the amount of the cost of preparation in excess of the estimated amount already paid or shall receive a refund of any amount in excess of the actual cost.

(4)(a) An appellant determined to be indigent shall not be required to pay a bond or any costs associated with such transcript preparation.

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

(5) It shall be the duty of the claimant or appellant to file a petition in the district court as in the commencement of an action within thirty days after the date of the order or award appealed from, and he or she shall also file such transcript before answer day. The proceedings of the district court shall thereafter be the same as on appeal from the county board.

(6) Any taxpayer may appeal from the allowance of any claim against the city by giving a bond and complying with this section.

(7) This section shall not be so construed as to prevent the city council from once reconsidering its action on any claim or award upon ten days' notice to the interested parties ~~interested~~.

Sec. 235. Section 14-814, Reissue Revised Statutes of Nebraska, is amended to read:

14-814 A city of the metropolitan class shall not be liable for any tort or act of negligence of the metropolitan utilities district or of any other utility board or body with full and independent powers of control, or for torts or acts of negligence of any of the officers or employees of such metropolitan utilities district or other board or body which may in any way result from, grow out of, or be connected with the maintenance, management, control, or operation of any water system or plant, any gas system or plant, or any other public utility system or plant which the city may acquire or own but which has been placed in the control of and is maintained and operated by any such metropolitan utilities district or other board or body. The city shall not be liable for the debts and obligations of any such metropolitan utilities district or other board or body incurred in connection with or in any way pertaining to the maintenance, management, control, or operation of any such plant or system by such district, board, or body of control with full authority over the revenue and earnings of such system or plant.

Sec. 236. Section 14-816, Reissue Revised Statutes of Nebraska, is amended to read:

14-816 All citizens of this state and other persons interested in the examination of the records kept by any officer of a the city of the metropolitan class, are ~~hereby fully empowered and~~ authorized to examine such records ~~the same~~ free of charge during the hours the respective offices may be

kept open for the ordinary transaction of business. The city council shall have the power to require from any officer of the city at any time a report in detail of the transactions in such person's ~~his~~ office, or any matter connected with such transactions ~~therewith~~.

Sec. 237. Section 14-817, Reissue Revised Statutes of Nebraska, is amended to read:

14-817 No bond for cost, appeal, supersedeas, injunction, or attachment shall be required of any city of the metropolitan class or of any officer, board, commission, head of any department, agent, or employee of any such city in any proceeding or court action in which such said city of the metropolitan class or its officer, board, commission, head of department, agent, or employee is a party litigant in such person's or entity's ~~its or his~~ official capacity.

Sec. 238. Section 14-818, Reissue Revised Statutes of Nebraska, is amended to read:

14-818 After July 19, 1980, no person shall establish a paunch manure, rendering, or sewage treatment plant or facility, or an area where refuse, garbage, or rubbish is disposed of within three thousand three hundred feet of a residential area in a metropolitan-class city of the metropolitan class. For purposes of this section, residential area means ~~shall mean~~ an area designated as residential under the zoning ordinances ~~authority~~ of such ~~the~~ city.

Sec. 239. Section 14-1201, Reissue Revised Statutes of Nebraska, is amended to read:

14-1201 (1) Any city of the metropolitan class, including one governed under a home rule charter, is hereby authorized and empowered to:

(a) Acquire ~~acquire~~ by purchase, condemnation, bargain and sale, lease, sublease, gift or otherwise, any bridge or viaduct, including approaches and avenues, rights-of-way, or easements of access to approaches, necessary real and personal property incident to such bridges or viaducts, ~~thereto~~ and franchises, special privileges, leases, and contracts in connection with such bridges or viaducts; -

(b) Construct ~~It is also authorized and empowered to construct and contract for the construction of bridges or viaducts, including all of~~ aforsaid ~~appurtenances to such bridges or viaducts, facilities, and property;~~ and -

(c) Repair ~~It is also authorized and empowered thereafter to repair, maintain, extend, renew, reconstruct, replace, or enlarge, and to mortgage or lease, and to use and operate any such bridges or viaducts as toll or free bridges, either or both from time to time for public use and travel of all kinds by railroads, street railways, bus lines, vehicles, and pedestrians, and other uses, any or all as may be determined by the governing body of the city council.~~

(2) The city ~~It~~ may use such bridges or viaducts ~~same~~ for public utility purposes, and fix the rates of toll or the charges for the use of such bridges or viaducts ~~same~~, and grant nonexclusive franchises for use of such bridges or viaducts ~~same~~ for public utility purposes upon such terms and conditions as may be prescribed by ordinance.

(3) The city ~~It~~ may exercise all such powers within the city limits and five miles outside the city limits ~~thereof~~ within the State of Nebraska, and any adjoining state, and across any navigable or nonnavigable stream forming the boundary between such states after having obtained authority, if any be necessary, from such states and from the United States.

(4) The city ~~It~~ may exercise such powers directly through the governing body of the city council or any committee of the city council ~~thereof~~ or through a bridge commission created as provided in sections 14-1227 and 14-1244 to 14-1246, or part any one and part any other.

Sec. 240. Section 14-1202, Reissue Revised Statutes of Nebraska, is amended to read:

14-1202 Any power granted by sections 14-1201 to 14-1252 to a such city of the metropolitan class may be exercised by the city independently or in cooperation with or aid of similar action by any other city or any county in Nebraska, ~~or any city or county in an adjoining state, or the State of Nebraska, or any adjoining states, or state, or the government of the United States, when such other political unit has been authorized by law to exercise the necessary powers. Such joint action may be directly by the governing body of the city council~~ through the medium of a joint bridge commission subject to the same conditions provided in such said sections for independent action.

Sec. 241. Section 14-1203, Reissue Revised Statutes of Nebraska, is amended to read:

14-1203 A city of the metropolitan class ~~The cities specified in section 14-1201, through its city council the governing bodies thereof, is~~ are authorized and empowered to grant franchises for the nonexclusive use of the bridges acquired under sections 14-1201 to 14-1252 to public utilities upon such terms, conditions, and for such consideration as such city ~~cities~~ may impose, whether incident to or part of the purchase of an existing bridge and rights of utilities in connection with such bridge ~~therewith~~, or otherwise, and ~~thereafter~~ to extend the duration or to amend the terms and conditions of such franchise ~~thereof~~. In the case of interstate bridges, any such grant shall be made by the ~~governing body of such city council~~ by ordinance and no vote of the electors of the city shall be required. In no case shall such a grant be made by any bridge commission.

Sec. 242. Section 14-1204, Reissue Revised Statutes of Nebraska, is amended to read:

14-1204 In the event that the State of Nebraska, an adjoining state, the

government of the United States, either, any or all of them, should agree to take over any bridge acquired by ~~a the city of the metropolitan class~~ or in course of construction under sections 14-1201 to 14-1252 and thereafter maintain and operate ~~such bridge same~~ as a free bridge at its or their expense, then such city is authorized to convey such bridge on such conditions to such party or parties. Such conveyance shall not be made unless and until all outstanding bonds issued to finance the bridge have been paid and canceled.

Sec. 243. Section 14-1205, Reissue Revised Statutes of Nebraska, is amended to read:

14-1205 (1) ~~Any such city of the metropolitan class~~ may grant the exclusive right to purchase an existing bridge or to construct a new bridge, and to maintain any such bridge within a distance not exceeding one mile on each side of the bridge to be so purchased or constructed, for the period necessary to reimburse cost plus not exceeding eight percent ~~of such cost thereof~~ for financing charges, together with interest upon ~~such said cost and charges~~, but in no event to exceed ten years, subject to the condition that at the termination of such period, such bridge shall become the sole property of the public and thereafter be maintained and operated by the city as a toll or free bridge as such city may determine from time to time in harmony with the other provisions of sections 14-1201 to 14-1252 and the laws of the United States.

(2) Such grant shall be made in the same manner and subject to the same conditions as may be provided in the home rule charter of such city for the granting of franchises. Any such grant or assignment shall by operation of law be subject to the following conditions:

(a) ~~The number of officers and employees and the salaries, wages, and compensation of such officers and employees thereof~~ shall be reasonable;

(b) ~~No~~ person shall be permitted free use of the bridge or use at discriminatory toll;

(c) ~~Tolls~~ tolls shall be both adequate to hasten payment for the bridge and reasonable to the public;

(d) ~~Financing~~ financing costs shall be reasonable and the city may impose requirements and safeguards as to the conservation of funds and insurance of property;

(e) ~~Complete~~ complete statements of operations and finances shall be filed with the city clerk on bond interest dates upon completion of the bridge and upon delivery of ~~such bridge same~~ to the city; and

(f) ~~The~~ the city shall have power to require or itself perform audits and examine the books and call for any reports at any time.

(3) The city may enforce these obligations in any court of competent jurisdiction.

(4) Any such assignment shall by operation of law be subject to the conditions that the plans and specifications, the location, size, type, and method of construction, the boundaries and approaches and the estimates of cost of construction and acquisition shall ~~be first be~~ submitted to the ~~governing body of the city council~~ and receive its approval before any construction ~~may commence shall be commenced~~ or any contract for construction or for financing ~~such construction shall be entered into~~.

Sec. 244. Section 14-1206, Reissue Revised Statutes of Nebraska, is amended to read:

14-1206 (1) ~~If any such city of the metropolitan class desires shall desire~~ to purchase, lease, or sublease any existing bridge and shall have received any such authority as may be necessary from the government of the United States, the ~~governing body of such city council~~ may determine the fair value of ~~such bridge thereof~~, the appraised value of which shall not exceed two million dollars, including all interests of any nature ~~in such bridge therein~~, and may by written resolution tentatively offer the owners of ~~such bridge thereof~~ jointly the price so determined, ~~and~~

(2) ~~If~~ if all such owners within ninety days thereafter shall file with the city clerk of such city a duly authorized and properly executed written tentative acceptance of such offer, binding themselves to accept ~~such offer the same~~ and to assign such lease or sublease or convey good and complete title by warranty deed when and if the necessary funds shall be provided ~~for such offer therefor~~, then upon the filing of such acceptance, the ~~governing body of the city council~~ may submit to the electors of ~~such city thereof~~, at a special election called for that purpose or at any general election of such city or of the State of Nebraska within one hundred and twenty days after the filing of such acceptance, the question whether such purchase shall be made at the price stated on the ballot and the ~~governing body of the city council~~ be authorized to issue bonds of the kind or kinds stated in the proposition and in any such amount as may be required to provide the necessary funds. The proposition so submitted shall be carried if the majority of the electors voting on such proposition shall vote in favor of ~~such proposition. thereof; Provided,~~

(3) ~~No~~ election and no vote of electors shall be required upon the question of acquiring by purchase, lease, or sublease any existing bridge or issuing revenue bonds, in an amount not to exceed two million dollars as authorized by section 14-1217, for the acquisition by purchase, lease, or sublease of any existing bridge, if the ~~governing body of such city council~~ ~~determines shall determine~~ by a vote of a majority of its members to dispense with such election or vote of electors as to such question.

(4) If the proposition shall be carried at the election, or if the ~~city council determines governing body shall so determine~~ to dispense with such election, the tentative acceptance of the owners of such bridge shall then



become final and binding upon such owners ~~them~~ and may be enforced in any court of competent jurisdiction.

(5) Such purchase may also be made subject to existing mortgages and the assumption of outstanding bonds.

(6) If repairs, reconditioning, or reconstruction shall be necessary to place any bridge so purchased or to be purchased in safe, efficient, or convenient condition, ~~the governing body of the city council may~~ shall be empowered to issue additional revenue bonds to provide funds for such ~~that~~ purpose in an amount not to exceed fifteen percent of the purchase price of such bridge.

(7) Any proposition submitted to the electors shall be published on three consecutive days in the official newspaper of the city to be completed not less than ten days before the date of the election.

(8) ~~If and when the governing body of any such city council determines shall determine~~ to dispense with such election or vote of the electors, or if a proposition is ~~shall have been~~ submitted to a vote of the electors thereof and carried at such election, the city council may ~~such governing body is hereby authorized and empowered to~~ exercise all power and authority reasonably necessary and incidental to the exercise of the powers ~~herein granted in this section~~.

Sec. 245. Section 14-1207, Reissue Revised Statutes of Nebraska, is amended to read:

14-1207 If any such city of the metropolitan class desires ~~shall desire~~ to acquire any existing bridge or lease of such bridge thereof or all interests in such bridge therein by the exercise of the power of eminent domain, and has ~~shall have~~ received any such authority as may ~~be~~ necessary from the government of the United States, such city it may exercise such power in such manner as Congress may require. If ~~and if~~ the manner is not prescribed by Congress, the procedure to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724.

Sec. 246. Section 14-1211, Reissue Revised Statutes of Nebraska, is amended to read:

14-1211 (1) Within ninety days after a final condemnation award pursuant to section 14-1207 has been made, ~~the governing body of the city council of such city of the metropolitan class shall,~~ if such city council it elects to proceed further, introduce an ordinance providing for the submission to the electors of the city the question whether such award shall be confirmed and the property be taken and bonds of the kind or kinds determined by the ~~governing body of the city council,~~ and stated upon the ballot, shall be issued in the amount of the award.

(2) Such proposition shall be submitted within ninety days after the ordinance becomes effective at a special election called for that purpose or at any general city or state election, and shall be carried if a majority of the electors voting on such proposition ~~thereon~~ shall vote in favor of such proposition thereof.

(3) No election and no vote of electors shall be required upon the question of acquiring by condemnation any bridge or issuing revenue bonds as authorized by section 14-1217 for the acquisition by condemnation of any existing bridge, if the ~~governing body of such city council determines shall determine~~ by a vote of a majority of its members to dispense with such election or vote of electors as to such question.

Sec. 247. Section 14-1212, Reissue Revised Statutes of Nebraska, is amended to read:

14-1212 If a such proposition is carried pursuant to section 14-1211, or if the city council of a city of the metropolitan class determines ~~governing body shall so determine~~ to dispense with such election, title to the property to be appropriated shall at once vest in such said city, and the right to possession shall vest in such said city as soon as money in the amount of such said award is on deposit with the county judge.

Sec. 248. Section 14-1215, Reissue Revised Statutes of Nebraska, is amended to read:

14-1215 (1) Notwithstanding any limitation or requirement contained in the city home rule charter of a city of the metropolitan class or imposed by other laws upon the limit of indebtedness, the issuance of bonds, the vote of the electors, or the exercise of the power of eminent domain in or by such city, the city council of such city may ~~governing body thereof is authorized and empowered to~~ issue and dispose of general obligation bonds to the amount of fifty thousand dollars, or any part thereof, in any one calendar year, to finance preliminary work, including investigation, soundings, employment of engineers and architects, and any other useful work, or appropriate expenses in connection with the proposed acquisition or construction of any bridge, bridges, or viaducts, and the preliminary financing of such bridges or viaducts thereof.

(2) Such bonds shall be short-term bonds not to exceed three years, redeemable at par on any semiannual interest date upon ten days' notice by publication once in the official newspaper, and may be sold at a discount of not more than two percent. The proceeds of the sale of such bonds may be advanced by the ~~governing body of the city council~~ to a bridge commission created as provided in sections 14-1227 and 14-1244 to 14-1246, to be expended by such commission in preliminary work or for costs of operation and maintenance or interest charges as may be necessary.

(3) Whether expended by the ~~governing body of the city council~~ or by a bridge commission, the amount so expended shall constitute a prior and first

lien upon revenue derived from the operation of the bridge in connection with which such expenditures have been ~~made had~~, and shall be repaid as soon as possible and used by the ~~governing body of the city council~~ to purchase or redeem ~~such said~~ short-term bonds.

(4) The amount of such bonds shall be included as a part of the cost of the bridge and shall be repaid out of the proceeds of any bonds issued for permanent financing.

