

AMENDMENTS TO LB287

Introduced by Urban Affairs.

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

3 **Section 1.** Section 14-102, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 14-102 In addition to the powers granted in section 14-101, cities
6 of the metropolitan class shall have power by ordinance:

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

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

13 (3) To provide all needful rules and regulations for the protection
14 and preservation of health within the city, including providing for the
15 enforcement of the use of water from public water supplies when the use
16 of water from other sources shall be deemed unsafe;

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

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

22 (6) To punish and prevent the discharge of firearms, fireworks, or
23 explosives of any description within the city, other than the discharge
24 of firearms at a shooting range pursuant to the Nebraska Shooting Range
25 Protection Act;

26 (7) To regulate the inspection and sale of meats, flour, poultry,
27 fish, milk, vegetables, and all other provisions or articles of food

1 exposed or offered for sale in the city;

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

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

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

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

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

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

1 boulevard or to furnish proper police protection; and to assess the cost
2 of such trimming upon the abutting property as a special assessment;

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

7 (15) To require weeds and worthless vegetation growing upon any lot
8 or piece of ground within the city or its extraterritorial zoning
9 jurisdiction to be cut and destroyed so as to abate any nuisance
10 occasioned by such vegetation; to prohibit and control the throwing,
11 depositing, or accumulation of litter on any lot or piece of ground
12 within the city or its extraterritorial zoning jurisdiction; to require
13 the removal of such litter so as to abate any nuisance occasioned
14 thereby. If the owner fails to cut and destroy weeds and worthless
15 vegetation or remove litter, or both, after notice as required by
16 ordinance, the city may assess the cost of such destruction or removal
17 upon the lots or lands as a special assessment. The required notice may
18 be by publication in the official newspaper of the city and may be
19 directed in general terms to the owners of lots and lands affected
20 without naming such owners;

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

29 (17) To regulate the transportation of articles through the streets
30 and to prevent injuries to the streets from overloaded vehicles;

31 (18) To prevent or regulate any amusement or practice having a

1 tendency to annoy persons passing in the streets or on the sidewalks; and
2 to regulate the use of vehicles propelled by steam, gas, electricity, or
3 other motive power, operated on the streets of the city;

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

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

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

15 (22) To provide for the punishment of persons disturbing the peace
16 by noise, intoxication, drunkenness, or fighting, or otherwise violating
17 the public peace by indecent or disorderly conduct or by lewd and
18 lascivious behavior;

19 (23) To provide for the punishment of vagrants, tramps, street
20 beggars, prostitutes, disturbers of the peace, pickpockets, gamblers,
21 burglars, thieves, persons who practice any game, trick, or device with
22 intent to swindle, and trespassers upon private property;

23 (24) To prohibit, restrain, and suppress houses of prostitution,
24 opium joints, gambling houses, prize fighting, dog fighting, cock
25 fighting, and other disorderly houses and practices, all games and
26 gambling, and all kinds of indecencies; to regulate and license or
27 prohibit the keeping and use of billiard tables, bowling alleys, shooting
28 galleries except as provided in the Nebraska Shooting Range Protection
29 Act, and other similar places of amusement; and to prohibit and suppress
30 all lotteries and gift enterprises of all kinds under whatsoever name
31 carried on, except that nothing in this subdivision shall be construed to

1 apply to bingo, lotteries, lotteries by the sale of pickle cards, or
2 raffles conducted in accordance with the Nebraska Bingo Act, the Nebraska
3 Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the
4 Nebraska Small Lottery and Raffle Act, or the State Lottery Act;

5 (25) To make and enforce all police regulations for the good
6 government, general welfare, health, safety, and security of the city and
7 the citizens of the city in addition to the police powers expressly
8 granted by law; in the exercise of the police power, to pass all needful
9 and proper ordinances and impose fines, forfeitures, and penalties for
10 the violation of any ordinance; to provide for the recovery, collection,
11 and enforcement of such fines; and in default of payment to provide for
12 confinement in the city or county prison or other place of confinement as
13 may be provided by ordinance;

14 (26) To prevent immoderate driving on the street;

