

LEGISLATIVE BILL 534

Approved by the Governor March 23, 1971

Introduced by Roland A. Luedtke, 28th District; Harold D. Simpson, 46th District

AN ACT to amend sections 2-3226, 10-404, 10-406, 10-407, 10-409, 10-410, 10-702, 12-1001, 14-365.07, 14-520, 14-907, 16-607, 16-680, 17-529.08, 17-908, 17-911, 17-939, 17-950, 17-958, 17-963, 17-967, 17-968, 18-610, 19-1403, 23-129, 39-836, 46-305, and 46-309, Reissue Revised Statutes of Nebraska, 1943, and section 23-343.13, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 80, Eighty-second Legislature, First Session, 1971, relating to bond issues of governmental subdivisions; to provide that no more than a majority of the electors voting on any bond issue shall be required to carry such issue; and to repeal the original sections.

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

Section 1. That section 2-3226, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3226. Each district shall have the power and authority to issue general obligation and revenue bonds for the purpose of financing construction of facilities authorized by this act. Issuance of revenue bonds must be approved by two-thirds of the members of the board of directors of the district. General obligation bonds of the district shall not be issued unless at least sixty per-cent a majority of the eligible voters of the district voting at a special election held to vote on the question shall have approved such issuance. The amount of general obligation bonds outstanding shall never exceed five per cent of the assessed valuation of all taxable property in the district. The principal and interest on general obligation bonds shall be paid from the general levy of the district. The district shall pledge sufficient revenue from any revenue producing facility constructed with the aid of revenue bonds for the payment of principal and interest on such bonds, and shall establish rates for such facilities at a sufficient level to provide for the operation of such facilities and for the bond payments.

Sec. 2. That section 10-404, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

10-404. Upon sixty-per-cent a majority of the votes cast being in favor of the proposition submitted, the county board, in the case of a county, and the city council, in the case of a city, shall cause the proposition and the result of the vote to be entered upon the records of said county or city, and a notice of its adoption to be published for two successive weeks in any newspaper in said county or city, if there be one, and if not, then without such publication; and shall thereupon issue said bonds, which shall be and continue a subsisting debt against such county or city until they are paid and discharged; provided, that the question of bond issues in such county or city, when defeated, shall not be resubmitted in substance for a period of six months from and after the date of said election.

Sec. 3. That section 10-406, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

10-406. Any precinct, township, city of the second class, or village, organized according to law, is hereby authorized to issue bonds in aid of the construction of steam railroads, or railroads using electricity or gasoline as motive power, of standard gauge, to an extent not exceeding ten per cent of the assessed value of the taxable property at the last assessment within such precinct, township, city of the second class or village, in the manner hereinafter directed, namely:

(1) A petition for such purpose signed by not less than fifty freeholders, or by not less than ten per cent of all the freeholders, whichever number is the least, of the precinct, township, city of the second class or village, shall be presented to the county board, city council of cities of the second class, or board of trustees of villages, or the board authorized by law to conduct the business of such precinct, township, city of the second class or village. Such petition shall set forth the nature of the work contemplated, the amount of bonds sought to be voted, the rate of interest, the length of time said bonds shall run, which in no event shall be less than five years nor more than twenty years from the date thereof. The said petitioners shall give bond, to be approved by the county board, city council of cities of the second class, or board of trustees of villages, for the payment

of expenses of the election, in the event that the proposition shall fail to receive a ~~two-thirds~~ majority of the votes cast at ~~said~~ such election;

(2) Upon receiving such petition the county board, city council of cities of the second class, or board of trustees of villages, shall give notice and call an election in the precinct, township, city of the second class or village, as the case may be. Said notice, call, and election shall be governed by the laws regulating the election for voting bonds for a county;

(3) Upon a majority of the votes cast being in favor of the proposition submitted, the county board, city council of cities of the second class, or board of trustees of villages, as the case may be, shall issue the bonds in accordance with the petition and notice of election. Such bonds shall be signed by the chairman of the county board and attested by the county clerk in the case of precinct or township bonds, by the mayor and city clerk in the case of second class city bonds, and by the chairman of the board of trustees and village clerk in case of village bonds, and be attested by their respective seals. ~~Said~~ Such bonds shall be a subsisting debt against such precinct, township, city of the second class or village, until they are paid and discharged.