Sec. 249. Section 14-1216, Reissue Revised Statutes of Nebraska, is amended to read:

14-1216 (1) To finance any of the purposes or powers provided for in sections 14-1201 to 14-1252, the ~~governing body of any such city council of a city of the metropolitan class~~ shall in the first instance determine whether any purchase, condemnation, or construction authorized by ~~such said~~ sections shall be financed by bonds which are general obligations of the city and which may also be supported by a lien or mortgage on the bridge itself or upon the ~~collection of tolls to be derived from the use of such bridge therefrom~~, or both, or by revenue bonds as provided for in section 14-1217 and which are charged solely against the revenue to be derived from such bridge through the collection of tolls, or part one kind of bonds and part the other.

(2) The ~~city council~~ ~~It~~ shall not have authority to purchase, condemn, nor construct any bridge nor to issue any bonds, except the preliminary bonds specially authorized by section 14-1215, until first authorized by the majority vote of the electors voting on such proposition, which proposition shall indicate the method of acquiring the bridge and the kind or kinds of bonds, at a special election called for that purpose or at any general city or state election. ~~No ; Provided, no~~ election and no vote of electors shall be required upon the question of acquiring or constructing any bridge or issuing revenue bonds as authorized by section 14-1217, for the acquisition or construction of any bridge located more than one mile from any existing bridge, other than a railroad bridge, if the ~~governing body of such city council determines shall determine~~ by a vote of the majority of its members to dispense with such election or vote of electors as to such question.

(3) This grant of power to issue bonds is in addition to any other power which may now have been or hereafter may be conferred upon such city, and shall be free from the restrictions now imposed by the home rule charter of the city upon the issuance of bonds and incurring of indebtedness, and subject only to the provisions of the Constitution of Nebraska.

(4) ~~At an such~~ election under subsection (2) of this section, the proposition shall be separate as to the bonds for each bridge to be acquired or constructed and the amount of bonds may be either a specific amount equal to the estimated total cost of every nature plus not to exceed twenty-five percent, or may be general and authorize the issuance of bonds in such amount as may be found necessary from time to time to complete the acquisition, construction, and equipment of the bridge and all costs incident to ~~such bridge thereto~~, or may be part one and part the other.

(5) For all purposes of financing, the total cost of any improvement authorized by sections 14-1201 to 14-1252 may include every item of expense in connection with the project, and among other items shall also include the cost of acquiring every interest of every nature and of every person in any existing bridge; ~~τ~~ the cost of constructing the superstructure, roadway, and substructure of any bridge; ~~τ~~ the approaches and avenues or rights-of-way of access to such bridge; ~~thereto and~~ necessary real estate in connection with ~~such bridge; therewith,~~ toll houses; and equipment thereof and of ~~such the~~ bridge; ~~τ~~ franchises, easements, rights, or damages incident to or consequent upon the complete project expenses preliminary to construction, including investigation and expenses incident to such construction; ~~thereto, and~~ prior to and during construction the proper traffic estimates; ~~τ~~ interest upon bonds; and all such other expenses as after the beginning of operation would be properly chargeable as cost of operation, maintenance, and repairs.

Sec. 250. Section 14-1217, Reissue Revised Statutes of Nebraska, is amended to read:

14-1217 A ~~city~~ ~~Cities~~ of the metropolitan class ~~is are hereby~~ authorized to provide funds for the purposes of sections 14-1201 to 14-1252 by the issuance of revenue bonds of such ~~city cities~~, the principal and interest of which bonds shall be payable solely from the special funds ~~herein~~ provided ~~in such sections~~ for such payment and as to which, as shall be recited ~~in such bonds therein~~, the city shall incur no indebtedness of any kind or nature and to support which the city shall not pledge its credit nor its taxing power nor any part of ~~such credit or taxing power thereof~~. Such bonds may, at the option of the ~~governing body of such city council~~, be supported by mortgage or by deed of trust.

Sec. 251. Section 14-1218, Reissue Revised Statutes of Nebraska, is amended to read:

14-1218 ~~Revenue~~ ~~Such revenue~~ bonds ~~issued pursuant to section 14-1217~~ shall bear interest payable semiannually, and shall mature in not more than twenty years from their date or dates and may be made redeemable at the option of the city ~~of the metropolitan class~~ ~~issuing such bonds the same~~ at not more than the par value of ~~such bonds thereof~~ plus a premium of five percent, under such terms and conditions as the ~~governing body of the city council~~ may fix prior to the issuance of such bonds.

Sec. 252. Section 14-1219, Reissue Revised Statutes of Nebraska, is amended to read:

14-1219 The ~~governing body of the city council~~ of a city of the

metropolitan class shall provide the form of any such bonds issued pursuant to section 14-1217, including coupons to be attached to such bonds thereto to evidence interest payments, which bonds shall be signed by the mayor and countersigned and registered by the city comptroller, under the city's seal, and which coupons shall bear the facsimile signature of such said mayor and the city clerk, and shall fix the denomination or denominations of such bonds and the place or places of payment of the principal and interest of such bonds thereof which may be at the office of the city treasurer, or any bank or trust company in the State of Nebraska or in the city of New York, State of New York. All bonds authorized by sections 14-1215 to 14-1217 and 14-1223 shall be and shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the Uniform Commercial Code of the state without, however, constituting the revenue bonds herein authorized in such sections an indebtedness of the city issuing such bonds the same. The governing body of the city council may provide for the registration of such bonds in the name of the owner as to the principal alone or as to both principal and interest.

Sec. 253. Section 14-1220, Reissue Revised Statutes of Nebraska, is amended to read:

14-1220 Revenue Such bonds issued pursuant to section 14-1217 by a city of the metropolitan class may be sold in such manner as the governing body of the city council may determine to be for the best interests of the city, taking into consideration the financial responsibility of the purchaser, and the terms and conditions of the purchase, and the availability of the proceeds of the bonds when required for payment of the costs. Any such sale shall to be at not less than ninety-two cents on the dollar and accrued interest.

Sec. 254. Section 14-1221, Reissue Revised Statutes of Nebraska, is amended to read:

14-1221 The proceeds of any revenue such bonds issued by a city of the metropolitan class pursuant to section 14-1217 shall be deposited in the first instance with the city treasurer and thereafter with such depositories as the bridge commission shall direct and the governing body of the city council shall approve, shall be secured in such manner and to such extent as the governing body of the city council and the bridge commission shall require, shall be used solely for the payment of the cost of such the bridges and costs incident to such bridges thereto, and shall be drawn upon over the signatures of the chairperson chairman or vice-chairperson vice-chairman of the bridge commission and the secretary and treasurer of the bridge commission thereof, and under such further restrictions, if any, as the governing body of the city council may provide. If the face amount of such bonds, less any discount on the sale of such bonds thereof, shall exceed such cost, the surplus shall be paid into such funds the fund hereinafter provided for the payment of the principal and interest of such bonds.

Sec. 255. Section 14-1222, Reissue Revised Statutes of Nebraska, is amended to read:

14-1222 The governing body of the city council of a city of the metropolitan class shall have the right to purchase for investment of other funds, and the bridge commission and the governing body of the city council shall have the right to purchase for retirement and cancellation, any of such bonds that may be outstanding, at the market price, but at not exceeding one hundred and five percent and accrued interest and not exceeding the price, if any, at which such bonds the same shall in the same year be redeemable, but all bonds redeemed or purchased out of funds provided by the sale of bridge bonds shall forthwith be canceled and shall not again be reissued issued.

Sec. 256. Section 14-1223, Reissue Revised Statutes of Nebraska, is amended to read:

14-1223 Prior to the preparation of definitive bonds issued pursuant to sections 14-1201 to 14-1222, the governing body of the city council of a city of the metropolitan class may, under like restrictions, issue temporary bonds with or without coupons, exchangeable for definitive bonds upon the issuance of the latter.

Sec. 257. Section 14-1224, Reissue Revised Statutes of Nebraska, is amended to read:

14-1224 (1) The governing body of the city council of a city of the metropolitan class may enter into an agreement with any competent bank or trust company as trustee for the holders of such bonds issued pursuant to sections 14-1201 to 14-1224, setting forth the duties of the city and the bridge commission in respect to the construction, maintenance, operation, and insurance on all funds, the insurance of money on hand or on deposit and the rights and remedies of such said trustee and the holders of such bonds, and restricting the individual right of action of bondholders as is customary in trust agreements respecting bonds of corporations.

(2) Such Said trust agreement may:

(a) Contain contain such provisions for protecting and enforcing the rights and remedies of the trustee and approval by the original bond purchasers of the appointment of consulting engineers and of the security given by the bridge contractors and by any bank or trust company in which the proceeds of bonds or bridge tolls or other money of the bridge commission shall be deposited, and may provide that no contract for construction shall be made without the approval of the consulting engineers; -

(b) Contain Said trust agreement may further contain provisions and covenants that all or any deposited money shall be secured, as may be therein provided in such agreement, by surety company bonds or otherwise, and that investments of any or all money shall be prohibited, except as therein provided

in such agreement, or shall be regulated as therein provided in such agreement, and that insurance upon the bridge and all property connected with such bridge therewith, also use and occupancy insurance, shall be carried to the extent and under the conditions therein provided in such agreement; and -

(c) Include such trust agreement may also include a covenant that until the revenue bonds secured by such agreement and the interest on such bonds thereon shall have been paid, the city will charge and collect for transit over any or all other bridges, then or thereafter owned by such city, rates of tolls which may be fixed in such covenant or may be based upon principles and premises set forth in such covenant. The tolls thereafter collected pursuant to such covenant shall be applied as provided in section 14-1226, or for the acquisition or construction or the maintenance and operation, in whole or in part, of any bridge or bridges now owned or hereafter acquired or constructed by such city or as may be otherwise provided by law.

Sec. 258. Section 14-1225, Reissue Revised Statutes of Nebraska, is amended to read:

14-1225 Neither the State of Nebraska nor any political subdivision thereof shall:

(1) Limit limit or restrict the rights and powers granted in sections 14-1201 to 14-1252 to the detriment of owners of outstanding bonds; or

(2) Authorize nor shall such state or political subdivision authorize the construction or itself construct any competing bridge within a distance of one mile on either side of the bridge unless and until all of such bonds, together with the interest on such bonds thereon, have been fully paid and canceled, unless other adequate provisions shall have been made for the protection and guaranty of such bonds thereof.

Sec. 259. Section 14-1226, Reissue Revised Statutes of Nebraska, is amended to read:

14-1226 (1) The rates of tolls to be charged for the use of any bridge acquired or constructed under the provisions of sections 14-1201 to 14-1252 shall be fixed and adjusted as may be required by any law of the United States, and shall be so fixed and adjusted as to provide a fund sufficient to pay the interest and principal of any bonds issued under sections 14-1215 to 14-1217 and 14-1223 and to provide an additional fund to pay the cost of maintaining, repairing, and operating such bridge. Such The rates may also be so fixed and adjusted as to provide a reserve fund reasonably sufficient to provide for the cost of the continued operation, supervision, maintenance, and repair of such said bridge or bridges for a period not to exceed twenty-five years after the removal of toll charges.

(2) After the provision of such said funds has been completed, such bridge or bridges shall thereafter be maintained and operated free of toll unless or until the charging of reasonable tolls is continued or resumed by the governing body of the city council or bridge its commission in order to finance reconstruction, extension, enlargement, replacement, or renewal of that particular bridge or in aid of the acquisition, construction, reconstruction, extension, enlargement, replacement, or renewal of any other bridge owned in whole or in part by such said city.

(3) The owners of outstanding bonds issued to finance the bridge, or the authorized trustee for such owners therefor, shall have the right to compel the fixing of adequate tolls by application to any court of competent jurisdiction.

(4) In case the city is at the same time providing for the payment of more than one bridge through the collection of tolls, the tolls upon such bridges may be maintained and adjusted so that each bridge shall assist the financing of the other.

Sec. 260. Section 14-1227, Reissue Revised Statutes of Nebraska, is amended to read:

14-1227 (1) When it has been determined by the governing body of any such city council of a city of the metropolitan class, by resolution or ordinance in the exercise of its discretion, that in the exercise of the powers conferred by sections 14-1201 to 14-1252, it is expedient to create a bridge commission, the mayor of such city, with the approval of the governing body of the city council, shall appoint four persons, who, with the mayor, as an ex officio member, shall constitute a bridge commission which shall be a public body corporate and politic under the name of (insert name of city) Bridge Commission bridge commission. Such bridge commission It shall have power to contract, to sue and be sued, and to adopt a seal and alter such seal same at pleasure, but shall not have power to pledge the credit or taxing power of the city.

(2) No officer or employee of such said city, except the mayor thereof, whether holding a paid or unpaid office, shall be eligible to hold an appointment on such bridge said commission. Such appointees shall be originally appointed for terms of four years. Upon the expiration of such terms, appointments shall be made in like manner except that the term of the four appointees shall be for one year, two years, three years, and four years, respectively. Not more than two of such appointees shall be members of the same political party. Vacancies shall be filled for any unexpired term in the same manner as the original appointment. Such bridge said commission shall elect a chairperson chairman and vice-chairperson vice-chairman from its members, and a secretary and treasurer who need not be a member of such commission. The members of the bridge commission shall receive no compensation and shall give such bonds as may be required from time to time by the governing body of the city council. The bridge commission shall fix the compensation of the secretary and treasurer.

(3) The bridge commission shall have the power to establish bylaws, rules,

and regulations for its own government, and to make and enter into all contracts or agreements necessary or incidental to the performance of its duties and the execution of its powers. The bridge commission may employ engineering, architectural, and construction experts and inspectors and attorneys, and such other employees as may be necessary in its opinion, and fix their compensation, and such employees all of whom shall do such work as the bridge commission shall direct. All salaries and compensation for such employees shall be obligations against and be paid solely from funds provided under the authority of sections 14-1201 to 14-1252. The office, records, books, and accounts of the bridge commission shall always be maintained in the city which the bridge commission represents. Such bridge commission may be charged by the ~~governing body of the city council~~ with the construction of new bridges or the operation, maintenance, repair, renewal, reconstruction, replacement, extension, or enlargement of existing bridges, ~~or bridges hereafter constructed.~~

Sec. 261. Section 14-1228, Reissue Revised Statutes of Nebraska, is amended to read:

14-1228 (1) Except as provided in subsection (2) of this section, the bridge The commission of a city of the metropolitan class is hereby authorized to:

(a) Prepare ~~prepare~~ the necessary and proper plans and specifications for the construction of such bridges as may be designated by the ~~governing body of the city council;~~ ;

(b) Select ~~to select~~ the location for such bridges same, determine the size, type and method of construction of such bridges thereof, and to plan and fix the their boundaries and approaches of such bridges; ;

(c) Make ~~to make~~ the necessary estimates of the probable cost of construction and the acquisition of the land and rights for the sites of the abutments and approaches and avenues or easements of access to such the bridges in the a manner hereinafter provided by law; ;

(d) Enter ~~to enter~~ into the necessary contracts to build and equip the entire bridges and the approaches and avenues or easements of access to such bridges; ~~thereto;~~

(e) Build ~~to build~~ the superstructures and substructures and all parts of such bridges; ~~thereof;~~

(f) Obtain ~~to obtain~~ and exercise such consent or authority as may be necessary from the government of the United States and the approval of the Secretary of the Army and Chief of Engineers; and ;

(g) Cause ~~and to cause~~ a survey and map to be made of all lands, structures, rights-of-way, franchises, easements, or other interests in lands, including lands under water and riparian rights owned by any person persons, corporation, or municipality, the acquisition of which may be deemed necessary for the construction of such bridges, and to cause such map and survey to be filed in its office. The members of the bridge commission, or its agents and employees, may enter upon such lands and structures and upon lands under water notwithstanding any interests in such lands or structures, for the purpose of making such surveys and maps. ; ~~Provided,~~

(2) The bridge that the commission shall not proceed to exercise or carry out any authority or power granted by this section herein given it to bind such bridge said commission beyond the extent to which money has been provided.