15 (27) To establish and maintain public libraries, art galleries, and
16 museums and to provide the necessary grounds or buildings for such
17 libraries, galleries, and museums; to purchase books, papers, maps,
18 manuscripts, works of art, and objects of natural or of scientific
19 curiosity and instruction for such libraries, galleries, and museums; to
20 receive donations and bequests of money or property for such libraries,
21 galleries, and museums in trust or otherwise; and to pass necessary
22 bylaws and regulations for the protection and government of such
23 libraries, art galleries, and museums;

24 (28) To erect, designate, establish, maintain, and regulate
25 hospitals, houses of correction, jails, station houses, fire engine
26 houses, asphalt repair plants, and other necessary buildings; to erect,
27 designate, establish, maintain, and regulate plants for the removal,
28 disposal, or recycling of garbage and refuse or to make contracts for
29 garbage and refuse removal, disposal, or recycling, or all of the same;
30 and to charge equitable fees for such removal, disposal, or recycling, or
31 all of the same, except as provided by law. The fees collected pursuant

1 to this subdivision shall be credited to a single fund to be used
2 exclusively by the city for the removal, disposal, or recycling of
3 garbage and refuse, or all of the same, including any costs incurred for
4 collecting the fee. Before any contract for such removal, disposal, or
5 recycling is let, the city council shall make specifications for such
6 contract, bids shall be advertised for as now provided by law, and the
7 contract shall be let to the lowest and best bidder, who shall furnish
8 bond to the city conditioned upon his or her carrying out the terms of
9 the contract, the bond to be approved by the city council. Nothing in
10 this section, and no contract or regulation made by the city council,
11 shall be so construed as to prohibit any person, firm, or corporation
12 engaged in any business in which garbage or refuse accumulates as a
13 byproduct from selling, recycling, or otherwise disposing of his, her, or
14 its garbage or refuse or hauling such garbage or refuse through the
15 streets and alleys under such uniform and reasonable regulations as the
16 city council may by ordinance prescribe for the removal and hauling of
17 garbage or refuse;

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

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

29 (31) To provide for the inspection of steam boilers, electric light
30 appliances, pipefittings, and plumbings; to regulate their erection and
31 construction; to appoint inspectors; and to declare their powers and

1 duties, except as otherwise provided by law;

2 (32) To enact a fire code and regulate the erection of all buildings
3 and other structures within the corporate limits; to provide for the
4 removal of any buildings or structures or additions to buildings or
5 structures erected contrary to such code or regulations and to provide
6 for the removal of dangerous buildings; but no such code or regulation
7 shall be suspended or modified by resolution, nor shall exceptions be
8 made by ordinance or resolution in favor of any person, firm, or
9 corporation or concerning any particular lot or building; to direct that
10 when any building has been damaged by fire, decay, or otherwise, to the
11 extent of fifty percent of the value of a similar new building above the
12 foundation, shall be torn down or removed; to prescribe the manner of
13 ascertaining such damages and to assess the cost of removal of any
14 building erected or existing contrary to such code or regulations against
15 the lot or real estate upon which such building or structure is located
16 or shall be erected or to collect such costs from the owner of any such
17 building or structure; and to enforce the collection of such costs by
18 civil action in any court of competent jurisdiction;

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

1 prevent the dangerous construction and condition of chimneys, fireplaces,
2 hearths, stoves, stovepipes, ovens, boilers, and heating appliances used
3 in or about any building and to cause such appliances to be removed or
4 placed in safe condition when they are considered dangerous; to prevent
5 the deposit of ashes in unsafe places and to cause such buildings and
6 enclosures as may be in a dangerous state to be put in a safe condition;
7 to prevent the disposing of and delivery or use in any building or other
8 structure of unsuitable building material within the city limits and
9 provide for the inspection of building materials; to provide for the
10 abatement of dense volumes of smoke; to regulate the construction of
11 areaways, stairways, and vaults and to regulate partition fences; and to
12 enforce proper heating and ventilation of buildings used for schools or
13 other buildings where large numbers of persons are liable to congregate;

14 (34) To regulate levees, depots and depot grounds, and places for
15 storing freight and goods and to provide for and regulate the laying of
16 tracks and the passage of railways through the streets, alleys, and
17 public grounds of the city;