Sec. 4. That section 10-407, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

10-407. The mayor and council of cities of the second class shall have the power to borrow money and pledge the property and credit of such city upon its negotiable bonds in an amount not to exceed five per cent of the assessed valuation of the taxable property within the limits of such city for the purpose of aiding in the building, erecting, constructing or repairing and furnishing of a county courthouse, in addition to bonds already voted by the county; authority for the issuance of such bonds having first been obtained by a ~~sixty--per cent~~ majority vote of the qualified electors of such city voting on a proposition for such purpose at any general or special election. Such proposition shall be submitted to such electors in the manner now provided by law for the submission of propositions to aid in the construction of railroads and other internal improvements, such bonds to be sold for not less than par, and to run not to exceed twenty years; Provided, that the proposition to submit the issue of creating bonded indebtedness therein, shall not be resubmitted on the same subject at an election within six months after

such proposition shall have failed to pass.

Sec. 5. That section 10-409, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

10-409. Any precinct, township, city of the second class, or village, organized according to law, is hereby authorized to issue bonds in aid of works of internal improvements, such as improving streets in cities of the second class and villages, highways, bridges, courthouses, jails, city and town halls, high schools, county high schools, school dormitories, and the drainage of swamp and wet lands, within such municipal divisions, and for the construction or purchase of a telephone system for use of the inhabitants thereof, in an amount not exceeding two per cent of the assessed valuation of all the taxable property, except intangible property, as shown by the last assessment, within such precinct, township, city of the second class, or village, in the manner hereinafter directed, namely:

(1) A petition signed by not less than fifty freeholders of the precinct, township, city of the second class, or village, shall be presented to the county board, city council of cities of the second class, board of trustees of villages, or the board authorized by law to conduct the business of such precinct, township, city of the second class, or village. Said Such petition shall set forth the nature of the work contemplated, the amount of bonds sought to be voted, the rate of interest, and the length of time said bonds shall run, which in no event shall be less than two years nor more than twenty years from the date thereof. The said petitioners shall give bond, to be approved by the county board, city council of cities of the second class, or board of trustees of villages, for the payment of the expenses of the election, in the event that the proposition shall fail to receive sixty per-cent a majority of the votes cast at said such election;

(2) Upon the receipt of such petition the county board, city council of cities of the second class, or board of trustees of villages shall give notice and call an election in the precinct, township, city of the second class, or village, as the case may be. Said Such notice, call, and election shall be governed by the laws regulating an election for voting bonds for a county; Provided, that when a proposition is submitted for the issuance of bonds for the acquisition of a site or the

construction of a single building to be used as a city hall, auditorium, fire station, or community house in cities of the second class, it shall be required, as a condition precedent to the issuance of such bonds, that **sixty-per-cent a majority** of the votes cast shall be in favor of such proposition. Bonds in such a city shall not be issued for such purpose in the aggregate to exceed four per cent of the assessed valuation of all the taxable property in such a city, except intangible property, as shown by the last assessment within such city of the second class. The mayor and council in cities of the second class, upon the issuance of said bonds, shall have the power to levy a tax each year not to exceed one mill on the dollar upon the assessed value of all the taxable property in such city, except intangible property, for the purpose of maintaining the city hall, constructed as aforesaid.

Sec. 6. That section 10-410, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

10-410. If **sixty-per-cent a majority** of the votes cast at such election shall be in favor of the proposition, the county board, city council of cities of the second class, or board of trustees of villages shall, as the case may be, without delay, cause to be prepared and shall issue the bonds in accordance with the petition and notice of election; ~~said~~ such bonds shall be signed by the chairman of the county board, or the person authorized to sign county bonds, and be attested by the county clerk, mayor and city clerk of cities of the second class, chairman of the board of trustees and village clerk of villages, and be attested by the respective seals. The county clerk, village clerk of villages, or city clerk of cities of the second class, as the case may be, shall enter upon the records of the board, or council, the petition, bond, notice and call for the election, canvass of the vote, the number, amount and interest, and the date at which each bond issued shall become payable; and shall also cause such bonds to be registered in the office of the Auditor of Public Accounts.

Sec. 7. That section 10-702, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

10-702. No bonds shall be issued until the question has been submitted to the qualified electors of the district, and **fifty-five-per-cent a majority** of all the qualified electors voting on the question shall have

voted in favor of issuing the same, at an election called for the purpose, upon notice given by the officers of the district at least twenty days prior to such election. The question of bond issues in such districts, when defeated, shall not, except in case of fire or other disaster or in the case of a newly-created district, be resubmitted in substance for a period of six months from and after the date of such election except when submitted at a regular election.