Sec. 262. Section 14-1229, Reissue Revised Statutes of Nebraska, is amended to read:

14-1229 No contract or agreement for the acquisition, construction, reconstruction, repair, enlargement, extension, renewal, replacement, or equipment of any bridge as provided in section 14-1228 such bridges exceeding in amount the sum of twenty-five hundred dollars shall be made without advertisement for public bids, which shall be opened publicly, and an award made to the best bidder. The bridge, with power in the commission shall have the authority to reject any or all bids.

Sec. 263. Section 14-1230, Reissue Revised Statutes of Nebraska, is amended to read:

14-1230 The plans and specifications, the location, size, type, and method of construction, the boundaries and approaches, and the estimates of cost of construction and acquisition, provided for in sections 14-1228 and 14-1229, shall be first submitted to the ~~governing body of the city council~~ and receive the its approval of the city council before final adoption by the bridge commission, which shall have no power to proceed further until such approval has been given had.

Sec. 264. Section 14-1231, Reissue Revised Statutes of Nebraska, is amended to read:

14-1231 No contract for acquisition, construction, or incidents thereto, and no liabilities in connection with such contract therewith shall be entered into or incurred by a bridge commission of a city of the metropolitan class until bonds to finance the project have been authorized by the electors of the city in the method provided in section 14-1251, or until revenue bonds, as authorized by section 14-1217, have been issued and disposed of by the ~~governing body of the city council.~~

Sec. 265. Section 14-1232, Reissue Revised Statutes of Nebraska, is amended to read:

14-1232 (1) The bridge commission of a city of the metropolitan class shall:

(a) Operate ~~operate~~, manage, and control the bridges under the its charge of such commission in their entirety; ;

(b) ~~Fix~~ fix the rate of tolls of such bridges; ~~τ~~

(c) ~~Establish~~ establish bylaws and rules and regulations for the use and operation of such bridges; ~~τ~~

(d) ~~Provide~~ provide for the lighting and policing of such bridges; thereof,

(e) ~~Select~~ select such employees as the bridge commission ~~it~~ deems necessary and fix their compensation; ~~τ~~ and

(f) ~~If~~ if and when authorized by the ~~governing body of the city council,~~ shall have the power to renew, replace, reconstruct, extend, and enlarge bridges. ~~τ~~

(2) ~~The bridge commission~~ but shall not have the power to create liens upon or to mortgage any property unless first authorized by the ~~governing body of the city council.~~

Sec. 266. Section 14-1233, Reissue Revised Statutes of Nebraska, is amended to read:

14-1233 The bridge commission of a city of the metropolitan class shall keep an accurate record of all its acts, the property entrusted to the bridge commission ~~it~~, the cost of the bridge or bridges, and incidents thereto, the expenditures for maintaining, repairing, and operating such bridges ~~same~~, and the daily tolls collected. Such ~~τ~~ ~~which~~ records shall be public records and the property of the city. A semiannual statement shall be published on each bond interest date in the official newspaper of the city. The ~~governing body of the city council~~ shall have the power to examine such ~~the~~ accounts at any time, to call for any reports at any time in its discretion, and to require the bridge commission and its employees to appear before the city council ~~it~~ to report or testify at any time.

Sec. 267. Section 14-1234, Reissue Revised Statutes of Nebraska, is amended to read:

14-1234 The ~~governing body of the city council of a city of the metropolitan class,~~ after reasonable notice and hearing, may at any time remove any member of a bridge ~~the commission~~ or discharge any employee of such bridge commission for good cause shown, but not arbitrarily nor for political reasons.

Sec. 268. Section 14-1235, Reissue Revised Statutes of Nebraska, is amended to read:

14-1235 The accounts and statements of the bridge commission of a city of the metropolitan class shall be audited by or under the direction of the city comptroller semiannually and finally upon the completion of the work of the bridge commission and at such other times as may be directed by the ~~governing body of the city council.~~ The ~~τ~~ ~~the~~ cost of such audit shall ~~thereof~~ to be charged against the funds provided for in sections 14-1201 to 14-1252.

Sec. 269. Section 14-1236, Reissue Revised Statutes of Nebraska, is amended to read:

14-1236 The ~~governing body of the city council of a city of the metropolitan class,~~ and in the absence of action by the city council ~~it~~, the bridge commission of such city, shall have the power to require bonds of officers and employees to require guarantees of deposited money, ~~τ~~ and to insure the bridges and all property connected with such bridges ~~therewith~~ against every manner of loss or injury.

Sec. 270. Section 14-1237, Reissue Revised Statutes of Nebraska, is amended to read:

14-1237 Funds under control of the bridge commission of a city of the metropolitan class may be invested in certificates of deposit in national banks, capital stock financial institutions, or qualifying mutual financial institutions or in bonds or other evidences of indebtedness which are general obligations of the United States, the State of Nebraska, ~~or~~ other states, or the city or the cities cooperating as provided in section 14-1202, but only in such a manner as to be immediately available for recapture when needed for the purposes authorized in sections 14-1201 to 14-1252. Section 77-2366 shall apply to deposits in capital stock financial institutions. Section 77-2365.01 shall apply to deposits in qualifying mutual financial institutions.

Sec. 271. Section 14-1238, Reissue Revised Statutes of Nebraska, is amended to read:

14-1238 The bridge commission of a city of the metropolitan class is ~~hereby~~ authorized to purchase in the State of Nebraska and in any adjoining state when authorized by such state or the government of the United States, if such authority be necessary, solely from funds provided under the authority of sections 14-1201 to 14-1252, such lands, structures, rights-of-way, franchises, easements, or other interests in lands, including lands under water and riparian rights of any person, railroad, or other public or private corporation, necessary or convenient for the acquisition, construction, extension, or enlargement of such ~~said~~ bridges and approaches to such bridges ~~thereto~~, upon such terms, prices, or consideration as may be considered by such bridge commission ~~it~~ to be reasonable and can be agreed upon between such bridge commission ~~it~~ and the owner or owners, title to such property ~~thereto~~ to be taken in the name of and to vest in the city.

Sec. 272. Section 14-1239, Reissue Revised Statutes of Nebraska, is amended to read:

14-1239 Whenever it shall be necessary to condemn property in the State of Nebraska for the purpose of constructing, extending, or enlarging any portion of a bridge ~~the bridges~~ or the approaches to such bridge ~~thereto~~, or securing avenues of access or rights-of-way leading to such ~~the~~ approaches, the bridge commission of a city of the metropolitan class may condemn any interests, franchises, easements, rights, ~~or~~ privileges, land, or improvements which may,

in ~~the its~~ opinion of such commission, be necessary for the purpose of constructing such bridge ~~the bridges~~ or approaches thereto, or necessary for rights-of-way or avenues of access leading to such ~~the~~ approaches. Condemnation shall be certified to the ~~governing body of the city council~~ for its action. The procedure to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724. The bridge commission is further empowered to exercise in any adjoining state such powers of eminent domain as may be conferred upon the bridge commission by any act of Congress of the United States or as may be authorized by the law of that state. No payments of award in any condemnation proceedings ~~proceeds~~ or for the costs of such proceedings or the expense of such proceedings thereof, shall be made except from funds provided under the authority of sections 14-1201 to 14-1252. Title to property condemned under this section shall be taken in the name of and vest in the city.

Sec. 273. Section 14-1240, Reissue Revised Statutes of Nebraska, is amended to read:

14-1240 Any individual ~~All individuals~~ or corporation ~~corporations~~ having buildings, structures, works, conduits, mains, sewers, wires, tracks, or other obstructions in, over, upon, or adjacent to the public streets, lanes, alleys, or highways or in, under, over or adjacent to the river over which a bridge is ~~the bridges~~ are to be constructed by a city of the metropolitan class, and which shall interfere with or impede the progress of such bridge ~~the bridges~~ and approaches when in process of construction and establishment, shall upon reasonable notice from the bridge commission temporarily so shift, adjust, accommodate, or remove any such interference or impediment ~~the same~~, as fully to meet the exigencies occasioning such action. Upon completion of such construction, the actual cost of such measures thereof, if reasonable, otherwise the reasonable cost of such measures thereof, and other incidental damages, shall be promptly paid to such person by the bridge commission. In case of disagreement as to reasonable cost, the damages sustained shall be ascertained and determined as provided in sections 76-704 to 76-724 and shall be paid at once by the bridge commission out of funds provided for in sections 14-1201 to 14-1252. Similar powers may be exercised in an adjoining state if and in the manner authorized by an act of Congress or the law of that state.

Sec. 274. Section 14-1241, Reissue Revised Statutes of Nebraska, is amended to read:

14-1241 ~~The governing body of the city council of a city of the metropolitan class~~ shall cause to be assessed the damages to property by reason of the construction and operation of any ~~the complete~~ bridge property and appurtenances and to pay such damages ~~same~~ out of funds provided for in sections 14-1201 to 14-1252. The damages sustained shall be ascertained and determined as provided in sections 76-704 to 76-724. Similar powers may be exercised in an adjoining state if and in the manner authorized by an act of Congress or the law of that state.

Sec. 275. Section 14-1242, Reissue Revised Statutes of Nebraska, is amended to read:

14-1242 Any public ways or public works, including those of ~~a~~ the metropolitan utilities district, damaged or destroyed by reason of the construction ~~building~~ of a bridge ~~such bridges~~ or approaches as provided in sections 14-1201 to 14-1252 shall be restored or repaired by or at the expense of the bridge commission ~~created~~ by a city of the metropolitan class and placed in their original condition as near as practicable, or, at the option of the owner ~~owners~~ of such property, such property ~~the same~~ may be repaired or restored by the owner and the bridge commission shall reimburse the owner for the reasonable cost of such repair or restoration thereof.

Sec. 276. Section 14-1243, Reissue Revised Statutes of Nebraska, is amended to read:

14-1243 Any bridge ~~local~~ commission of a city of the metropolitan class provided for in sections 14-1227 and 14-1244 may be dissolved by the ~~governing body of the city council~~ at any time after the acquisition, construction, and equipment of any ~~the complete~~ bridge or bridges under ~~within~~ its care have been completed and all the costs of such bridges thereof have been paid from the funds provided by the bond issues provided for in sections 14-1215 to 14-1217 and 14-1223. ~~The~~ Thereupon the ~~governing body of the city council~~ shall assume the further duties in connection with any ~~such~~ bridges ~~bridge~~, including the operation, maintenance, and repair of such bridges thereof, the administration of funds, the collection of tolls, and all other necessary or proper acts. At any time the city council thereafter it may create a new bridge commission to effect any of the purposes or objects authorized by sections 14-1201 to 14-1252.

Sec. 277. Section 14-1244, Reissue Revised Statutes of Nebraska, is amended to read:

14-1244 (1) In case the ~~governing body of any city council of a city of the metropolitan class designated in section 14-1201~~, having been authorized by the electors as required in section 14-1251, shall at any stage of the proceedings determine to cooperate with any such properly authorized political subdivision in this or an adjoining state in the joint acquisition and operation of any a bridge or bridges, a joint bridge commission shall be created.

(2) Such joint bridge commission shall be created and the members selected by the action of each political unit cooperating, in the same manner provided for the creation of a local bridge commission by the statutes applicable to each political unit, and upon which representation may be proportioned to the

respective contribution of funds by the political units cooperating for the purpose of such acquisition ~~except~~ ~~;~~ ~~Provided,~~ that the total membership shall not exceed ten members. The joint bridge commission shall select a chairperson ~~chairman~~ and a vice-chairperson ~~vice-chairman~~ to represent each political subdivision cooperating in the enterprise and shall maintain a single office at the place selected by the joint bridge commission but for legal purposes shall be domiciled within the jurisdiction of each political unit cooperating and shall have the power to sue and be sued. ~~The joint bridge~~ ~~This~~ commission shall constitute a public body corporate and politic, shall select and adopt its own name, and shall be vested with such powers and subject to such conditions as may be conferred and imposed by the government of the United States and such powers and conditions in the State of Nebraska as are conferred and imposed in sections 14-1201 to 14-1252 upon a local bridge commission, and such powers and subject to such conditions in an adjoining state as may be conferred and imposed by the laws of such state.

(3) The plans and specifications, the location, size, type, and method of construction, the boundaries and approaches, and the estimates of the costs of construction, acquisition of property, and financing, shall be first submitted to the governing bodies of the political units cooperating and receive their approval by resolution before final adoption by the joint bridge commission, which shall not enter into contracts and shall have no power to proceed further unless and until such approval has been given ~~had~~.

(4) If such joint bridge commission is created after any work has been done, any funds provided, or any liabilities incurred by the ~~governing body of the city council~~ or by a local bridge commission, such joint bridge commission shall take over, succeed to, assume and be liable for such work, funds, or liabilities therefor.

Sec. 278. Section 14-1245, Reissue Revised Statutes of Nebraska, is amended to read:

14-1245 A city of the metropolitan class is ~~The cities specified in section 14-1201~~ are authorized and empowered to authorize or require a said joint bridge commission created pursuant to section 14-1244 to conduct and to complete the sale of bonds provided for in sections 14-1215 to 14-1217 and 14-1223 at the same time and to the same purchaser under the best conditions obtainable, together with the bonds of the political subdivision with which such joint bridge commission ~~it~~ is cooperating so that the benefits of a joint offering and sale may be obtained. The funds derived from the sale of the bonds of all political subdivisions cooperating may be mingled and shall be administered and expended by the joint bridge commission as one common fund. As nearly as may be, and subject to any rules and regulations which may be adopted by the joint bridge commission for that purpose, the fund shall be deposited and maintained in equitable proportions within the territory of each political subdivision, and applied to the purchase or redemption of the separate bond issues in an equitable manner. All contracts, evidences of indebtedness, and payment vouchers shall be signed by the treasurer and countersigned by each vice-chairperson ~~vice-chairman~~.

Sec. 279. Section 14-1246, Reissue Revised Statutes of Nebraska, is amended to read:

14-1246 Title to all real and personal property and to a the completed bridge constructed by a joint bridge commission and all its appurtenances and incidents to such bridge shall vest in the political subdivisions cooperating as tenants in common in the same proportion as the contributions made to the joint fund as provided in section 14-1245. In the event of the inability of the governing bodies of the political subdivisions cooperating or ~~the their~~ joint bridge commission to agree, the specific controversy may be submitted to arbitration in such manner as may be agreed upon by the parties.

Sec. 280. Section 14-1247, Reissue Revised Statutes of Nebraska, is amended to read:

14-1247 Any city of the metropolitan class exercising ~~specified in section 14-1201~~ ~~desiring to exercise~~ the power as granted in section 14-1202 to jointly purchase by bargain and sale any existing bridge may do so either when the electors have authorized such joint purchase or have authorized any independent purchase of such bridge. ~~The governing body of the city council may is authorized to enter into a joint contract with the other political unit as to all the conditions of purchase and the conditions of subsequent reconditioning, operation, toll charges, repair, maintenance, renewal, replacement, enlargement, and extension of such bridge. Title to the bridge shall vest in the political units cooperating as tenants in common and operation shall be by the joint bridge commission provided for in section 14-1244 and subject to the conditions provided with reference to such joint bridge commission.~~

Sec. 281. Section 14-1248, Reissue Revised Statutes of Nebraska, is amended to read:

14-1248 (1) Any city of the metropolitan class specified in section 14-1201 may acquire an existing bridge by entering into joint condemnation proceedings with other political units, as authorized by ~~in~~ section 14-1202. Where the property to be condemned is situated within the jurisdiction of more than one political unit or partly in the State of Nebraska and partly in an adjoining state, the political units cooperating shall first enter into a contract electing in what jurisdiction and in which state a single joint proceeding to condemn the property as an entirety shall be instituted and the proceedings shall be conducted subject to the law of and in the manner provided for that jurisdiction, or such proceedings may be conducted subject to the law and in the manner provided by an act of Congress conferring the power of



condemnation where the property to be acquired is situated in more than one state.