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

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

29 (37) To erect, establish, and maintain offstreet parking areas on
30 publicly owned property located beneath any elevated segment of the
31 National System of Interstate and Defense Highways or portion thereof, or

1 public property title to which is in the city on May 12, 1971, or
2 property owned by the city and used in conjunction with and incidental to
3 city-operated facilities; and to regulate parking on such property by
4 time limitation devices or by lease;

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

31 (39) In addition to powers conferred elsewhere in the laws of the

1 state, to implement and enforce an air pollution control program within
2 the corporate limits of the city under subdivision (23) of section
3 81-1504 or subsection (1) of section 81-1528, which program shall be
4 consistent with the federal Clean Air Act, as amended, 42 U.S.C. 7401 et
5 seq. Such powers shall include without limitation those involving
6 injunctive relief, civil penalties, criminal fines, and burden of proof.
7 Nothing in this section shall preclude the control of air pollution by
8 resolution, ordinance, or regulation not in actual conflict with state
9 air pollution control regulations; and -

10 (40) To regulate any housing authority in a city of the metropolitan
11 class, which may include:

12 (a) Providing for code enforcement and pest control for all
13 properties owned and controlled by such housing authority;

14 (b) Providing for regular inspections of all properties managed by
15 such housing authority;

16 (c) Requiring all properties managed by such housing authority to be
17 registered pursuant to any rental registration ordinance adopted by such
18 city of the metropolitan class;

19 (d) Setting penalties for code violations and failure to properly
20 manage properties; and

21 (e) Requiring monthly updates to the city council of such city of
22 the metropolitan class.

23 **Sec. 2.** Section 31-735, Revised Statutes Cumulative Supplement,
24 2024, is amended to read:

25 31-735 (1) On the first Tuesday after the second Monday in September
26 which is at least fifteen months after the judgment of the district court
27 creating a sanitary and improvement district and on the first Tuesday
28 after the second Monday in September each two years thereafter, the board
29 of trustees shall cause a special election to be held, at which election
30 a board of trustees shall be elected. The board of trustees shall have
31 five members except as provided in subsection (2) of this section. Each

1 member elected to the board of trustees shall be elected to a term of two
2 years and shall hold office until such member's successor is elected and
3 qualified. Any person desiring to file for the office of trustee may file
4 for such office with the election commissioner, or county clerk in
5 counties having no election commissioner, of the county in which the
6 greater proportion in area of the district is located not later than
7 fifty days before the election. If such person will serve on the board of
8 trustees as a designated representative of a limited partnership, general
9 partnership, limited liability company, public, private, or municipal
10 corporation, estate, or trust which owns real estate in the district, the
11 filing shall indicate that fact and shall include appropriate
12 documentation evidencing such fact. No filing fee shall be required. A
13 person filing for the office of trustee to be elected at the election
14 held four years after the first election of trustees and each election
15 thereafter shall designate whether such person is a candidate for
16 election by the resident owners of such district or a candidate for
17 election by all of the owners of real estate located in the district. If
18 a person filing for the office of trustee is a designated representative
19 of a limited partnership, a general partnership, a limited liability
20 company, a public, private, or municipal corporation, an estate, or a
21 trust which owns real estate in the district, the name of such entity
22 shall accompany the name of the candidate on the ballot in the following
23 form: (Name of candidate) to represent (name of entity) as a member of
24 the board. The name of each candidate shall appear on only one ballot.

25 The name of a person may be written in and voted for as a candidate
26 for the office of trustee, and such write-in candidate may be elected to
27 the office of trustee. A write-in candidate for the office of trustee who
28 will serve as a designated representative of a limited partnership, a
29 general partnership, a limited liability company, a public, private, or
30 municipal corporation, an estate, or a trust which owns real estate in
31 the district shall not be elected to the office of trustee unless (a)

1 each vote is accompanied by the name of the entity which the candidate
2 will represent and (b) within ten days after the date of the election the
3 candidate provides the election commissioner or county clerk with
4 appropriate documentation evidencing the candidate's representation of
5 the entity. Votes cast which do not carry such accompanying designation
6 shall not be counted.

