

LEGISLATIVE BILL 172

Approved by the Governor February 26, 1975

Introduced by Koch, 12

AN ACT to amend sections 16-503 and 17-110, Reissue Revised Statutes of Nebraska, 1943, and section 16-404, Revised Statutes Supplement, 1974, relating to cities; to clarify the voting power of the mayor; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 16-404, Revised Statutes Supplement, 1974, be amended to read as follows:

16-404. All ordinances and resolutions or orders for the appropriation or payment of money shall require for their passage or adoption the concurrence of a majority of all members elected to the council. The mayor ~~shall have the right to~~ may vote on any such matter when his vote shall be decisive ~~and the mayor shall, for the purpose of such vote, be deemed to be a member of the council.~~ Ordinances of a general or permanent nature shall be read by title on three different days unless three-fourths of the council vote to suspend this requirement, except that in a city having a commission form of government such requirement may be suspended by a two-thirds majority vote. In case such requirement shall be suspended, such ordinances shall be read by title or number and then moved for final passage. Three-fourths of the council may require a reading of any such ordinance in full before enactment under either procedure set out in this section, except that in a city having the commission form of government such reading may be required by a two-thirds majority vote. Ordinances shall contain no subject which shall not be clearly expressed in the title, and, except as provided in section 19-915, no ordinance or section thereof shall be revised or amended unless the new ordinance contains the entire ordinance or section as revised or amended, and the ordinance or section so amended shall be repealed; Provided, for an ordinance revising all the ordinances of the city, the only title necessary shall be An ordinance of the city of, revising all the ordinances of the city. Under such title all the ordinances may be revised in sections and chapters, or otherwise, and corrected, added to, and any part suppressed, and may be repealed with or without saving clause as to the whole or

any part, without other title.

Sec. 2. That section 16-503, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-503. On the passage or adoption of every resolution or order to enter into a contract, or accepting of work done under contract, by the mayor or council, the yeas and nays shall be called and entered upon the record. To pass or adopt any by-law, ordinance or any such resolution or order, a concurrence of a majority of the whole number of the members elected to the council shall be required. The mayor ~~shall have the right to~~ may vote on any such matter when his vote shall be decisive and the mayor shall, for the purpose of such vote, be deemed to be a member of the council.

Sec. 3. That section 17-110, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-110. The mayor shall preside at all meetings of the city council, and ~~shall have the right to~~ may vote when his vote shall be decisive on any pending matter, legislation, or transaction, and the mayor shall, for the purpose of such vote, be deemed to be a member of the council. He shall have superintendence and control of all the officers and affairs of the city, and shall take care that the ordinances of the city and all laws governing cities of the second class are complied with.

Sec. 4. That original sections 16-503 and 17-110, Reissue Revised Statutes of Nebraska, 1943, and section 16-404, Revised Statutes Supplement, 1974, are repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.