(2) ~~For purposes of this section this purpose,~~ cities of the metropolitan class in this state and specified in section 14-1201 are authorized to become parties to a single proceeding in an adjoining state and to subject themselves to the law of that state governing such proceedings. In the event of such joint proceedings in this state, the procedure to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724.

(3) ~~The contract provided for in this section provided for~~ shall be similar to the contract provided for in section 14-1247, and shall also fix the proportionate contribution to be made by each political unit cooperating, and shall also provide for the creation of a joint bridge commission to take over the operation of the property in the event of its acquisition, subject to the conditions provided in sections 14-1244 to 14-1250 with reference to such joint bridge commission.

(4) Title to the property condemned under this section shall vest in the political units cooperating as tenants in common when, as, and if the approval of the electors has been given ~~had~~ as provided in section 14-1251.

Sec. 282. Section 14-1249, Reissue Revised Statutes of Nebraska, is amended to read:

14-1249 Whenever the electors of any city of the metropolitan class ~~city shall~~ have authorized the construction of a bridge as provided in section 14-1201, the governing body of the city council shall have the power to construct such bridge independently or jointly with any state or political unit as authorized in section 14-1202. Such cities are authorized to enter into any contract which may be necessary to effectuate this purpose. The title to all property thus acquired shall vest in the political units cooperating as tenants in common. The actual control of all construction and subsequent operation, including all property necessary to the completed bridge, and all maintenance and repair of such bridge thereof, and all funds and the collection and custody of tolls, shall vest in a joint bridge commission as provided in section 14-1244. Such joint bridge, which commission and its control shall not be terminated until such tenancy in common is ~~shall be~~ terminated.

Sec. 283. Section 14-1250, Reissue Revised Statutes of Nebraska, is amended to read:

14-1250 Any city in an adjoining state which has been properly authorized by the laws of that state or the United States, may exercise in the State of Nebraska any and all of the powers granted in sections 14-1201 to 14-1252 to cities in Nebraska, subject to the conditions and requirements of such said sections.

Sec. 284. Section 14-1251, Reissue Revised Statutes of Nebraska, is amended to read:

14-1251 (1) Elections on propositions arising in connection with the exercise of any of the powers granted by sections 14-1201 to 14-1252 may be submitted by the governing body of the city council of a city of the metropolitan class to the electors of such city thereof at any general, city, or state election or at any special election called for that purpose. Any, and any proposition shall be carried if a majority of the electors voting on such proposition thereon vote in favor of such proposition thereof.

(2) No bridge shall be finally or irrevocably acquired, whether by purchase, or by condemnation, or by construction, until such action and the necessary financing shall have been approved by a majority of the electors voting on the proposition at a general city or state election or at a special election called for that purpose, or shall have been approved by the governing body of the city council, as authorized by such said sections.

(3) Two or more propositions or questions may be submitted at the same election and on the same ballot provided each is so presented that the electors may vote separately upon each proposition. A vote of the electors authorizing independent action shall be held to also authorize joint action for the purpose so authorized but a vote on a proposition of joint action shall not be held to authorize independent action.

(4) The governing body of the city council is hereby authorized to determine what shall be included in the proposition to be stated in notices of election and upon the ballots in its full discretion, except that any proposition must indicate whether the bridge shall be acquired by the purchase, or by the condemnation of an existing bridge, or by the construction of a new bridge, and the kind of bonds to be issued to finance such bridge the same and the amount of such bonds may be set forth in any manner authorized in such said sections.

Sec. 285. Section 14-1252, Reissue Revised Statutes of Nebraska, is amended to read:

14-1252 Any ~~If any such~~ city of the metropolitan class that has ~~shall~~ have adopted a home rule charter it may exercise any powers granted in sections 14-1201 to 14-1251 in the method herein provided by this section or by ~~in~~ such other method, in whole or in part, as may from time to time be provided in whole or in part by such said home rule charter. The powers hereby conferred by such sections shall ~~are to~~ be exercised without any restriction or limitation under the home rule city charter or laws of the state except the provisions of the Constitution of Nebraska the state, and are supplementary and additional to powers which have been or may hereafter be conferred upon the city by the laws of the state or such home rule charter of the city. All powers granted or provided to be conferred upon the bridge commissions authorized by such said sections are likewise granted to and conferred upon and may be exercised by the

~~governing body of the city council and such the governing body of the city council may delegate to any bridge commission created for such city under such said sections, in the discretion of such city council governing body, any or all of the powers, privileges, and rights of approval and restraint conferred upon it by such said sections.~~

Sec. 286. Section 14-1702, Reissue Revised Statutes of Nebraska, is amended to read:

~~14-1702 The Legislature finds and declares that It is hereby determined and declared as a matter of legislative finding and policy:~~

~~(1) Traffic That the traffic in the streets of the business section of metropolitan cities of the metropolitan class has become congested by the great number of motor vehicles entering and traversing such streets, and the trend is for an ever-increasing number of vehicles on such streets and that, unless appropriate action is taken, the congestion will become worse and constitute a public nuisance;~~

~~(2)(a) Such (2) That (a) the traffic congestion has created a hazard to life, limb, and property of those using such streets, (b) the free circulation of traffic of all kinds is necessary to the health, safety, and general welfare of the public, and (c) any impeding of the free flow of traffic might seriously affect the rapid and effective fighting of fires and the disposition of the police force and emergency vehicles;~~

~~(3) There That there is insufficient space, on the streets or places adjacent to such streets thereto, to provide the required parking and that convenient offstreet parking would facilitate the free flow of traffic. The space below the surface of property, owned by the county for courthouse sites or other public uses, and the space below the surface of the streets could properly and beneficially be used for parking areas and such use would promote public safety, convenience, and welfare; and~~

~~(4) Providing That providing for the relieving of traffic congestion is a matter of public welfare, of general public interest, of statewide concern, and within the powers reserved to the state.~~

Sec. 287. Section 14-1703, Reissue Revised Statutes of Nebraska, is amended to read:

14-1703 As used in the Parking Authority Law sections 14-1701 to 14-1725, unless the context otherwise requires:

(1) Authority means a parking authority shall mean the body politic and corporate created pursuant to the Parking Authority Law sections 14-1701 to 14-1725;

(2) Board means the governing body of such authority, constituted as is provided by section 14-1705;

~~(2) Facilities shall mean the entire subsurface parking area and all improvements therein or appurtenances used in connection therewith, including entrances and exits, and all equipment, machinery, and accessories necessary or convenient for the parking of vehicles;~~

~~(3) City means shall mean the city of the metropolitan class which requested the Governor to establish a parking authority within the city;~~

~~(4) County means shall mean the county in Nebraska where the authority is located; and~~

(5) Facilities means the entire subsurface parking area and all improvements in such parking area or appurtenances used in connection with such parking area, including entrances and exits, and all equipment, machinery, and accessories necessary or convenient for the parking of vehicles.

~~(5) The authority shall be deemed located in the county where the city requesting the establishment of the authority is located; and~~

~~(6) Board shall mean the governing body of such authority, constituted as is provided by section 14-1705.~~

Sec. 288. Section 14-1704, Reissue Revised Statutes of Nebraska, is amended to read:

14-1704 The Governor shall establish a parking authority whenever requested by the city council governing body of a city of the metropolitan class in which the county seat is located. The authority shall be established by the Governor issuing a proclamation declaring the existence of such an authority and filing a copy of such proclamation thereof with the Secretary of State. The authority shall be a body corporate and politic to be known as ..... Parking Authority, therein inserting the name of the city requesting the authority. Such an authority shall be a governmental subdivision of the State of Nebraska with the powers and authority provided by the Parking Authority Law sections 14-1701 to 14-1725. Such authority is declared to be an instrumentality of the state exercising public and essential governmental functions in the performance of the powers conferred upon it by the Parking Authority Law, and shall be deemed located in the county where the city requesting the establishment of the parking authority is located sections 14-1701 to 14-1725.

Sec. 289. Section 14-1705, Reissue Revised Statutes of Nebraska, is amended to read:

14-1705 (1) The governing body of the authority shall be a board consisting of seven members, two of whom shall, ~~ex officio~~, be the mayor of the city requesting the establishment of the authority and the chairperson chairman of the board of county commissioners of the county in which wherein the authority is located, both serving as ex officio members. Each of these ex officio members shall serve without bond during their respective terms as mayor and chairperson chairman.

(2) The remaining five members shall be residents of the county in which

the authority is located. Two of such ~~these~~ members shall be originally appointed for a term of two years and three for a term of four years from the date of their appointment, and thereafter the members shall hold office for a term of four years and until their successors are appointed and have qualified. The Governor, in making the original appointments, shall designate the term of each appointee. Any vacancy, ~~in the appointed members of the board for any reason,~~ shall be filled for the unexpired term by an appointment by the Governor. No appointive member shall hold office for more than three successive full terms.

(3) Each appointive member, before entering upon the duties of his office, shall file with the Secretary of State an oath that such person he will duly and faithfully perform to the best of such person's his ability all duties of such his office, as provided in the Parking Authority Law sections 14-1701 to 14-1725, and a bond in the penal sum of five thousand dollars executed by one or more qualified sureties for the faithful performance of all such person's his duties as a member of the board of such authority. If any appointive member fails to file such oath and bond with the Secretary of State within thirty days after written notice of such appointment, the office shall be deemed to be vacant and a new appointment made.

Sec. 290. Section 14-1706, Reissue Revised Statutes of Nebraska, is amended to read:

14-1706 The board authority shall annually elect a chairperson and vice-chairperson from its members and a secretary and treasurer who shall not be a member of the board authority. A quorum for the transaction of business shall consist of four members of the board authority. The affirmative vote of four members shall be necessary for any action taken by the board authority. No vacancy in the membership shall impair the right of the quorum to exercise all the rights and perform all the duties of the board authority. The members of the board authority shall receive no compensation for services rendered, but shall be reimbursed for all expenses incurred by them in the exercise of their duties in the same manner as provided in section 23-1112 for county officers and employees and for the cost of their bonds. The secretary and treasurer may be compensated in such amounts as the board shall fix authority from time to time ~~shall fix~~, and such persons he or she may be required to give bond, in the amount prescribed by the board authority, before entering upon ~~the his or her~~ duties of as such secretary or and treasurer. The premium of such bond shall be paid for by the board authority.

Sec. 291. Section 14-1707, Reissue Revised Statutes of Nebraska, is amended to read:

14-1707 (1) For the purpose of accomplishing the object and purpose of the Parking Authority Law sections 14-1701 to 14-1725, the authority shall possess all the necessary powers of a public body corporate and governmental subdivision of the State of Nebraska, including the following powers which shall not be construed as a limitation on the general powers ~~herein~~ conferred by the Parking Authority Law:

(a) (1) To adopt bylaws for the regulation of its affairs and for the conduct of its business;

(b) (2) To adopt the official seal of the authority and to alter such seal ~~the same at pleasure~~;

(c) (3) To maintain an office within the county where the authority is located;

(d) (4) To sue and be sued in its own name;

(e) (5) To make and enter into any and all contracts and agreements with any individual, public or private corporation, or agency of this state or the United States, as may be necessary or incidental to the performance of its duties and the execution of its powers under the Parking Authority Law provisions of sections 14-1701 to 14-1725;

(f) (6) To acquire, lease, and hold such real or personal property or any rights, interest, or easements in such property therein as may be necessary or convenient for the purpose of the authority and to sell, assign, and convey such property the same;

(g) (7) To (i) (a) employ a general manager, engineers, accountants, attorneys, financial experts, and such other employees and agents as the authority it may deem ~~to be necessary~~, (ii) (b) fix the their compensation of such employees and agents, and (iii) (c) discharge such employees and agents ~~the same~~;

(h) (8) To borrow money and issue and sell negotiable bonds, notes, or other evidence of indebtedness, to provide for the rights of the holders of such bonds, notes, or other evidence of indebtedness thereof, and to pledge all or any part of the income of the authority received, as provided in the Parking Authority Law sections 14-1701 to 14-1725, to secure the payment thereof, except that ; ~~Provided~~, the authority shall not have the power to pledge the credit or taxing power of the state or any political subdivision thereof or to place any lien or encumbrance on property owned by the state, the county, or the city which requested the establishment of used by the authority;

(i) (9) To receive and accept from the federal government, or any agency thereof, the State of Nebraska, or any subdivision thereof, or from any person or corporation, donations or grants for or in aid of the construction of the parking facilities, and to hold, use, and apply such donations or grants ~~the same~~ for the purpose for which such donations or grants ~~or donations~~ may have been made; and

(j) (10) To have and exercise all powers usually granted to the board of directors of corporations which are necessary or convenient to carry out the

powers given the authority under the Parking Authority Law, provisions of sections ~~14-1701 to 14-1725~~;

(2) ~~(11)~~ The authority shall operate only in the county in which it is located, ~~;~~ and

(3) ~~(12)~~ The authority shall have no rights of eminent domain.

Sec. 292. Section 14-1708, Reissue Revised Statutes of Nebraska, is amended to read:

14-1708 Upon establishing an the authority, the county in which, ~~wherein~~ the authority is located, shall grant to the authority the right to use any space below the plot of ground used as a courthouse site and such portion of the surface of such ~~said~~ plot not then used by the county for a courthouse ~~located thereon~~. The city shall likewise grant to the authority the right to use the space below the surface of the streets abutting on such ~~said~~ courthouse site including the street intersections connecting such ~~said~~ streets. The governing bodies of the county and city shall have the authority to execute the required grants without a vote of the electorate or any authorization other than that contained in the Parking Authority Law sections 14-1701 to 14-1725. All such grants shall be for a period of fifty years. The authority may also acquire by lease, purchase, gift, grant, or any lawful manner, such adjoining privately owned property as may be necessary or convenient for the exercise of its powers for the construction of entrances to or exits from its parking facilities.

Sec. 293. Section 14-1709, Reissue Revised Statutes of Nebraska, is amended to read:

14-1709 The authority shall construct and maintain ~~subsurface parking~~ facilities at the location acquired under section 14-1708, with all necessary entrances, exits, air vents, and other appurtenances required for an efficient facilities ~~subsurface parking~~ facility. In constructing and maintaining the ~~parking~~ facilities, the surface above such facilities ~~the facility~~ shall not be disturbed more than shall be necessary. Any portion of such location thereof not required by the facilities facility shall, on completion of the facilities facility, be restored to a good usable condition. If it is necessary to relocate or do other work to protect any sewer line or utility, the authority shall do the necessary work or bear the expense of such relocation or other work thereof and the authority shall reimburse the county and city for any expense or liability incurred as a result of the construction or maintenance of the facilities facility. The authority shall also protect the owners of private property abutting the facility against loss of lateral support for improvements erected on their property at the time of the construction of the facilities or reimburse such owners ~~them~~ for expenses incurred as a result of the removal of such ~~said~~ support, but neither the state, county, city, nor authority shall be otherwise liable to such owners. The county and city shall cooperate with the authority and make available to the authority without cost any information such county or city ~~it~~ has that would be useful to the authority in the construction of the facilities. The ~~parking~~ authority shall not construct any private entrances or grant the right to others to construct private entrances to its ~~parking~~ facilities.