7 A trustee shall be an owner of real estate located in the district
8 or shall be a person designated to serve as a representative on the board
9 of trustees if the real estate is owned by a limited partnership, a
10 general partnership, a limited liability company, a public, private, or
11 municipal corporation, an estate, or a trust. Notice of the date of the
12 election shall be mailed by the clerk of the district not later than
13 sixty-five days prior to the election to each person who is entitled to
14 vote at the election for trustees whose property ownership or lease
15 giving a right to vote is of record on the records of the register of
16 deeds as of a date designated by the election commissioner or county
17 clerk, which date shall be not more than eighty days prior to the
18 election.

19 (2)(a) For any sanitary and improvement district, a person whose
20 ownership or right to vote becomes of record or is received after the
21 date specified pursuant to subsection (1) of this section may vote when
22 such person establishes the right to vote to the satisfaction of the
23 election board. At the first election and at the election held two years
24 after the first election, any person may cast one vote for each trustee
25 for each acre of unplatted land or fraction thereof and one vote for each
26 platted lot which such person may own in the district.

27 (b) This subdivision applies to a district until the board of
28 trustees amends its articles of association pursuant to subdivision (2)
29 (d) of this section. At the elections ~~election~~ held four years and six
30 years after the first election of trustees, two members of the board of
31 trustees shall be elected by the legal property owners resident within

1 such sanitary and improvement district and three members shall be elected
2 by all of the owners of real estate located in the district pursuant to
3 this section. Every resident property owner may cast one vote for a
4 candidate for each office of trustee to be filled by election of resident
5 property owners only. Such resident property owners may also each cast
6 one vote for each acre of unplatted land or fraction thereof and for each
7 platted lot owned within the district for a candidate for each office of
8 trustee to be filled by election of all property owners. For each office
9 of trustee to be filled by election of all property owners of the
10 district, every legal property owner not resident within such sanitary
11 and improvement district may cast one vote for each acre of unplatted
12 land or fraction thereof and one vote for each platted lot which such
13 legal property owner owns in the district. At the election held eight ~~six~~
14 years after the first election of trustees and at each election
15 thereafter, three members of the board of trustees shall be elected by
16 the legal property owners resident within such sanitary and improvement
17 district and two members shall be elected by all of the owners of real
18 estate located in the district pursuant to this section. If there are not
19 any legal property owners resident within such district or if not less
20 than ninety percent of the area of the district is owned for other than
21 residential uses, the five members shall be elected by the legal property
22 owners of all property within such district as provided in this section.

23 (c) Any public, private, or municipal corporation owning any land or
24 lot in the district may vote at an election the same as an individual. If
25 more than fifty percent of the homes in any sanitary and improvement
26 district are used as a second, seasonal, or recreational residence, the
27 owners of such property shall be considered legal property owners
28 resident within such district for purposes of electing trustees. For
29 purposes of voting for trustees, each condominium apartment under a
30 condominium property regime established prior to January 1, 1984, under
31 the Condominium Property Act or established after January 1, 1984, under

1 the Nebraska Condominium Act shall be deemed to be a platted lot and the
2 lessee or the owner of the lessee's interest, under any lease for an
3 initial term of not less than twenty years which requires the lessee to
4 pay taxes and special assessments levied on the leased property, shall be
5 deemed to be the owner of the property so leased and entitled to cast the
6 vote of such property. When ownership of a platted lot or unplatted land
7 is held jointly by two or more persons, whether as joint tenants, tenants
8 in common, limited partners, members of a limited liability company, or
9 any other form of joint ownership, only one person shall be entitled to
10 cast the vote of such property. The executor, administrator, guardian, or
11 trustee of any person or estate interested shall have the right to vote.
12 No corporation, estate, or irrevocable trust shall be deemed to be a
13 resident owner for purposes of voting for trustees. Should two or more
14 persons or officials claim the right to vote on the same tract, the
15 election board shall determine the party entitled to vote. Such board
16 shall select one of their number chairperson and one of their number
17 clerk. In case of a vacancy on such board, the remaining trustees shall
18 fill the vacancy on such board until the next election.