Sec. 8. That section 12-1001, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

12-1001. Any municipality, maintaining and operating a cemetery either within or without its corporate limits, shall have the power to borrow money and pledge the property and credit of the municipality upon its municipal bonds, or otherwise, for the purpose of enlarging or improving such cemetery, in an amount not to exceed five per cent of the actual valuation of the property in such municipality; Provided, that no such bonds shall be issued until after the same have been authorized by a three-fifths majority vote of the electors of the municipality, voting on the proposition of their issuance, at a general municipal election or at a special municipal election called for the submission of such proposition.

Sec. 9. That section 14-365.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

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 metropolitan city 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 shall have been submitted to the electors of the metropolitan city at a general or special election, of which three weeks' notice thereof has been published in a legal newspaper in or of general circulation in such metropolitan city, and (b) if more than-sixty-per-cent 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 five per cent of the assessed value of all the taxable property in the metropolitan city, except intangible property, or in excess of the amount authorized by the provisions of sections 14-365.12 and 14-365.13.

Sec. 10. That section 14-520, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-520. The city council is authorized to issue bonds for the purpose of constructing an armory in any city of the metropolitan class. But no such bonds shall be issued until authorized by electors thereof by sixty per-cent a majority of those voting on such proposition; Provided, that this section shall not be applicable to the acquisition of real estate for armory purposes and its conveyance to the State of Nebraska or to the Nebraska Armory Board, as provided in sections 18-1001 to 18-1006.

Sec. 11. That section 14-907, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-907. Bonds for the acquisition of a water plant shall not be sold for less than par and issued only in case the proposition is ratified by a majority of the votes cast upon the proposition at a general election or ~~two-thirds-of-the-votes--cast--in--case--the proposition--shall--be--submitted--at~~ a special election.

Sec. 12. That section 16-607, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-607. (1) Payment of damages assessed for the appropriation of private property for any of the other purposes mentioned in section 16-604 may be made by the sale of the negotiable bonds of the city, and for that purpose the mayor and council shall have power to borrow money and to pledge the property and credit of the city upon its negotiable bonds or otherwise in an amount not exceeding in the aggregate two hundred thousand dollars.

(2) No such bonds, referred to in subsection (1) of this section, shall be issued by the city council until the question of issuing the same shall have been submitted to the electors of the city at an election called and held for that purpose, notice of which election shall have been given by publication once each week three successive weeks prior thereto in some legal

newspaper published in or of general circulation in such city, and ~~three-fifths~~ a majority of the electors voting on the proposition shall have voted in favor of issuing such bonds. The proposition shall not be submitted until after the appraisers referred to in section 76-710 have made their report fixing the amount of the damages for the property appropriated. If the proposition fails to carry, it shall be equivalent to a repeal of the ordinance authorizing the appropriation proceedings, and the city shall not be bound in any way on account of the appropriation proceedings referred to in section 16-601.

(3) When the bonds, referred to in subsections (1) and (2) of this section, are for the purpose of purchasing any system or portion of a system already in existence, it shall not be necessary for the city engineer to make or the city council to adopt any plans or specifications for the work already in existence, but only for proposed changes or additional work.

Sec. 13. That section 16-680, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-680. The mayor and council shall have power to borrow money and pledge the property and credit of the city upon its negotiable bonds or otherwise in an amount not exceeding in the aggregate four hundred thousand dollars for the purpose of constructing or aiding in the construction of a system of sewerage. They may borrow money and pledge the property and credit of the city upon its negotiable bonds or otherwise in any amount, not exceeding in the aggregate seven hundred fifty thousand dollars, for the purpose of constructing culverts and drains for the purpose of deepening, widening, straightening, walling, filling, covering, altering or changing the channel of any watercourse or any natural or artificial surface waterway or any creek, branch, ravine, ditch, draw, basin or part thereof flowing or extending through or being within the limits of the city and for the purpose of constructing artificial channels or covered drains sufficient to carry the water theretofore flowing in such watercourse and divert it from the natural channel and conduct the same through such artificial channel or covered drain and fill the old channel. They may borrow money and pledge the property and credit of the city upon its negotiable bonds or otherwise in an amount not exceeding in the aggregate two hundred and fifty thousand dollars for the purpose of constructing, maintaining, and operating a system of waterworks for the city. No such bonds shall be issued by the city council until the

question of issuing the same shall have been submitted to the electors of the city at an election called and held for that purpose, notice of which shall be given by publication in some newspaper published in the city at least thirty days before the date of the election, and fifty-five-per-cent a majority of the electors voting upon the proposition shall have voted in favor of issuing such bonds. When any such bonds shall have been issued by the city, they may levy annually upon all taxable property except intangible property of the city such tax as may be necessary for a sinking fund for the payment of the accruing interest upon the bonds and the principal thereof at maturity. They may provide for the office of sewer commissioner or water commissioner and prescribe the duties and powers of such offices.