Sec. 294. Section 14-1710, Reissue Revised Statutes of Nebraska, is amended to read:

14-1710 All purchases and all contracts relating to the construction, maintenance, improvement, or extension of the authority's facilities, ~~except other than~~ contracts relating to the acquiring of real property or some interest in such real property ~~therein~~ or contracts of employment or some specialized service, involving the expenditure of two thousand dollars or more, shall be let to the lowest responsible bidder after not less than twenty days' public notice of request for bids.

Sec. 295. Section 14-1711, Reissue Revised Statutes of Nebraska, is amended to read:

14-1711 The authority shall lease or grant concessions for the use of its the facilities or various portions of such facilities thereof to one or more operators to provide for the efficient operation of the facilities. All leases or concessions shall be let on a competitive basis and no lease or concession shall run for a period in excess of thirty years. In granting any lease or concession, the authority shall retain such control of the facilities as may be necessary to insure that the facilities will be properly operated in the public interest and that the prices charged are reasonable.

Sec. 296. Section 14-1712, Reissue Revised Statutes of Nebraska, is amended to read:

14-1712 (1) The authority may from time to time borrow such money, as authorized in this section or subdivision (1)(h) ~~(8)~~ of section 14-1707, as it may require in the exercise of its powers and duties, and to evidence such borrowings and to fund or refund any bonds or interest on such bonds ~~thereon~~ or other indebtedness it may have outstanding, issue its negotiable bonds as ~~herein~~ provided in this section. ÷

(2) ~~(1)~~ The principal and interest of the bonds shall be payable only out of the revenue, income, and money of the authority, and shall not constitute a debt or liability of the state or any political subdivision thereof, other than of the ~~this~~ authority, and neither the credit nor the taxing power of the state or any political subdivision thereof, other than the ~~this~~ authority, shall be pledged for the payment of such ~~said~~ bonds, and all bonds shall bear on their face a statement to such ~~that~~ effect. The bonds shall mature at such time or times, not exceeding twenty-five years from their date, as may be determined by the authority. Such bonds may be redeemable before maturity at the option of

the authority at such price or prices, and under such terms and conditions as may be fixed by the authority prior to the issuance of the bonds. The authority shall determine the form of the bonds and fix the denominations and place of payment, which may be at any bank or trust company within or outside without the state. The bonds shall be signed by the chairperson ~~chairman~~ of the authority, or bear the chairperson's ~~his~~ facsimile signature. The seal of the authority shall be impressed on such bonds ~~thereon~~, and attested by the secretary and treasurer of the authority. Any coupons attached to such bonds ~~thereto~~ shall bear the facsimile signature of the chairperson ~~chairman~~ of the authority. In case any officer, whose facsimile signature or signature shall appear on any bond or coupon, shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such person ~~he~~ had remained in office until such delivery;

(3) ~~(2)~~ The bonds issued under the Parking Authority Law ~~provisions of sections 14-1701 to 14-1725~~ in negotiable form shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the Uniform Commercial Code of the state. The bonds may be issued in coupon or in registered form, or both. The authority may sell such bonds in such a manner and for such price as it determines in ~~may determine to be for~~ the best interests of the authority; and

(4) ~~(3)~~ Prior to the preparation of definitive bonds, the authority may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The authority may also provide for the replacement of any bonds which shall become mutilated, ~~or shall be~~ destroyed, or lost.

Sec. 297. Section 14-1713, Reissue Revised Statutes of Nebraska, is amended to read:

14-1713 ~~At~~ ~~In~~ the discretion of the authority, any bonds issued under the provisions of the Parking Authority Law ~~sections 14-1701 to 14-1725~~ may be secured by trust agreement by and between the authority and a corporate trustee which may be any trust company or bank having the powers of a trust company within or outside ~~without~~ the state. Such trust agreement may contain provisions which shall be deemed to be for the benefit of the trustee or holders of the bonds as to:

(1) The pledging of all or any part of the income, receipts, and revenue of the authority to secure the payment of the bonds or any issue of bonds, subject to such agreement with bondholders as may then exist;

(2) Provisions for protecting and enforcing the rights and remedies of the bondholders, including the establishment of reasonable charges, construction, improvement, maintenance, and operation of the authority's ~~facilities~~ and insurance upon its properties;

(3) The appointment of a trustee, fiduciary, or depositary for the collection, deposit, and disbursement of the funds of the authority;

(4) Limitations on the issuance of additional bonds and the terms upon which additional bonds may be issued and secured and the issuance of refunding bonds;

(5) The procedure by which any contract with the bondholders may be amended or modified;

(6) The keeping of records and making reports to the trustee or bondholders;

(7) The rights and remedies of the trustee and the bondholders and restrictions on individual actions by the bondholders; and

(8) Any additional provisions which may be reasonable and proper for the security of the bondholders.

Sec. 298. Section 14-1714, Reissue Revised Statutes of Nebraska, is amended to read:

14-1714 Any pledge of revenue or other money of the authority made by the authority, in accordance with the Parking Authority Law ~~provisions of sections 14-1701 to 14-1725~~, shall be valid and binding from the time when such ~~the~~ pledge is made, and ~~÷~~ the revenue or other money so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledge without any ~~delivery thereof~~ or further act. The lien of any such pledge shall be valid and binding as against all parties having claims of any kind, sort, contract, or otherwise against the authority, irrespective of whether or not such parties have notice of such pledge ~~thereof~~. Neither the resolution nor any other instrument by which a pledge is created need be recorded.

Sec. 299. Section 14-1715, Reissue Revised Statutes of Nebraska, is amended to read:

14-1715 The holder of any bonds or coupons appertaining to such bonds or coupons issued by the authority ~~thereto~~, unless the trust agreement vests the right of action solely in the trustee, then the trustee, may by civil action or proceedings, protect and enforce any and all rights under the trust agreement covering the issuance of such said ~~such~~ bonds, and may enforce and compel the performance of all duties required by the Parking Authority Law ~~sections 14-1701 to 14-1725~~ or trust agreement to be performed by the authority or any officer of the authority ~~thereof~~ and the court having jurisdiction of the proceedings may, if necessary for the protection of the bondholders, appoint a receiver or other administrator to operate the facilities until such time as the obligations to the bondholders have been paid in full. No execution shall be levied upon, or sale ~~made had~~, of any properties belonging to the authority which are necessary for the operation of the facilities.

Sec. 300. Section 14-1716, Reissue Revised Statutes of Nebraska, is amended to read:

14-1716 Nothing in the Parking Authority Law sections ~~14-1701 to 14-1725~~ shall be construed (1) as granting to the authority any power to alienate or encumber any real property belonging to the state or any of its political subdivisions, (2) to grant to the authority any right or power to pledge the credit of the State of Nebraska, or any of its subdivisions, or (3) to give the authority any power to levy or assess taxes.

Sec. 301. Section 14-1717, Reissue Revised Statutes of Nebraska, is amended to read:

14-1717 Before delivering any bonds, the authority shall prepare a written statement under oath setting forth its proceedings authorizing the issuance of the bonds and a copy of the trust or other bond agreement executed in connection with such bonds therewith.

Sec. 302. Section 14-1718, Reissue Revised Statutes of Nebraska, is amended to read:

14-1718 Bonds issued by the authority under the Parking Authority Law provisions of sections ~~14-1701 to 14-1725~~ are hereby made securities in which the state and all political subdivisions of the state, their officers, boards, commissions, departments, or other agencies, all banks, bankers, savings banks, trust companies, savings and loan associations, investment companies, insurance associations, and other persons carrying on an insurance business, and all administrators, executors, guardians, trustees, and other fiduciaries, and all other persons who are now or may hereafter be authorized to invest in bonds or other obligations of the state, may properly and legally invest any funds, including capital belonging to them or within their control. Such bonds or other securities or obligations are hereby made securities which may properly and legally be deposited with and received by any state or municipal officers or agency of the state for any purpose for which the deposit of bonds or other obligations of the state is now or may hereafter be authorized by law.

Sec. 303. Section 14-1719, Reissue Revised Statutes of Nebraska, is amended to read:

14-1719 All money received by the authority from whatever source, including sale of its bonds, shall be deemed to be public trust funds to be held and applied in the manner provided in the Parking Authority Law and under such restrictions, if any, as the authority may provide in any resolution authorizing the issuance of bonds or bond agreement executed by the authority. ~~Such it.~~ The money shall be deposited in such banks, capital stock financial institutions, qualifying mutual financial institutions, or trust companies as may be selected by the authority from time to time. Section 77-2366 shall apply to deposits in capital stock financial institutions. Section 77-2365.01 shall apply to deposits in qualifying mutual financial institutions.

Sec. 304. Section 14-1721, Reissue Revised Statutes of Nebraska, is amended to read:

14-1721 The authority shall not be required to pay any taxes or assessments upon its facilities or properties acquired by it and used for a public purpose. Bonds issued under the Parking Authority Law, their transfer and income from such bonds therefrom, including any profits made from the sale of such bonds thereof, shall be exempt from taxation.

Sec. 305. Section 14-1722, Reissue Revised Statutes of Nebraska, is amended to read:

14-1722 The authority shall keep a full set of books and records showing all of its transactions according to the best business practices. The Auditor of Public Accounts shall cause the books of the account to be examined and audited annually by a certified public accountant under his direction of the Auditor of Public Accounts. The reports of all audits made by the Auditor of Public Accounts shall be made and remain a part of the public records in such his office. The expense of such audits shall be paid out of the funds of the authority. The auditor shall be given access to all books, papers, contracts, documents, and memoranda of every kind and character and be furnished all additional information that may be essential to the making of a comprehensive and correct audit.

Sec. 306. Section 14-1723, Reissue Revised Statutes of Nebraska, is amended to read:

14-1723 The authority shall not be terminated by any act of the state prior to the payment in full of all obligations incurred by the authority. Unless terminated prior to such date thereto, the authority shall terminate at the end of fifty years from the date of its establishment and ~~it shall forthwith~~ liquidate its affairs and convey to the city and county respectively any improvements on the property contributed by them. Any surplus funds shall be distributed to the county and city in the manner provided by section 14-1720 and ~~thereupon the authority shall cease to exist~~.

Sec. 307. Section 14-1724, Reissue Revised Statutes of Nebraska, is amended to read:

14-1724 In the event the authority fails to commence the construction of the parking facilities within three years from the date of the proclamation issued by the Governor under, ~~as provided for by~~ section 14-1704, establishing the authority, the authority shall terminate and any leases, grants, or rights obtained from the city or county shall ~~forthwith~~ terminate and revert to the city and county respectively.

Sec. 308. Section 14-1725, Reissue Revised Statutes of Nebraska, is amended to read:

14-1725 The Parking Authority Law provisions of sections ~~14-1701 to~~

~~14-1725 shall be independent of and in addition to any other provisions of law provision of the laws of the State of Nebraska with reference to the matters covered by such law hereby and shall be considered as a complete and independent act and not as amendatory of or limited by any other provisions of law provision of the laws of the State of Nebraska. If any provision of the Parking Authority Law sections 14-1701 to 14-1725 is held unconstitutional or invalid, it shall not affect the other provisions of such law sections 14-1701 to 14-1725.~~

Sec. 309. Section 14-1726, Reissue Revised Statutes of Nebraska, is amended to read:

14-1726 ~~The Legislature finds and declares that It is hereby determined and declared as a matter of legislative finding and policy:~~

(1) ~~Traffic That the traffic~~ in the streets of the business section of metropolitan cities of the metropolitan class has become congested by the great number of motor vehicles entering and traversing such streets, and the trend is for an ever-increasing number of vehicles on such streets and that, unless appropriate action is taken, the congestion will become worse and constitute a public nuisance;

(2)(a) ~~Traffic (2) That (a) the traffic~~ congestion has created a hazard to life, limb, and property of those using such streets, (b) the free circulation of traffic of all kinds is necessary to the health, safety, and general welfare of the public, and (c) any impeding of the free flow of traffic might seriously affect the rapid and effective fighting of fires and the disposition of the police force and emergency vehicles;

(3) ~~There That there~~ is insufficient space, on the streets or places adjacent to such streets thereto, to provide the required parking and that convenient offstreet parking would facilitate the free flow of traffic. The space below the surface of property, owned by the county for courthouse sites or other public uses, the space below the surface of the streets, and the space above and below the surface of an area adjacent to public buildings within the civic center of such city could properly and beneficially be used for parking areas and such use would promote public safety, convenience, and welfare; and

(4) ~~Providing That providing~~ for the relieving of traffic congestion is a matter of public welfare, of or general public interest, of statewide concern, and within the powers reserved to the state.

Sec. 310. Section 14-1727, Reissue Revised Statutes of Nebraska, is amended to read:

14-1727 As used in sections 14-1726 to 14-1730, unless the context otherwise requires:

(1) Parking facilities means ~~shall mean~~ the entire surface or subsurface parking area and all improvements in such parking area therein or appurtenances used in connection with such parking area therewith, including entrances and exits, and all equipment, machinery, and accessories necessary or convenient for the parking of vehicles; and

(2) Civic center means ~~shall mean~~ the area designated by the city council of a city of the metropolitan class in the master plan of the city as the site for city and county administrative, legislative, and judicial headquarters, together with such other governmental functions and subdivisions as may be deemed appropriate.

Sec. 311. Section 14-1728, Reissue Revised Statutes of Nebraska, is amended to read:

14-1728 Any city of the metropolitan class, any county in which such city is located, or such city and county jointly may construct parking facilities in conjunction with a civic center. When constructed, such parking facilities shall be leased for operation, in which case the lease shall be granted to the highest and best bidder, after publication and notice of such offering for lease in the same manner as required by law for other contracts awarded by the city, or county, or city and county. Such facilities shall not be operated by the city, or county, or city and county.

Sec. 312. Section 14-1729, Reissue Revised Statutes of Nebraska, is amended to read:

14-1729 For the purpose of constructing such parking facilities as provided in section 14-1728, the city and county may jointly issue revenue bonds. The principal and interest of such bonds shall be payable only out of the revenue and income of such parking facilities.

Sec. 313. Section 14-1730, Reissue Revised Statutes of Nebraska, is amended to read:

14-1730 (1) Each city of the metropolitan class shall have the power to lease, upon such terms as the city deems it shall deem appropriate for a term not to exceed ninety-nine years, air space above any street, alley, major traffic street, connecting link, controlled-access facility, main thoroughfare, boulevard, or other property owned by such city, to one or more of the owners of the fee title adjoining such air space on either or both sides of such street, alley, major traffic street, connecting link, controlled-access facility, main thoroughfare, boulevard, or other city property, but only if the air space to be so leased is not needed for and does not materially interfere with the use of such street, alley, major traffic street, connecting link, controlled-access facility, main thoroughfare, boulevard, or other city property.

(2) All leases of such air space shall provide (a) the minimum clearances to be maintained at various points over the street, alley, major traffic street, connecting link, controlled-access facility, main thoroughfare, boulevard, or other city property, (b) ÷ the area of the air space to be

leased, (c) ÷ the location of supports, columns, pillars, foundations or other similar or supporting structures within or on such street, alley, major traffic street, connecting link, controlled-access facility, main thoroughfare, boulevard, or other city property, ÷ and (d) that such supporting structures shall be so located as not to materially interfere with the use of the street, alley, major traffic street, connecting link, controlled-access facility, main thoroughfare, boulevard, or other city property. Such leases may contain such other terms and conditions as shall be deemed appropriate by the city.

(3) In determining rental under any such lease, the city may take into account the public purpose or use, if any, to be served by the lessee.

Sec. 314. Section 14-1731, Reissue Revised Statutes of Nebraska, is amended to read:

14-1731 (1) The Legislature hereby finds and declares that the great increase in the number of motor vehicles, including buses and trucks, has created hazards to life and property in cities of the metropolitan class in Nebraska.