19 (d) For any sanitary and improvement district which has been in
20 existence for at least ten years, which has less than seventy property
21 owners entitled to vote for trustees, which has at least two resident
22 property owners, and in which less than ten percent of the area of the
23 district is owned for other than residential uses, the board of trustees
24 may amend its articles of association as provided in section 31-740.01 to
25 provide for a reduction in the number of trustees on the board from five
26 members to three members to be effective at the beginning of the term of
27 office for the board of trustees elected at the next election. At the
28 next election and at each election thereafter, two members of the board
29 of trustees shall be elected by the legal property owners resident within
30 such sanitary and improvement district and one member shall be elected by
31 all of the owners of real estate located in the district pursuant to this

1 section. Every resident property owner may cast one vote for a candidate
2 for each office of trustee to be filled by election of resident property
3 owners only. Such resident property owners may also each cast one vote
4 for each acre of unplatted land or fraction thereof and for each platted
5 lot owned within the district for a candidate for the office of trustee
6 to be filled by election of all property owners. For the office of
7 trustee to be filled by election of all property owners of the district,
8 every legal property owner not resident within such sanitary and
9 improvement district may cast one vote for each acre of unplatted land or
10 fraction thereof and one vote for each platted lot which such legal
11 property owner owns in the district.

12 (3) The election commissioner or county clerk shall hold any
13 election required by subsection (1) of this section by sealed mail ballot
14 by notifying the board of trustees on or before July 1 of a given year.
15 The election commissioner or county clerk shall, at least twenty days
16 prior to the election, mail a ballot and return envelope to each person
17 who is entitled to vote at the election and whose property ownership or
18 lease giving a right to vote is of record with the register of deeds as
19 of the date designated by the election commissioner or county clerk,
20 which date shall not be more than eighty days prior to the election. The
21 ballot and return envelope shall include: (a) The names and addresses of
22 the candidates; (b) room for write-in candidates; and (c) instructions on
23 how to vote and return the ballot. Such ballots shall be returned in the
24 return envelope to the election commissioner or county clerk no later
25 than 5 p.m. on the date set for the election. If the ballot is not
26 returned in the return envelope, such ballot shall not be counted. If
27 more than one ballot is included in the same return envelope, such
28 ballots shall not be counted and shall be reinserted into the return
29 envelope which shall be resealed and marked rejected.

30 **Sec. 3.** Section 31-752, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 31-752 (1) The board of trustees or the administrator shall not
2 assess real property that is (a) not assessable or (b) not included
3 within the corporate boundaries of the district for any of the
4 improvements that are constructed or installed outside of the corporate
5 boundaries of the district, except as provided in subsection (3) of this
6 section.

7 (2) The board of trustees or the administrator shall not assess real
8 property that has not been specially benefited by any public improvements
9 constructed or installed by the district that are located outside of the
10 corporate boundaries of the district.

11 (3) In cases where (a) real property is not assessable or (b) real
12 property located outside the corporate boundaries of the district has
13 been specially benefited by the improvements constructed or installed by
14 the district outside of the corporate boundaries of the district ~~cause to~~
15 ~~be assessed for any of the improvements herein provided, property by law~~
16 ~~not assessable, or property not included within the district defined in~~
17 ~~the preliminary resolution, and shall not assess property not benefited;~~
18 ~~Provided, in cases when such exempt property has been specially benefited~~
19 ~~by the improvements, the owner of such property shall pay the district a~~
20 ~~sum equivalent to the amount the property has been specially benefited,~~
21 ~~which amount may be recovered by the district in an action against the~~
22 ~~property owner. If the parties do not agree as to the amount of the~~
23 ~~special benefits, the amount may be determined by the district court in~~
24 ~~an action brought by the district for such purpose.~~

25 (4) The board of trustees or the administrator may determine ~~find~~
26 ~~that any part or all of such public improvements made are of general~~
27 ~~benefit to the district, in which case the board or administrator shall~~
28 ~~have the power to except that the board or administrator shall levy~~
29 ~~special assessments on all lots, parcels, or pieces of real estate~~
30 ~~specially benefited to the extent that any such public improvements~~
31 ~~constructed or installed by the district confer of the special benefits~~