Sec. 14. That section 17-529.08, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-529.08. (1) For the purpose of paying the costs and expenses in implementing the provisions of sections 17-529.01 and 17-529.02, cities of the second class and villages may borrow money or issue bonds in an amount not to exceed five per cent of the actual valuation of all the taxable property within such city or village, except intangible property, according to the last preceding assessment thereof.

(2) Such cities or villages may levy and collect a general tax, in the same manner as other municipal taxes are levied and collected, in an amount sufficient to pay the interest and principal of the bonds referred to in subsections (1) and (3) of this section, as the same mature, upon the assessed value of all the taxable property within such city or village, except intangible property, as shown upon the assessment roles, in addition to the sum authorized to be levied under section 17-506.

(3) No money shall be borrowed or bonds issued as referred to in subsections (1) and (2) of this section, unless the same shall have been authorized by three-fifths a majority of the legal votes cast for and against the proposition at an election held for that purpose, notice of which election shall have been given by publication in some newspaper published or of general circulation in such city or village for at least two weeks prior to the date of such election. The bonds shall be the bonds of such city or village, shall become due in not to exceed twenty years from their date of issue, and shall draw interest payable semiannually or

annually.

Sec. 15. That section 17-908, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-908. Before such city or village shall make any contract with any person or corporation relating in any manner whatever to the erection of such proposed plant, the question as to whether such plant shall be erected shall be duly submitted to the electors voting at any regular or special election upon the proposition, and such city of the second class or village may by **sixty-per-cent a majority** of the votes cast at such election vote bonds in an amount not in excess of seven per cent of the actual valuation of such city or village for the purpose of defraying the cost of such plant. The question of issuing such bonds shall be submitted to the electors at an election held for that purpose after not less than thirty days' notice thereof shall have been given by publication in some newspaper of general circulation in such city or village, or if no newspaper is published therein then by posting at five or more public places therein for at least thirty days before such election. Such bonds shall bear interest, payable annually or semiannually, and shall be payable any time the city or village may determine at the time of their issuance but in not more than twenty years after their issuance; Provided, such city or village shall have the option of paying any or all of such bonds at any time after five years from their date.

Sec. 16. That section 17-911, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-911. Such cities or villages in contemplating the erection of such a plant may vote joint bonds in an amount not in excess of seven per cent of the valuation of such cities or villages for the purpose of defraying the cost of such plant. The question of issuing such joint bonds for the purpose contemplated shall be submitted to the electors of the respective cities or villages interested at an election held for that purpose in each of such cities or villages after notice thereof for not less than twenty days shall have been given by publication in the manner provided in section 17-908. Such bonds may be issued only when a **sixty-per-cent** majority of the electors in each of the cities or villages interested and voting on the question favor their issuance. If in any one of such cities or villages voting on such question a **sixty-per-cent**

majority of the electors voting in such city or village shall fail to favor the issuance of such joint bonds then the entire election in all of the cities or villages voting shall be deemed void and of no effect. Such joint bonds shall bear interest payable annually or semiannually, and shall be payable any time the cities or villages may determine at the time of their issuance, but in not more than twenty years after their issuance, with the option of paying any or all of such bonds at any time after five years from their date.

Sec. 17. That section 17-939, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-939. The mayor and council of any such city of the second class or the board of trustees of any such village are hereby authorized to issue bonds in a sum not exceeding ten thousand dollars for the purpose of acquiring title by purchase or by virtue of eminent domain to land now used for cemetery purposes and that may be hereafter acquired for any necessary addition to any existing cemetery; Provided, no such bonds shall be issued until the question of issuing the same shall be submitted to the electors of any such city or village at a general election thereof, or at a special election called for the purpose of submitting the proposition of issuing such bonds, and unless at such election ~~three-fifths~~ a majority of the electors voting on said proposition shall have voted in favor of issuing such bonds. Such bonds shall be payable in not exceeding ten years from date and shall bear interest payable annually or semiannually. Notice of such election shall be given by publication in a legal newspaper published or of general circulation in said city or village for four successive weeks, the final publication to be not more than ten days prior to the date of such election, as therein specified. The said election shall be governed, insofar as applicable, by the laws of this state governing general elections.