~~(2) State recognition is hereby given to the hazard created in the streets of cities of the metropolitan class by the great increase in the number of motor vehicles, buses, and trucks. In order to remove or reduce the hazards of life and property and the inconvenience of congested traffic on the streets in such cities in this state, it is hereby deemed necessary and of general benefit to the entire State of Nebraska to provide means for such cities to own offstreet vehicle parking facilities exclusively for the parking of motor vehicles.~~

Sec. 315. Section 14-1732, Reissue Revised Statutes of Nebraska, is amended to read:

14-1732 Any city of the metropolitan class is hereby authorized to own, purchase, construct, equip, lease, or operate within such city offstreet motor vehicle parking facilities on property located beneath any elevated segment of the National System of Interstate and Defense Highways or portion thereof, or public property title to which is held by in the city on May 7, 1971, or property owned by the city and used in conjunction with and incidental to city-operated facilities, or on property situated so as to serve business in the central business district, or business in long-established outlying neighborhood business districts for the use of the general public. The grant of power in this section does not include the power to engage, directly or indirectly, in the sale of gasoline, oil, or other merchandise or in the furnishing of any service other than that of parking motor vehicles as provided in this section herein. Any such city shall have the authority to acquire by grant, contract, or purchase, as provided by law for such acquisition, all real or personal property, including a site or sites on which to construct such facilities, necessary or convenient in the carrying out of this grant of power.

Sec. 316. Section 14-1733, Revised Statutes Cumulative Supplement, 2020, is amended to read:

14-1733 (1) In order to pay the cost required by any purchase, construction, or lease of property and equipping of offstreet parking such facilities under sections 14-1731 to 14-1740, or the enlargement of presently owned facilities, a the city of the metropolitan class may:

(a) ~~(1)~~ Issue revenue bonds to provide the funds for such improvements. Such revenue bonds shall be a lien only upon the revenue and earnings of parking facilities and onstreet parking meters. Such revenue bonds shall mature in no more than forty years and shall be sold at public or private sale. Any such revenue bonds which may be issued shall not be included in computing the maximum amount of bonds which the issuing city of the metropolitan class may be authorized to issue under its home rule charter or any statute of this state. Such revenue bonds may be issued and sold or delivered to the contractor at par and accrued interest for the amount of work performed. The city may pledge the revenue from any facility or parking meters as security for the bonds;

(b) ~~Upon~~ (2) upon an initiative petition of the majority of the record owners of taxable property included in a proposed parking district, create, by ordinance, parking districts and delineate the boundaries of such parking districts thereof. If the city council finds that there are common benefits enjoyed by the public at large without reference to the ownership of property, or that there is a common benefit to the property encompassed within a parking district or districts, the city may assess the costs of such improvement or improvements as special assessments against all the property included in such district or districts, according to such rules as the city council, sitting as a board of equalization, shall adopt for the distribution or adjustment of the costs of such improvement or improvements. All such special assessments shall be equalized, levied, and collected as special assessments. Special assessments levied pursuant to this section shall be due, payable, and bear interest as the city council shall determine by ordinance. Installment payments shall not be allowed for any period in excess of twenty years; or

(c) ~~Use~~ (3) use, independently or together with revenue derived pursuant to subdivision (1)(a) ~~(1)~~ or (b) ~~(2)~~ of this section, gifts, leases, devises, grants, federal or state funds, or agreements with other public entities.

(2) No real property shall be included in any parking district created pursuant to this section when the zoning district in which such property is located is a residential zoning district or a district where the predominant type of land use authorized is residential in nature.

Sec. 317. Section 14-1734, Reissue Revised Statutes of Nebraska, is amended to read:

14-1734 Before the issuance of any revenue bonds for improvements as



provided under section 14-1733, a the city of the metropolitan class shall have an independent and qualified firm of engineers prepare plans and specifications for the such improvements financed with such bonds. In the preparation of such the plans and specifications, the independent engineer shall collaborate and counsel with any city engineering or traffic department so as to coordinate the program with the program for the control of traffic within such city.

Sec. 318. Section 14-1735, Reissue Revised Statutes of Nebraska, is amended to read:

14-1735 The city council governing body of a any such city of the metropolitan class shall make all necessary rules and regulations governing the use, operation, and control of the facilities authorized by sections 14-1731 to 14-1740. In the exercise of the grant of power set forth in sections 14-1731 to 14-1740, the city of the metropolitan class shall make contracts with others, if such contracts are necessary and needed for the payment of the revenue bonds authorized in sections 14-1731 to 14-1740 and for the successful operation of the parking facilities. If the city is unable to secure a reasonable lease with another party for operation of the facility, the city may operate the facility itself. The city council governing body may also make any other agreements with the purchasers of the bonds for the security of the issuing city and the purchasers of such bonds not in contravention with of the provisions of sections 14-1731 to 14-1740.

Sec. 319. Section 14-1737, Reissue Revised Statutes of Nebraska, is amended to read:

14-1737 On the creation of a such motor vehicle parking facility for the use of the general public under sections 14-1731 to 14-1740, a the city of the metropolitan class shall lease such facility to one or more operators to provide for the efficient operation of the facility. Such lease shall be let on a competitive basis and no lease shall run for a period in excess of four years except ; ~~Provided,~~ that leases of facilities in conjunction with office buildings, shopping centers, public facilities, or redevelopment areas may be for any period not to exceed twenty years. In granting any lease, the city shall retain such control of the facility as may be necessary to insure that the facility will be properly operated in the public interest and that the prices charged are reasonable. If the city is unable to secure a reasonable lease with another party for operation of the facility, the city may operate the facility itself. ~~Sections The provisions of sections~~ 14-1731 to 14-1740 shall not be construed to authorize the city or the lessee of the facility to engage in the sale of any commodity, product, or service, or to engage in any business other than the purposes set forth in section 14-1732.

Sec. 320. Section 14-1738, Reissue Revised Statutes of Nebraska, is amended to read:

14-1738 A multilevel ~~Multilevel~~ parking structure ~~structures~~ now used or hereafter acquired for offstreet motor vehicle parking by a private operator within a city of the metropolitan class shall not be subject to eminent domain for the purpose of creating a parking facility pursuant to sections 14-1733, 14-1735, 14-1737, and 14-1738 when such multilevel structure has a capacity of more than two hundred automobiles.

Sec. 321. Section 14-1739, Reissue Revised Statutes of Nebraska, is amended to read:

14-1739 ~~Sections The provisions of sections~~ 14-1731 to 14-1740 and of any ordinance authorizing the issuance of bonds under such ~~the provisions of~~ sections ~~14-1731 to 14-1740~~ shall constitute a contract with the holders of such bonds, and any holder of a bond or bonds or any of the coupons of any bond or bonds of a city of the metropolitan class ~~such municipality~~, issued under such ~~the provisions of~~ sections ~~14-1731 to 14-1740~~, may either in law or in equity, by suit, action, mandamus, or other proceedings, enforce and compel the performance of all duties required by such ~~the provisions of~~ sections ~~14-1731 to 14-1740~~ or by the ordinance authorizing the bonds, including the making and collection of sufficient charges and fees for service and the use of such charges and fees thereof, and the application of income and revenue from such charges and fees thereof.

Sec. 322. Section 14-2001, Reissue Revised Statutes of Nebraska, is amended to read:

14-2001 Any city of the metropolitan class may by ordinance provide for the creation and establishment of landmark heritage preservation districts and a landmark heritage preservation commission for the purpose of preserving buildings, lands, areas, or districts within any such city which are determined by the landmark heritage preservation commission to possess particular historical, architectural, cultural, or educational value.

Sec. 323. Section 14-2002, Reissue Revised Statutes of Nebraska, is amended to read:

14-2002 (1) The powers and duties of any landmark heritage preservation commission created pursuant to sections 14-2001 to 14-2004 shall be such as are delegated or assigned by the ordinance establishing the landmark heritage preservation ~~such~~ commission. The city council shall specifically state in such ordinance which powers the landmark heritage preservation commission shall be allowed to exercise.

(2) The powers of a landmark heritage preservation commission shall not be repugnant to any other provision of law and shall be exercised only in the manner prescribed by the ordinance. No action of the landmark heritage preservation commission shall contravene any provision of a ~~municipal~~ zoning or planning ordinance unless such action is expressly authorized by the city council.

Sec. 324. Section 14-2003, Reissue Revised Statutes of Nebraska, is amended to read:

14-2003 (1) Each city of the metropolitan class may exercise its power of eminent domain to maintain or preserve buildings, lands, areas, or districts which have been determined by the landmark heritage preservation commission created by such city to be of historical, architectural, cultural, or educational value.

(2) Within a landmark heritage preservation district, a city of the metropolitan class shall not exercise its power of eminent domain to acquire property for the purpose of demolition and reconveyance for private use. This subsection shall not be applicable to any eminent domain action filed by such city prior to September 6, 1991.

(3) Whenever it becomes necessary to take control of property pursuant to and for the purposes stated in this section, the purpose and necessity for such control shall be declared by ordinance. The procedure to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724.

Sec. 325. Section 14-2004, Reissue Revised Statutes of Nebraska, is amended to read:

14-2004 (1) A landmark heritage preservation commission created pursuant to sections 14-2001 to 14-2004 shall have nine members. If available, one of the members shall be an architect, one member shall be a curator or director of an art or other museum, one member shall be a professional artist or historian, three members shall be interested and qualified persons chosen, as far as possible, from any existing historical society, preservation group, architectural, landscape architectural, interior design, or planning association, or cultural organization, two members shall be laypersons, and one member shall be an owner or operator of a business or property within a landmark heritage preservation district, which business or property may be owned or operated by a corporation of which such member is an officer, by a partnership in which such member is a partner, or by a limited liability company in which such member is a member.

(2) Members of the landmark heritage preservation commission shall be appointed by the mayor and approved by the city council and shall serve for terms of three years. Members shall serve until their successors are appointed and qualified. Members may be appointed to successive terms.

(3) The landmark heritage preservation commission shall select one of its members as chairperson. The director of the planning department of the city shall act as the executive director of the landmark heritage preservation such commission, and staff assistance for the landmark heritage preservation commission shall be provided by the planning department of such city.

Sec. 326. Section 16-6,109, Revised Statutes Cumulative Supplement, 2020, is amended to read:

16-6,109 The powers granted by sections 16-6,106 to 16-6,109 are independent of and in addition to all other grants of powers on the same or related subjects but may be exercised jointly with or supplemented by the powers granted by existing state law, including, but not limited to, sections 16-667 to 16-672.11, 16-680, 16-683, 16-693, 18-401 to 18-411, 18-501 to 18-512, 19-1305, 23-320.07 to 23-320.13, and 31-501 to 31-553 and section 336 of this act and the Combined Improvement Act.

Sec. 327. Section 18-2705, Revised Statutes Supplement, 2021, is amended to read:

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

(2) An economic development program may include, but shall not be limited to, ~~the following activities:~~ (a) Direct loans or grants to qualifying businesses for fixed assets or working capital or both, (b) ÷ loan guarantees for qualifying businesses, (c) ÷ grants for public works improvements which are essential to the location or expansion of, or the provision of new services by, a qualifying business, (d) ÷ grants or loans to qualifying businesses for job training, (e) ÷ the purchase of real estate, options for such purchases, and the renewal or extension of such options, (f) ÷ grants or loans to qualifying businesses to provide relocation incentives for new residents, (g) ÷ the issuance of bonds as provided for in the Local Option Municipal Economic Development Act, ÷ and (h) payments for salaries and support of city staff to implement the economic development program or develop an affordable housing action plan, including any such plan required under section 19-5505, or payments for the contracting of such program implementation or plan development to an outside entity.

(3) For cities of the first class, cities of the second class, and villages, an economic development program may also include grants, loans, or funds for:

(a) ~~Construction Grants or loans for the construction or rehabilitation for sale or lease of housing~~ (i) for persons of low or moderate income, (ii) as part of a workforce housing plan, or (iii) as part of an affordable housing action plan, including any such plan required under section 19-5505;

(b) ~~Rural Grants, loans, or funds for rural infrastructure development as defined in section 66-2102; or~~

(c) ~~Grants or loans for the construction or rehabilitation for sale or lease of housing as part of a workforce housing plan; or~~

~~(c) Early (d) Grants, loans, or funds for early childhood infrastructure development.~~

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

Sec. 328. Section 19-414, Revised Statutes Cumulative Supplement, 2020, is amended to read:

19-414 The executive and administrative powers, authorities, and duties in cities adopting the commission plan of government shall be distributed into and among departments as follows:

In cities of the metropolitan class, ~~(1) finance department of public affairs, (2) fire department of accounts and finances, (3) human resources department of police, sanitation, and public safety, (4) human rights and relations department of fire protection and water supply, (5) law department of street cleaning and maintenance, (6) parks, recreation, and public property department of public improvements, and (7) planning, (8) police, and (9) public works department of parks and public property;~~

In cities of the primary class, (1) department of public affairs, (2) department of accounts and finances, (3) department of public safety, (4) department of streets and public improvements, and (5) department of parks and public property; and

In cities containing two thousand or more and not more than forty thousand inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census, (1) department of public affairs and public safety, (2) department of accounts and finances, (3) department of streets, public improvements, and public property, (4) department of public works, and (5) department of parks and recreation.

The city council shall provide, as nearly as possible, the powers and duties to be exercised and performed by, and assign them to, the appropriate departments. The city council may prescribe the powers and duties of all officers and employees of the city and may assign particular officers, or employees, to more than one of the departments, may require any officer or employee to perform duties in two or more of the departments, and may make such other rules and regulations as may be necessary or proper for the efficient and economical management of the business affairs of the city.

Sec. 329. Section 19-415, Revised Statutes Cumulative Supplement, 2020, is amended to read:

~~19-415 In cities of the metropolitan class under the commission plan of government, the city council shall consist of the mayor who shall be superintendent of the department of public affairs, one city council member to be superintendent of the department of accounts and finances, one city council member to be superintendent of the department of police, sanitation, and public safety, one city council member to be superintendent of the department of fire protection and water supply, one city council member to be superintendent of the department of street cleaning and maintenance, one city council member to be superintendent of the department of public improvements, and one city council member to be superintendent of parks and public property.~~

In cities under the commission plan of government containing at least forty thousand and less than three hundred thousand inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census, the city council shall consist of the mayor who shall be superintendent of the department of public affairs, one city council member to be superintendent of the department of accounts and finances, one city council member to be superintendent of the department of public safety, one city council member to be superintendent of the department of streets and public improvements, and one city council member to be superintendent of the department of parks and public property.

In cities under the commission plan of government containing at least two thousand and less than forty thousand inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census, the city council shall consist of the mayor who shall be commissioner of the department of public affairs and public safety, one city council member to be commissioner of the department of streets, public improvements, and public property, one city council member to be commissioner of the department of public accounts and finances, one city council member to be commissioner of the department of public works, and one city council member to be commissioner of the department of parks and recreation.

In all of such cities, the commissioner of the department of accounts and finances shall be vice president of the city council and shall, in the absence or inability of the mayor to serve, perform the duties of the mayor. In case of vacancy in the office of mayor by death or otherwise, the vacancy shall be filled as provided in section 32-568.

