

LEGISLATIVE BILL 4

Approved by the Governor January 28, 1971

Introduced by C. W. Holmquist, 16th District

AN ACT to amend sections 14-121, 14-610, 14-1219, and 14-1712, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the metropolitan class; to remove obsolete matter; to harmonize certain provisions with the Constitution of Nebraska; to harmonize provisions with previous legislation; and to repeal the original sections.

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

Section 1. That section 14-121, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-121. All taxes or special assessments which any city or village so annexed or merged 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 it or in process of construction or contracted for, may be levied or assessed by such metropolitan city as consolidated; ~~Provided, all persons serving in the armed forces of the United States on January 1 at 12:01 a.m. of each year and also honorably discharged veterans who served during a period of war, as defined in section 80-401.01, and are receiving disability compensation, disability retirement pay, or pension from the federal government shall be exempt from the payment of any poll or labor tax.~~ Such metropolitan city shall have the power to reassess all special assessments or taxes levied or assessed by such city or village thus consolidated with it in all cases where any city or village was authorized to make reassessments or relieves of such taxes or assessments.

Sec. 2. That section 14-610, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-610. In all cities in the State of Nebraska of the metropolitan class there shall be paid to the treasurer thereof, and by him and the comptroller set apart the following money to constitute a police relief and pension fund:

(1) The capital, interest, income, cash, deposits, securities, and credits of any existing police relief fund heretofore created by the board of fire and police commissioners of such cities:

(2) All money received from fines imposed upon members of the police force of such city for violation of the rules and regulations of the police department and all money, pay, compensation or salary, or any part thereof, forfeited, deducted or withheld from any member or members of the police force for or on account of absence for any cause, lost time or sick time, suspension, sickness or other disability, physical or mental;

(3) All money paid for special services of policemen at balls, parties, weddings, excursions or picnics, or rewards or gifts that may be paid or given to any members of the police force of such city except such as shall be excepted by the council; all money paid to policemen or members of the police force as witnesses in actions in the line of their duties either before any grand jury or upon trial of any criminal action; and also all gifts or bequests which may be made to the police and pension fund or to the city council as trustees thereof;

(4) The avails of all lost or stolen securities, choses in action, money, things or other property which shall remain unclaimed in possession of the chief of police or police magistrate for the period of six months together with the avails of all unclaimed or confiscated property of any nature whatsoever which shall have been in custody of the chief of police or police magistrate for such period of six months, and all cash, money or property left as security for appearances in police court which shall be forfeited, and all money realized, derived or secured from the sale of any condemned, unfit or unserviceable personal property belonging to, or in the possession, or under the control of the police department, after deducting all expenses incident thereto, and the chief of police is hereby authorized to sell at public auction all of such unclaimed properties after giving thirty days' notice thereof by advertisement published once a week for four consecutive weeks in the official newspaper of the city, and the proceeds of such sale shall be turned over to the treasurer of the police relief and pension fund;

(5) All cash deposited in lieu of bail for appearances in the police court of such city, whether deposited with the police magistrate or any official

having the right to receive the same, and such money so forfeited shall be monthly turned over by the police magistrate or other officer receiving the same to the county treasurer of such city, and to the credit of the police relief and pension fund county, and to be credited to the school district of such city:

(6) A sum not to exceed one dollar of the monthly pay, salary or compensation of each member of the police department, which sum shall be deducted monthly by the comptroller from the pay, salary or compensation of every member of the police department, and the comptroller is hereby authorized, empowered, and directed to deduct the sum as aforesaid and forthwith to pay the same to the treasurer of the said police relief and pension fund;

(7) Any and all unexpended balances of appropriations or amounts estimated, levied, raised or appropriated for the payment of salaries or compensations of members of the police department and other expenses of the police department within such metropolitan city remaining unexpended or unapplied after all obligations created against and payable out of such police department fund have been paid, redeemed or canceled.

The comptroller is hereby authorized and directed to pay over to the police relief and pension fund such unexpended balances or any part thereof, except such funds set out in subsection (5) of this section, at any time after the expiration of the year for which the same were made and appropriated, and after allowing sufficient funds to satisfy all claims payable therefrom as aforesaid.

Sec. 3. That section 14-1219, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-1219. The governing body of the city shall provide the form of such bonds including coupons to be attached 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 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 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 section 14-1223 shall be and shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the Negotiable--Instruments Law Uniform Commercial Code of the state without, however, constituting the revenue bonds herein authorized an indebtedness of the city issuing the same. The governing body of the city 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. 4. That section 14-1712, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-1712. The authority may from time to time borrow such money, as authorized in this section or subdivision (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 thereon or other indebtedness it may have outstanding, issue its negotiable bonds as herein provided:

(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 this authority, and neither the credit nor the taxing power of the state or any political subdivision thereof, other than this authority, shall be pledged for the payment of said bonds, and all bonds shall bear on their face a statement to 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 without the state. The bonds shall be signed by the chairman of the authority, or bear his facsimile signature. The seal of the authority shall be impressed thereon, attested by the secretary and treasurer of the authority. Any coupons attached thereto shall bear the facsimile signature of the 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 he had remained in office until such delivery;

(2) The bonds issued under the 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 ~~negotiable-instruments-law~~ 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 may determine to be for the best interests of the authority; and

(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. 5. That original sections 14-121, 14-610, 14-1219, and 14-1712, Reissue Revised Statutes of Nebraska, 1943, are repealed.