Sec. 18. That section 17-950, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-950. The mayor and council of any such city, or the board of trustees of any such village, are hereby authorized to issue bonds, in a sum not exceeding fifty thousand dollars, or three per cent of the assessed valuation, whichever be the greater, for the purpose of acquiring title to real estate, as contemplated by sections 17-948 and 17-949, and for the purpose of

improving, equipping, and furnishing such real estate as parks and recreational grounds and for the purpose of building swimming pools and dams; Provided, no such bonds shall be issued until the question of issuing the same shall have been submitted to the electors of such city or village at a general election therein, or at a special election called for the purpose of submitting a proposition to issue such bonds, and unless at such election three-fifths a majority of the electors voting shall have voted in favor of issuing such bonds. The question of bond issues in such cities and villages, when defeated, shall not be resubmitted in substance for a period of six months from and after the date of said election. Such bonds shall be payable in not exceeding twenty years from their date, and shall bear interest payable annually or semiannually.

Sec. 19. That section 17-958, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-958. The question of issuing bonds for any of the purposes herein contemplated shall be submitted to the electors at any election held for that purpose, after not less than thirty days' notice thereof shall have been given by publication in some legal newspaper published in and of general circulation in such municipality, or if no legal newspaper is published therein, then by publication in some legal newspaper published in the county wherein said city or village is located. Such bonds may be issued only when sixty--per cent a majority of the electors voting on the question favor their issuance. They shall bear interest, payable annually or semiannually, and shall be payable any time the municipality may determine at the time of their issuance, but in not more than twenty years after their issuance. The aggregate amount of bonds that may be issued for the construction or purchase of a cold storage or refrigeration plant shall not exceed five per cent of the actual valuation of all the property in said city or village subject to taxation.

Sec. 20. That section 17-963, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-963. (1) The mayor and council of such city or the chairman and board of trustees of such village, as the case may be, adopting the proposition to accept such gift or devise, make such purchase, erect such building or buildings or to maintain, manage, improve, remodel, equip, and operate a municipal hospital,

medical clinic, or nursing home shall have the power to borrow money and pledge the property and credit of the city or village upon its municipal bonds, or otherwise, for such purpose or purposes; Provided, no such bonds shall be issued until after the same have been authorized by a three-fifths majority vote of the electors voting on the proposition of their issuance at a general municipal election or at a special election called for the submission of such proposition.

(2) The bonds, mentioned in subsection (1) of this section, shall be payable in not to exceed twenty years from date and shall bear interest payable annually or semiannually. Notice of the time and place of said election shall be given by publication three successive weeks prior thereto in some legal newspaper printed in and of general circulation in such city or village or, if no newspaper is printed in such city or village, in a newspaper of general circulation in such city or village.

(3) No election, referred to in subsection (1) or (2) of this section, shall be called until a petition therefor, signed by at least ten per cent of the legal voters of such city or village, has been presented to the council or to the board of trustees. The number of voters of said city or village voting for the office of Governor at the last general election prior to the presenting of such petition shall be deemed the number of voters in said city or village for the purpose of determining the sufficiency of such a petition. If such a bond issue in such a city or village is defeated, the proposition of issuing bonds for such a purpose shall not be resubmitted to the voters therein within a period of six months from and after the date of such election.

Sec. 21. That section 17-967, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-967. Any city of the second class, or village, organized according to law, is hereby authorized to issue bonds in aid of improving municipal libraries of cities of the second class and villages, in an amount not exceeding two per cent of the assessed valuation of all the taxable property, except intangible property, as shown by the last assessment, within such city of the second class, or village, in the manner hereinafter directed, namely:

(1) A petition signed by not less than fifty freeholders of the city of the second class, or village,

shall be presented to the city council of cities of the second class, or board of trustees of villages. Said Such petition shall set forth the nature of the work contemplated, the amount of bonds sought to be voted, the rate of interest, and the length of time said such bonds shall run, which in no event shall be less than five years nor more than twenty years from the date thereof. The petitioners shall give bond, to be approved by the city council of cities of the second class, or board of trustees of villages, for the payment of the expenses of the election, in the event that the proposition shall fail to receive fifty-five-per-cent a majority of the votes cast at said such election;