Sec. 330. Section 19-5503, Revised Statutes Cumulative Supplement, 2020, is amended to read:

19-5503 For purposes of the Municipal Density and Missing Middle Housing Act:

(1) Accessory dwelling unit means an interior, attached, or detached residential structure that is used in connection with, or that is an accessory to, a single-family dwelling and is located on the same lot or parcel as such single-family dwelling;

(2) Affordable housing means residential dwelling units affordable to a

household earning not more than eighty percent of the income limit as set forth by the United States Department of Housing and Urban Development under its Income Limits Documentation System, as such limits existed on January 1, ~~2022~~ 2020, for the county in which the units are located and for a particular household size;

(3) City means any city of the metropolitan class, city of the primary class, or city of the first class in the State of Nebraska with a population of at least twenty thousand inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census;

(4) Cottage cluster means a grouping of no fewer than four detached housing units per acre with a footprint of less than nine hundred square feet each and that includes a common courtyard;

(5) Density bonus means a density increase over the otherwise maximum allowable residential density under a city's zoning codes, ordinances, and regulations;

(6) Middle housing means:

- (a) Duplexes;
- (b) Triplexes;
- (c) Quadplexes;
- (d) Cottage clusters; or
- (e) Townhouses;

(7) Townhouse means a dwelling unit constructed in a row of two or more attached units where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit; and

(8) Workforce housing means:

- (a) Housing that meets the needs of working families;
- (b) Owner-occupied housing units that have an after-construction appraised value of at least one hundred twenty-five thousand dollars but not more than two hundred seventy-five thousand dollars to construct;
- (c) Owner-occupied housing units for which the cost to substantially rehabilitate exceeds fifty percent of a unit's assessed value;
- (d) Upper-story housing for occupation by a homeowner; and
- (e) Housing that does not receive federal or state low-income housing tax credits, community development block grants, HOME funds as defined in section 81-1228, or funds from the Affordable Housing Trust Fund.

Sec. 331. Section 19-5504, Revised Statutes Cumulative Supplement, 2020, is amended to read:

19-5504 (1) On or before July 1, 2021, and by each July 1 every two years thereafter, each city shall electronically submit a report to the Urban Affairs Committee of the Legislature detailing its efforts to address the availability of and incentives for affordable housing through its zoning codes, ordinances, and regulations. Such report shall include, but not be limited to:

- (a) An overview of the city's current residential zoning requirements;
- (b) The percentage of areas within the corporate limits of ~~in~~ the city zoned for residential use which permit the construction of multifamily housing and middle housing, including whether such areas are zoned specifically for residential use or generally allow residential use, and whether such construction is permitted with or without any additional permit requirements;
- (c) A breakdown of new residential construction within the corporate limits of ~~in~~ the city over the previous five years, including the percentage of such construction that was single-family housing, multifamily housing, and middle housing;
- (d) A breakdown of residential units annexed by the city over the previous five years, including the percentage of such units that were single-family housing, multifamily housing, and middle housing;
- (e) An estimate of the per-unit cost of housing within the corporate limits of ~~in~~ the city;
- (f) Whether such zoning codes, ordinances, and regulations provide for density bonuses or other concessions or incentives which encourage residential density, and the frequency with which such bonuses, concessions, or incentives are utilized;
- (g) Whether such zoning codes, ordinances, and regulations allow the construction of accessory dwelling units;
- (h) What incentives the city applies to encourage the development of affordable housing, including both direct incentives and regulatory relief;
- (i) The percentage of areas within the corporate limits of the city zoned for residential use which have been declared substandard and blighted areas under the Community Development Law;
- (j) The percentage of areas within the corporate limits of the city zoned for residential use which have been declared extremely blighted areas under the Community Development Law;
- (k) ~~(i)~~ A demographic analysis of the city with trends and estimates of the housing need classified by housing type and price range; and
- (l) ~~(j)~~ Efforts to adopt an affordable housing action plan as required under section 19-5505.

(2) The Urban Affairs Committee of the Legislature may require any city to present its report to the committee at a public hearing.

Sec. 332. Section 31-538, Reissue Revised Statutes of Nebraska, is amended to read:

31-538 (1) The result of such election shall be certified to the county board of the county in which such district is located, and if at such election a majority of the qualified electors actually voting in such sanitary district

shall vote in favor of the discontinuance of the activities and work of the district, the trustees of such district shall thereupon cease the performance of their duties as such trustees, and the county board of the county in which such district is located shall thereupon act as trustees ex officio of the district and shall have all the powers, rights, and authority previously vested by law in the trustees of the district, but without additional compensation. ~~Provided,~~

(2) ~~Except as otherwise provided in section 336 of this act,~~ all tangible property within the territorial limits of any city or village within such district, and any tangible property serving a particular city or village, such as a sanitary sewage treatment plant, and which could be operated and maintained by the particular city or village so served, shall be transferred and assigned to such city or village which shall, upon an acceptance of such transfer or assignment by its council or board of trustees or other local governing body, be thereafter wholly operated and maintained out of funds appropriated and levied by such city or village.

Sec. 333. Section 31-539, Reissue Revised Statutes of Nebraska, is amended to read:

31-539 ~~Except as otherwise provided in section 336 of this act,~~ all All lawful claims, rights, and demands against such a district, and all contractual obligations of such a district, existing in any person at the time of discontinuance of the activities and work of such district, shall continue to subsist in such person and shall remain the charge and obligation of the sanitary district, ~~and all claims and demands in favor of such district at the time of the discontinuance of its activities and work,~~ shall subsist in its favor and may be collected in the same manner as might have been theretofore done by the district.

Sec. 334. Section 31-540, Reissue Revised Statutes of Nebraska, is amended to read:

31-540 ~~Except as otherwise provided in section 336 of this act,~~ for For the purpose of discharging obligations of such district incurred prior to the discontinuance of its activities and work as provided in sections 31-501 to 31-534, such district shall continue to have the power to levy taxes as provided in such sections, and thereafter the district shall have the power to levy and collect general taxes in an amount not to exceed one and seven-tenths cents on each one hundred dollars upon the taxable value of all the taxable property in such district and shall have the power to levy special assessments in the manner and to the extent previously vested in such district.

Sec. 335. Section 31-541, Reissue Revised Statutes of Nebraska, is amended to read:

31-541 ~~Except as otherwise provided in section 336 of this act,~~ the The county board of the county within which such district is located shall take possession of all rights and personal property, books, papers and records of such district, and shall discharge the duties within the territorial limits of such district imposed by law upon the district. For the discharge of such services the county board may employ such officers, servants and agents as may be necessary in the manner provided by law.

Sec. 336. (1) For a discontinued sanitary district which lies solely within the zoning jurisdiction of a city, title to all funds and all other property and property rights of the discontinued district, and all taxes, assessments, and demands of every kind due or owing to the discontinued district, shall be vested in or paid to and collected by (a) such city or (b), except as specifically provided in subsection (3) of this section, the riverfront development authority established pursuant to section 19-5305 if such city has elected to create a riverfront development district pursuant to section 19-5304.

(2) The city or riverfront development authority described in subsection (1) of this section shall also be liable for and recognize, assume, and carry out all valid contracts and obligations of that portion of the discontinued district assumed by such city or authority, including all outstanding bonds, warrants, or other debts and financial obligations.

(3) For any discontinuance of a district under subdivision (1)(b) of this section, the riverfront development authority shall only take title to and ownership of that property or those property rights of the discontinued sanitary district contained within the boundaries of the riverfront development district managed by the authority. The city shall take title to and ownership of any discontinued sanitary district property outside the boundaries of such riverfront development district. The city or authority shall thereafter maintain any drainway or drainage or sewage system of that portion of the discontinued district conveyed or transferred to the city or authority.

Sec. 337. Section 31-735, Reissue Revised Statutes of Nebraska, is amended to read:

31-735 (1) On the first Tuesday after the second Monday in September which is at least fifteen months after the judgment of the district court creating a sanitary and improvement district and on the first Tuesday after the second Monday in September each two years thereafter, the board of trustees shall cause a special election to be held, at which election a board of trustees shall be elected. The board of trustees shall have five members except as provided in subsection (2) of this section. Each member elected to the board of trustees shall be elected to a term of two years and shall hold office until such member's successor is elected and qualified. Any person desiring to file for the office of trustee may file for such office with the election commissioner, or county clerk in counties having no election commissioner, of

the county in which the greater proportion in area of the district is located not later than fifty days before the election. If such person will serve on the board of trustees as a designated representative of a limited partnership, general partnership, limited liability company, public, private, or municipal corporation, estate, or trust which owns real estate in the district, the filing shall indicate that fact and shall include appropriate documentation evidencing such fact. No filing fee shall be required. A person filing for the office of trustee to be elected at the election held four years after the first election of trustees and each election thereafter shall designate whether such person ~~he or she~~ is a candidate for election by the resident owners of such district or ~~whether he or she is~~ a candidate for election by all of the owners of real estate located in the district. If a person filing for the office of trustee is a designated representative of a limited partnership, a general partnership, a limited liability company, a public, private, or municipal corporation, an estate, or a trust which owns real estate in the district, the name of such entity shall accompany the name of the candidate on the ballot in the following form: (Name of candidate) to represent (name of entity) as a member of the board. The name of each candidate shall appear on only one ballot.

The name of a person may be written in and voted for as a candidate for the office of trustee, and such write-in candidate may be elected to the office of trustee. A write-in candidate for the office of trustee who will serve as a designated representative of a limited partnership, a general partnership, a limited liability company, a public, private, or municipal corporation, an estate, or a trust which owns real estate in the district shall not be elected to the office of trustee unless (a) each vote is accompanied by the name of the entity which the candidate will represent and (b) within ten days after the date of the election the candidate provides the ~~county clerk or~~ election commissioner or county clerk with appropriate documentation evidencing the candidate's ~~his or her~~ representation of the entity. Votes cast which do not carry such accompanying designation shall not be counted.

A trustee shall be an owner of real estate located in the district or shall be a person designated to serve as a representative on the board of trustees if the real estate is owned by a limited partnership, a general partnership, a limited liability company, a public, private, or municipal corporation, an estate, or a trust. Notice of the date of the election shall be mailed by the clerk of the district not later than sixty-five days prior to the election to each person who is entitled to vote at the election for trustees whose property ownership or lease giving a right to vote is of record on the records of the register of deeds as of a date designated by the election commissioner or county clerk, which date shall be not more than eighty days prior to the election.

(2)(a) For any sanitary and improvement district, a person whose ownership or right to vote becomes of record or is received after the date specified pursuant to subsection (1) of this section may vote when such person establishes the ~~his or her~~ right to vote to the satisfaction of the election board. At the first election and at the election held two years after the first election, any person may cast one vote for each trustee for each acre of unplatted land or fraction thereof and one vote for each platted lot which such person ~~he or she~~ may own in the district.

(b) This subdivision applies to a district until the board of trustees amends its articles of association pursuant to subdivision (2)(d) of this section. At the election held four years after the first election of trustees, two members of the board of trustees shall be elected by the legal property owners resident within such sanitary and improvement district and three members shall be elected by all of the owners of real estate located in the district pursuant to this section. Every resident property owner may cast one vote for a candidate for each office of trustee to be filled by election of resident property owners only. Such resident property owners may also each cast one vote for each acre of unplatted land or fraction thereof and for each platted lot owned within the district for a candidate for each office of trustee to be filled by election of all property owners. For each office of trustee to be filled by election of all property owners of the district, every legal property owner not resident within such sanitary and improvement district may cast one vote for each acre of unplatted land or fraction thereof and one vote for each platted lot which such legal property owner ~~he or she~~ owns in the district. At the election held six ~~six~~ ~~eight~~ years after the first election of trustees and at each election thereafter, three members of the board of trustees shall be elected by the legal property owners resident within such sanitary and improvement district and two members shall be elected by all of the owners of real estate located in the district pursuant to this section, ~~and at the election held six years after the first election of trustees and at each election thereafter, three members of the board of trustees shall be elected by the legal property owners resident within such sanitary and improvement district and two members shall be elected by all of the owners of real estate located in the district pursuant to this section.~~ If there are not any legal property owners resident within such district or if not less than ninety percent of the area of the district is owned for other than residential uses, the five members shall be elected by the legal property owners of all property within such district as provided in this section.

(c) Any public, private, or municipal corporation owning any land or lot in the district may vote at an election the same as an individual. If more than fifty percent of the homes in any sanitary and improvement district are used as

a second, seasonal, or recreational residence, the owners of such property shall be considered legal property owners resident within such district for purposes of electing trustees. For purposes of voting for trustees, each condominium apartment under a condominium property regime established prior to January 1, 1984, under the Condominium Property Act or established after January 1, 1984, under the Nebraska Condominium Act shall be deemed to be a platted lot and the lessee or the owner of the lessee's interest, under any lease for an initial term of not less than twenty years which requires the lessee to pay taxes and special assessments levied on the leased property, shall be deemed to be the owner of the property so leased and entitled to cast the vote of such property. When ownership of a platted lot or unplatted land is held jointly by two or more persons, whether as joint tenants, tenants in common, limited partners, members of a limited liability company, or any other form of joint ownership, only one person shall be entitled to cast the vote of such property. The executor, administrator, guardian, or trustee of any person or estate interested shall have the right to vote. No corporation, estate, or irrevocable trust shall be deemed to be a resident owner for purposes of voting for trustees. Should two or more persons or officials claim the right to vote on the same tract, the election board shall determine the party entitled to vote. Such board shall select one of their number chairperson and one of their number clerk. In case of a vacancy on such board, the remaining trustees shall fill the vacancy on such board until the next election.

(d) For any sanitary and improvement district which has been in existence for at least ten years, which has less than seventy property owners entitled to vote for trustees, which has at least two resident property owners, and in which less than ten percent of the area of the district is owned for other than residential uses, the board of trustees may amend its articles of association as provided in section 31-740.01 to provide for a reduction in the number of trustees on the board from five members to three members to be effective at the beginning of the term of office for the board of trustees elected at the next election. At the next election and at each election thereafter, two members of the board of trustees shall be elected by the legal property owners resident within such sanitary and improvement district and one member shall be elected by all of the owners of real estate located in the district pursuant to this section. Every resident property owner may cast one vote for a candidate for each office of trustee to be filled by election of resident property owners only. Such resident property owners may also each cast one vote for each acre of unplatted land or fraction thereof and for each platted lot owned within the district for a candidate for the office of trustee to be filled by election of all property owners. For the office of trustee to be filled by election of all property owners of the district, every legal property owner not resident within such sanitary and improvement district may cast one vote for each acre of unplatted land or fraction thereof and one vote for each platted lot which such legal property owner ~~he or she~~ owns in the district.

(3) The election commissioner or county clerk shall hold any election required by subsection (1) of this section by sealed mail ballot by notifying the board of trustees on or before July 1 of a given year. The election commissioner or county clerk shall, at least twenty days prior to the election, mail a ballot and return envelope to each person who is entitled to vote at the election and whose property ownership or lease giving a right to vote is of record with the register of deeds as of the date designated by the election commissioner or county clerk, which date shall not be more than eighty days prior to the election. The ballot and return envelope shall include: (a) The names and addresses of the candidates; (b) room for write-in candidates; and (c) instructions on how to vote and return the ballot. Such ballots shall be returned in the return envelope to the election commissioner or county clerk no later than 5 p.m. on the date set for the election. If the ballot is not returned in the return envelope, such ballot shall not be counted. If more than one ballot is included in the same return envelope, such ballots shall not be counted and shall be reinserted into the return envelope which shall be resealed and marked rejected.

Sec. 338. Section 77-2501, Reissue Revised Statutes of Nebraska, is amended to read:

77-2501 Sections 77-2501 to 77-2507 and section 342 of this act shall be known and may be cited as the Affordable Housing Tax Credit Act.

Sec. 339. Section 77-2502, Reissue Revised Statutes of Nebraska, is amended to read:

77-2502 For purposes of the Affordable Housing Tax Credit Act:

(1) Allocation year means the year for which the authority awards Nebraska affordable housing tax credits pursuant to the act;

(2) Authority means the Nebraska Investment Finance Authority;

(3) Eligibility statement means a statement authorized and issued by the authority certifying that a given project is a qualified project that qualifies for Nebraska affordable housing tax credits;

(4) Federal low-income housing tax credit means the federal tax credit provided in section 42 of the Internal Revenue Code of 1986, as amended;

(5) Nebraska affordable housing tax credit means the nonrefundable tax credit authorized in section 77-2503;

(6) Qualified project means a qualified low-income building or buildings, as that term is defined in section 42 of the Internal Revenue Code of 1986, as amended;

(7) Qualified taxpayer means a taxpayer owning an interest, direct or indirect, in a qualified project; and

(8) Taxpayer means a person, firm, corporation, or other business entity subject to the income tax imposed by section 77-2715 or 77-2734.02, an insurance company subject to premium and related retaliatory tax liability imposed by section 44-150, ~~or 77-908,~~ or 81-523, or a financial institution subject to the franchise tax imposed by sections 77-3801 to 77-3807.