1 to such real property. The cost of such improvements installed or
2 constructed outside of the corporate boundaries of the district may shall
3 be paid from the taxes assessments levied against all the real property
4 within the corporate boundaries of ~~in~~ the district, in the manner
5 provided by section 31-755, ~~or~~ may be paid from unappropriated money in
6 its general fund, or may be paid from the collection of special
7 assessments levied against all lots, parcels, or pieces of real property
8 located outside of the corporate boundaries of the district to the extent
9 of the special benefit conferred. The cost of the improvements shall draw
10 interest and shall be payable in the same manner as special assessments
11 levied against all real property located within the corporate boundaries
12 of the district in accordance with section 31-753 at the rate of six
13 percent per annum from the date of acceptance thereof by the board or
14 administrator until warrants are issued in payment of the contract price.

15 **Sec. 4.** Section 71-1572, Revised Statutes Cumulative Supplement,
16 2024, is amended to read:

17 71-1572 Sections 71-1572 to 71-15,170 and section 5 of this act
18 shall be known and may be cited as the Nebraska Housing Agency Act.

19 **Sec. 5.** (1) For purposes of this section:

20 (a) Bed bug means a member of the Cimicidae family of parasitic
21 insects; and

22 (b) Pest control professional means a person licensed as a
23 commercial applicator under the Pesticide Act.

24 (2) A housing agency for a city of the metropolitan class shall have
25 the following responsibilities relating to bed bugs:

26 (a) Prior to renting a dwelling unit, the housing agency shall
27 visually inspect the unit for any evidence of the presence of bed bugs,
28 which may be indicated by observation of a living bed bug, bed bug
29 carapace, eggs or egg casings, or brownish or blood spotting on linens,
30 mattresses, or furniture;

31 (b) The housing agency shall not show, rent, or lease to a

1 prospective tenant any vacant dwelling unit that the housing agency knows
2 or reasonably suspects has a current bed bug infestation;

3 (c) Prior to renting a dwelling unit, the housing agency shall
4 disclose to a prospective tenant if an adjacent unit or units are
5 currently infested with or are being treated for bed bugs;

6 (d) Upon notification by a person who finds or reasonably suspects a
7 bed bug infestation in a dwelling unit or common area of the premises,
8 the housing agency shall:

9 (i) Acknowledge the complaint within ten days after notification of
10 the suspected infestation;

11 (ii) Inspect or obtain investigatory services from a pest control
12 professional within ten days after notification;

13 (iii) Upon a determination of an infestation and within twenty-one
14 days after notification, obtain and provide remedial services from a pest
15 control professional;

16 (iv) Inspect or obtain investigatory services of a pest control
17 professional in connection with any unit directly adjacent to, above, or
18 below the dwelling unit or common area from which the original report
19 came within ten days after notification;

20 (v) Provide tenants with reasonable notice in advance of entering a
21 dwelling unit for purposes of inspection, bed bug remediation, or
22 monitoring in connection with a bed bug complaint;

23 (vi) Provide all tenants of units affected by a bed bug complaint
24 with notice of the pest control professional's determination in
25 connection with such unit within ten days after receipt of information
26 from the pest control professional; and

27 (vii) Maintain a written record of all complaints and control
28 measures provided, including reports of chemicals applied and other
29 remedies provided by the pest control professional. Such records shall be
30 maintained for two years; and

31 (e) The housing agency shall be responsible for the costs of

1 investigating and remediating any bed bug infestation.

2 **Sec. 6.** Sections 1, 4, 5, and 8 of this act become operative three
3 calendar months after the adjournment of this legislative session. The
4 other sections of this act become operative on their effective date.

5 **Sec. 7.** Original section 31-752, Reissue Revised Statutes of
6 Nebraska, and section 31-735, Revised Statutes Cumulative Supplement,
7 2024, are repealed.

8 **Sec. 8.** Original sections 14-102 and 71-1572, Revised Statutes
9 Cumulative Supplement, 2024, are repealed.

10 **Sec. 9.** Since an emergency exists, this act takes effect when passed
11 and approved according to law.