(2) Upon the receipt of such petition the city council of cities of the second class, or board of trustees of villages shall give notice and call an election in the city of the second class, or village, as the case may be. Such notice, call, and election shall be governed by the laws regulating an election for voting bonds for such city or village; Provided, that when a proposition is submitted for the issuance of bonds for the acquisition of a site or the construction of a single building for the purpose of housing the municipal public library, in cities of the second class or villages, it shall be required, as a condition precedent to the issuance of such bonds, that fifty-five per-cent a majority of the votes cast shall be in favor of such proposition. Bonds in such a city shall not be issued for such purpose in the aggregate to exceed four per cent of the assessed valuation of all the taxable property in such a city, except intangible property, as shown by the last assessment within such city of the second class.

Sec. 22. That section 17-968, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-968. If fifty-five-per-cent a majority of the votes cast at such election shall be in favor of the proposition, the city council of cities of the second class, or board of trustees of villages shall, as the case may be, without delay, cause to be prepared and shall issue the bonds in accordance with the petition and notice of election; such bonds shall be signed by the mayor and city clerk of cities of the second class, chairman of the board of trustees and village clerk of villages, and be attested by the respective seals. The village clerk of villages, or city clerk of cities of the second class, as the case may be, shall enter upon the records of the council, the petition, bond, notice

and call for the election, canvass of the vote, the number, amount and interest, and the date at which each bond issued shall become payable; and shall also cause such bonds to be registered in the office of the Auditor of Public Accounts.

Sec. 23. That section 18-610, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-610. The original ordinance authorizing construction shall also give notice of an election to authorize issuance of bonds, for such amount as may be necessary to pay for such right-of-way and damages. Sixty-per-cent A majority of those voting shall be sufficient to carry authority to issue bonds, as herein provided for. A failure to approve the issue of bonds shall cancel all proceedings except that in that event the city shall pay the cost of survey and preparation of plans and specifications that have been filed, and may levy a tax for that purpose.

Sec. 24. That section 19-1403, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-1403. The question of issuing bonds, for any of the purposes mentioned in section 19-1401, shall be submitted to the electors at an election held for that purpose, after not less than thirty days' notice thereof shall have been given (1) by publication in some newspaper published and of general circulation in such municipality or, (2) if no newspaper is published therein, by posting in five or more public places therein. Such bonds may be issued only when sixty--per cent a majority of the electors voting on the question favor their issuance. They shall bear interest, payable annually or semiannually, and shall be payable at any time the municipality may determine at the time of their issuance, but in not more than twenty years after their issuance. The aggregate amount of bonds that may be issued for the construction or the purchase of a heating or lighting plant shall not exceed four per cent of the actual value of the assessed property; and for the construction or purchase of an ice plant shall not exceed one per cent of the actual value of the assessed property within such municipality, as shown by the last annual assessment. The council or board shall levy annually a sufficient tax to maintain, operate, and extend any system or plant, and to provide for the payment of the interest on, and principal of, any bonds that may have been or shall be issued as herein

provided.

Sec. 25. That section 23-129, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-129. If it appears that ~~two-thirds~~ a majority of the total number of votes cast upon the proposition at the election in which the proposition is submitted are in favor of the proposition, except the proposal for the tax as provided in section 39-1002 and the proposal for bonds as provided in section 23-343, which shall require a majority of votes cast upon the proposition at the election at which the proposition is submitted, and it also appears that the requirements of the law have been fully complied with, the same shall be entered at large by the county board upon the book containing the record of its proceedings, and it shall then have power to levy and collect the special tax in the same manner as other county taxes are collected. Propositions thus acted upon cannot be rescinded by the county board.

Sec. 26. That section 23-343.13, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 80, Eighty-second Legislature, First Session, 1971, be amended to read as follows:

23-343.13. (1) Any city or village may make a gift of money or property, including equipment, to the county in which such city or village is situated to aid and assist in the acquisition, construction, or maintenance of such facility or facilities as provided by section 23-343, or to a hospital district established pursuant to section 23-343.20 and in which such city or village is located. Any such gift shall be approved by three-fourths of all the members elected to the city council of the city or board of trustees of the village making such gift; Provided, that in order to enable any such city or village to make such gift of money to such county the city or village shall be empowered and authorized to borrow money, pledge the property and credit of the city or village, and issue its bonds to obtain money therefor in an amount not to exceed ten per cent of the assessed valuation of such city or village; and provided further, no such bonds shall be issued until after the same have been authorized by a ~~three-fifths~~ majority vote of the electors voting on the proposition of their issuance at a general municipal election or at a special election called for the submission of such proposition.