Sec. 340. Section 77-2503, Reissue Revised Statutes of Nebraska, is amended to read:

77-2503 (1) An owner of an affordable housing project seeking a Nebraska affordable housing tax credit shall file an application with the authority on a form prescribed by the authority. A qualified taxpayer shall be allowed a nonrefundable tax credit if the authority determines that the project for which tax credits are sought is a qualified project.

(2) If the requirements of subsection (1) of this section are met, the authority shall issue an eligibility statement to the owner of such qualified project stating the amount of Nebraska affordable housing tax credits allocated to the qualified project. The amount of such tax credits shall be the amount of federal low-income housing tax credits available to such project, except as otherwise provided in subsection (4) of this section. Tax credits for each building in a qualified project shall be issued for the first six years of the credit period as defined in 26 U.S.C. 42(f)(1), except that any reduction in the credit allowable in the first year of the credit period due to the calculation in 26 U.S.C. 42(f)(2) shall be allowable in the seventh year of the credit period. The authority shall only allocate tax credits to qualified projects that are placed in service after January 1, 2018.

(3) If the owner of the qualified project is (a) a partnership, (b) a limited liability company, or (c) a corporation having an election in effect under subchapter S of the Internal Revenue Code of 1986, as amended, the Nebraska affordable housing tax credit shall be allocated among some or all of the partners, members, or shareholders of the owner of the qualified project in any manner agreed to by such persons, but only if such persons have been admitted as partners or members, or have acquired their shares, on or prior to February 15 of the year in which the tax return, or amended return, claiming the tax credit is filed. A qualified taxpayer may transfer, sell, or assign all or part of his or her ownership interest, including his or her interest in the tax credits authorized in this section. For any tax year in which such an interest is transferred, sold, or assigned pursuant to this subsection, the transferor shall notify the Department of Revenue of the transfer, sale, or assignment and provide the tax identification number of the new owner at least thirty days prior to the new owner claiming the tax credits. The notification shall be in the manner prescribed by the department.

(4) The maximum amount of Nebraska affordable housing tax credits awarded to all qualified projects in any given allocation year shall be no more than one hundred percent of the total amount of federal low-income housing tax credits awarded by the authority in the same allocation year. Notwithstanding any other provision of the Affordable Housing Tax Credit Act, the authority is prohibited from awarding to a qualified project any combined amount of federal low-income housing tax credits and Nebraska affordable housing tax credits that is more than necessary to make the qualified project financially feasible.

(5) Any Nebraska affordable housing tax credits granted under this section may be used to offset any income taxes due under section 77-2715 or 77-2734.02, any premium and related retaliatory taxes due under section 44-150, ~~or 77-908,~~ or 81-523, or any franchise taxes due under sections 77-3801 to 77-3807.

(6) The tax credit shall not be used to reduce the tax liability of the qualified taxpayer to less than zero. Any tax credit claimed but not used in a taxable year may be carried forward.

Sec. 341. Section 77-2505, Reissue Revised Statutes of Nebraska, is amended to read:

77-2505 An insurance company claiming a Nebraska affordable housing tax credit against any premium and related retaliatory taxes due under section 44-150, ~~or 77-908,~~ or 81-523 shall not be required to pay any additional retaliatory tax as a result of claiming the tax credit. The tax credit may fully offset any retaliatory tax imposed under Nebraska law. Any tax credit claimed shall be considered a payment of tax for purposes of subsection (1) of section 77-2734.03.

Sec. 342. The changes made in sections 77-2502, 77-2503, and 77-2505 by this legislative bill shall apply to taxable years beginning or deemed to begin on or after January 1, 2023.

Sec. 343. Section 77-2704.15, Reissue Revised Statutes of Nebraska, is amended to read:

77-2704.15 (1)(a) Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of purchases by the state, including public educational institutions recognized or established under the provisions of Chapter 85, or by any county, township, city, village, rural or suburban fire protection district, city airport authority, county airport authority, joint airport authority, drainage district organized under sections 31-401 to 31-450, sanitary drainage district organized under sections 31-501 to 31-553 and section 336 of this act, land bank created under the Nebraska Municipal Land Bank Act, natural resources district, county agricultural society, elected county fair board, housing agency as defined in section 71-1575 except for purchases for any commercial operation that does not exclusively benefit the residents of an affordable housing project, cemetery created under section 12-101, or joint entity or agency formed by any combination of two or more



counties, townships, cities, villages, or other exempt governmental units pursuant to the Interlocal Cooperation Act, the Integrated Solid Waste Management Act, or the Joint Public Agency Act, except for purchases for use in the business of furnishing gas, water, electricity, or heat, or by any irrigation or reclamation district, the irrigation division of any public power and irrigation district, or public schools or learning communities established under Chapter 79.

(b) For purposes of this subsection, purchases by the state or by a governmental unit listed in subdivision (a) of this subsection include purchases by a nonprofit corporation under a lease-purchase agreement, financing lease, or other instrument which provides for transfer of title to the property to the state or governmental unit upon payment of all amounts due thereunder. If a nonprofit corporation will be making purchases under a lease-purchase agreement, financing lease, or other instrument as part of a project with a total estimated cost that exceeds the threshold amount, then such purchases shall qualify for an exemption under this section only if the question of proceeding with such project has been submitted at a primary, general, or special election held within the governmental unit that will be a party to the lease-purchase agreement, financing lease, or other instrument and has been approved by the voters of such governmental unit. For purposes of this subdivision, (i) project means the acquisition of real property or the construction of a public building and (ii) threshold amount means the greater of fifty thousand dollars or six-tenths of one percent of the total actual value of real and personal property of the governmental unit that will be a party to the lease-purchase agreement, financing lease, or other instrument as of the end of the governmental unit's prior fiscal year.

(2) The appointment of purchasing agents shall be recognized for the purpose of altering the status of the construction contractor as the ultimate consumer of building materials which are physically annexed to the structure and which subsequently belong to the state or the governmental unit. The appointment of purchasing agents shall be in writing and occur prior to having any building materials annexed to real estate in the construction, improvement, or repair. The contractor who has been appointed as a purchasing agent may apply for a refund of or use as a credit against a future use tax liability the tax paid on inventory items annexed to real estate in the construction, improvement, or repair of a project for the state or a governmental unit.

(3) Any governmental unit listed in subsection (1) of this section, except the state, which enters into a contract of construction, improvement, or repair upon property annexed to real estate without first issuing a purchasing agent authorization to a contractor or repairperson prior to the building materials being annexed to real estate in the project may apply to the Tax Commissioner for a refund of any sales and use tax paid by the contractor or repairperson on the building materials physically annexed to real estate in the construction, improvement, or repair.

Sec. 344. Section 77-3523, Revised Statutes Supplement, 2021, is amended to read:

77-3523 The county treasurer and county assessor shall, on or before November 30 of each year, certify to the Tax Commissioner the total tax revenue that will be lost to all taxing agencies within the county from taxes levied and assessed in that year because of exemptions allowed under sections 77-3501 to 77-3529. The county treasurer and county assessor may amend the certification to show any change or correction in the total tax that will be lost until May 30 of the next succeeding year. If a homestead exemption is approved, denied, or corrected by the Tax Commissioner under subsection (2) of section 77-3517 after May 1 of the next year, the county treasurer and county assessor shall prepare and submit amended reports to the Tax Commissioner and the political subdivisions covering any affected year and shall adjust the reimbursement to the county and the other political subdivisions by adjusting the reimbursement due under this section in later years. The Tax Commissioner shall, on or before January 1 next following such certification or within thirty days of any amendment to the certification, notify the Director of Administrative Services of the amount so certified to be reimbursed by the state. Reimbursement of the funds lost shall be made to each county according to the certification and shall be distributed in six as nearly as possible equal monthly payments on the last business day of each month beginning in January. The Director of Administrative Services shall, on the last business day of each month, issue payments by electronic funds transfer. Out of the amount so received the county treasurer shall distribute to each of the taxing agencies within his or her county the full amount so lost by such agency, except that one percent of such amount shall be deposited in the county general fund and that the amount due a Class V school district shall be paid to the district and the county shall be compensated one percent of such amount pursuant to section 14-554. Each taxing agency shall, in preparing its annual or biennial budget, take into account the amount to be received under this section.

Sec. 345. Section 81-523, Reissue Revised Statutes of Nebraska, is amended to read:

81-523 (1) For the purpose of maintaining the office of the State Fire Marshal and such other fire prevention activities as the Governor may direct, every foreign and alien insurance company including nonresident attorneys for subscribers to reciprocal insurance exchanges shall, on or before March 1, pay a tax to the Director of Insurance of three-fourths of one percent of the gross direct writing premiums and assessments received by each of such companies

during the preceding calendar year for fire insurance business done in this state.

(2) For the purpose set forth in subsection (1) of this section, every domestic insurance company including resident attorneys for subscribers to reciprocal insurance exchanges shall, on or before March 1, pay a tax to the Director of Insurance of three-eighths of one percent of the gross direct writing premiums and assessments received by each of such companies during the preceding calendar year for fire insurance business done in this state.

(3) The term fire insurance business, as used in subsections (1), (2), and (4) of this section, shall include, but not be limited to, premiums of policies on fire risks on automobiles, whether written under floater form or otherwise.

(4) Return premiums on fire insurance business, subject to the fire insurance tax, in accordance with subsections (1) and (2) of this section, may be deducted from the gross direct writing premiums for the purpose of the tax calculations provided for by subsections (1) and (2) of this section. In the case of mutual companies and assessment associations, the dividends paid or credited to policyholders or members in this state shall be construed to be return premiums.

(5) Any tax collected pursuant to subsections (1) and (2) of this section shall be remitted to the State Treasurer for credit to the General Fund.

(6) An insurance company described in this section shall receive a credit on the tax imposed under this section as provided in the Affordable Housing Tax Credit Act.

Sec. 346. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 327, 328, 329, 330, 331, 337, 338, 339, 340, 341, 342, 344, 345, 347, and 349 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date.

Sec. 347. Original sections 13-2706, 14-102.01, 14-102.02, 14-104, 14-106, 14-107, 14-108, 14-110, 14-111, 14-112, 14-113, 14-115, 14-116, 14-118, 14-120, 14-121, 14-122, 14-123, 14-124, 14-125, 14-136, 14-201, 14-201.03, 14-202, 14-204, 14-205, 14-206, 14-207, 14-210, 14-211, 14-212, 14-213, 14-214, 14-215, 14-216, 14-217.02, 14-218, 14-219, 14-220, 14-221, 14-224, 14-225, 14-226, 14-227, 14-228, 14-229, 14-230, 14-360, 14-361, 14-362, 14-365, 14-365.01, 14-365.02, 14-365.03, 14-365.04, 14-365.05, 14-365.06, 14-365.07, 14-365.08, 14-365.09, 14-365.10, 14-365.11, 14-365.12, 14-365.13, 14-366, 14-367, 14-372, 14-373, 14-373.01, 14-373.02, 14-374, 14-375, 14-376, 14-383, 14-384, 14-385, 14-386, 14-387, 14-388, 14-389, 14-390, 14-391, 14-393, 14-394, 14-395, 14-396, 14-397, 14-399, 14-3,100, 14-3,101, 14-3,105, 14-3,108, 14-3,109, 14-3,111, 14-3,112, 14-3,113, 14-3,114, 14-3,115, 14-3,116, 14-3,117, 14-3,118, 14-3,119, 14-3,120, 14-3,121, 14-3,122, 14-3,123, 14-3,124, 14-3,125, 14-3,126, 14-3,128, 14-401, 14-402, 14-404, 14-405, 14-406, 14-408, 14-409, 14-410, 14-411, 14-412, 14-413, 14-414, 14-416, 14-417, 14-418, 14-501, 14-501.01, 14-503, 14-504, 14-505, 14-506, 14-507, 14-508, 14-509, 14-510, 14-511, 14-512, 14-513, 14-514, 14-515, 14-516, 14-517, 14-518, 14-519, 14-520, 14-521, 14-522, 14-523, 14-524, 14-525, 14-526, 14-527, 14-528, 14-529, 14-530, 14-531, 14-532, 14-533, 14-534, 14-535, 14-536, 14-538, 14-539, 14-540, 14-541, 14-542, 14-543, 14-544, 14-545, 14-546, 14-547, 14-548, 14-549, 14-550, 14-556, 14-557, 14-558, 14-559, 14-560, 14-562, 14-563, 14-564, 14-565, 14-566, 14-568, 14-601, 14-602, 14-603, 14-604, 14-605, 14-606, 14-609, 14-702, 14-704, 14-709, 14-804, 14-805, 14-806, 14-807, 14-808, 14-809, 14-810, 14-811, 14-812, 14-813, 14-814, 14-816, 14-817, 14-818, 14-1201, 14-1202, 14-1203, 14-1204, 14-1205, 14-1206, 14-1207, 14-1211, 14-1212, 14-1215, 14-1216, 14-1217, 14-1218, 14-1219, 14-1220, 14-1221, 14-1222, 14-1223, 14-1224, 14-1225, 14-1226, 14-1227, 14-1228, 14-1229, 14-1230, 14-1231, 14-1232, 14-1233, 14-1234, 14-1235, 14-1236, 14-1237, 14-1238, 14-1239, 14-1240, 14-1241, 14-1242, 14-1243, 14-1244, 14-1245, 14-1246, 14-1247, 14-1248, 14-1249, 14-1250, 14-1251, 14-1252, 14-1702, 14-1703, 14-1704, 14-1705, 14-1706, 14-1707, 14-1708, 14-1709, 14-1710, 14-1711, 14-1712, 14-1713, 14-1714, 14-1715, 14-1716, 14-1717, 14-1718, 14-1719, 14-1721, 14-1722, 14-1723, 14-1724, 14-1725, 14-1726, 14-1727, 14-1728, 14-1729, 14-1730, 14-1731, 14-1732, 14-1734, 14-1735, 14-1737, 14-1738, 14-1739, 14-2001, 14-2002, 14-2003, 14-2004, 31-735, 77-2501, 77-2502, 77-2503, 77-2505, and 81-523, Reissue Revised Statutes of Nebraska, sections 13-2703, 13-2705, 13-2707, 13-2707.01, 13-2709, 14-101, 14-101.01, 14-102, 14-103, 14-105, 14-109, 14-117, 14-363,

14-364, 14-392, 14-398, 14-3,102, 14-3,103, 14-3,106, 14-3,107, 14-403, 14-415, 14-419, 14-420, 14-502, 14-553, 14-567, 14-607, 14-1733, 19-414, 19-415, 19-5503, and 19-5504, Revised Statutes Cumulative Supplement, 2020, and sections 14-137, 18-2705, and 77-3523, Revised Statutes Supplement, 2021, are repealed.

Sec. 348. Original sections 31-538, 31-539, 31-540, 31-541, and 77-2704.15, Reissue Revised Statutes of Nebraska, and section 16-6,109, Revised Statutes Cumulative Supplement, 2020, are repealed.

Sec. 349. The following sections are outright repealed: Sections 14-114, 14-126, 14-223, and 14-554, Reissue Revised Statutes of Nebraska.

Sec. 350. Since an emergency exists, this act takes effect when passed and approved according to law.