(2) Such bonds shall be payable in not to exceed twenty years from date and shall bear interest payable annually or semiannually. Notice of the time and place of said election shall be given by publication three successive weeks prior thereto in some legal newspaper printed in and of general circulation in such city or village or, if no newspaper is printed in such city or village, in a newspaper of general circulation in such city or village. No such election shall be called except upon a three-fourths vote of all the members elected to the city council of the city or board of trustees of the village, which three-fourths vote of the city council or board of trustees shall constitute the approval provided for in either subsection (1) or (2) of this section and either the city council or village board shall be required to make such gift, in the event the electors vote such bonds.

Sec. 27. That section 39-836, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-836. The question of issuing bonds shall be first submitted to the qualified electors of the county, township, precinct, city or village either at a special election called for that purpose or at a general election as provided in sections 39-837 to 39-841; and if three-fifths a majority of the votes cast at such election are in favor of the proposition to issue bonds, then such county, township, precinct, city or village, as the case may be, shall issue its bonds in such amounts as shall be specified in the notices of election, not exceeding ten per cent of the assessed valuation of such county, township, precinct, city or village, as shown by the last assessment prior to the vote authorizing the issuance of such bonds.

Sec. 28. That section 46-305, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-305. Upon the filing of the aforesaid data and certificates with the board of directors of the district, it shall be the duty of the board of directors and the other proper officers of the district to submit the proposed plan and project to the qualified electors of the district for their approval or rejection, at a general election or at a special election called for that purpose, the submission of proposition and all matters pertaining to such election to conform, including notice of election, as nearly as may be, and except as otherwise expressly provided in sections

46-301 to 46-315, to the provisions of law governing elections upon propositions for the issuance of bonds of the district. The report of the Department of Water Resources and all other data and information on file with the board of directors or the officers of the district shall be subject to inspection at all reasonable business hours by any elector of the district, or other interested persons, for the entire period during which notice of the election shall be published. Such question and proposition shall be thus submitted by ballots upon which shall appear, in a clear, fair, and concise manner, a statement of the nature and description of the proposed project, and, if such proposition includes the issuance of bonds of the district, there shall also appear upon the ballots a general description of such bonds, including principal amount, rate of interest and when payable, date of issuance, and date of maturity. At the bottom of the ballots substantially the following form shall appear:

FOR the adoption of the foregoing plan and project (and issuance of bonds of the district).

AGAINST the adoption of the foregoing plan and project (and the issuance of bonds of the district).

If ~~not-less-than-sixty-per-cent~~ a majority of the ballots cast on such proposition shall be in favor thereof the board of directors shall declare the same adopted, and the board of directors of the district shall proceed forthwith to put such plan and project into effect, including the issuance of bonds of the district if included in the proposition submitted at the election as aforesaid, the levy and collection of taxes and assessments to pay such bonds and interest thereon, and the execution of all contracts proper or incident to the consummation of such plan and project.

Sec. 29. That section 46-309, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-309. No power conferred upon the district under the provisions of sections 46-301 to 46-315 shall be exercised if in express conflict with the original plan or project submitted to the vote of the electors of the district under the provisions of sections 46-302 to 46-305, unless and until approved by the affirmative vote of ~~not-less-than-sixty-per-cent~~ a majority of the qualified electors of the district at any general election or at a special election called for the purpose. At such election the notice of the election,

conduct of the election and canvass of votes shall so far as practicable conform to the foregoing provisions for elections held for the purpose of the initial establishment or acquisition, by the district, of electric light and power plant, lines or systems.

Sec. 30. That original sections 2-3226, 10-404, 10-406, 10-407, 10-409, 10-410, 10-702, 12-1001, 14-365.07, 14-520, 14-907, 16-607, 16-680, 17-529.08, 17-908, 17-911, 17-939, 17-950, 17-958, 17-963, 17-967, 17-968, 18-610, 19-1403, 23-129, 39-836, 46-305, and 46-309, Reissue Revised Statutes of Nebraska, 1943, and section 23-343.13, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 80, Eighty-second Legislature, First Session, 1971, are repealed.