

LEGISLATIVE BILL 960

Approved by the Governor April 16, 1986

Introduced by Hartnett, 45

AN ACT relating to printing requirements; to amend sections 8-167, 8-213, 8-215, 8-408.01, 12-505, 12-701, 12-802, 17-511, 17-958, 17-971, 17-972, 19-922, 19-1103, 19-1303, 19-2203, 19-2404, 19-3316, 23-114.03, 23-318, 23-370, 23-1728, 31-309, 31-375, 31-909, 32-550, 32-708, 39-1502, 39-1503, 39-1513, 39-1724, 46-1,129, 46-229.03, 46-640, 51-216, 51-511, 66-436, 66-437, 72-410, 77-2206, 77-2804, 79-4,100, 79-810, and 79-1066, Reissue Revised Statutes of Nebraska, 1943; to provide for publication of certain notices in areas which do not publish newspapers as prescribed; to change numbering requirements of certain measures; to delete obsolete provisions; to repeal the original sections; and to declare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 8-167, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-167. Each report required by section 8-166 shall exhibit in detail and under appropriate headings the resources and liabilities of the bank at the close of business on any past day specified by the call for report, and shall be submitted to the department within thirty days, or as may be required by the department, after the receipt of requisition for the report. ~~therefor.~~ A summary of such report in the form prescribed by the department shall be published one time in a legal newspaper in the place where such bank is located. If, or if there is no legal newspaper in the place where the bank is located, then such summary shall be published in a legal newspaper published in the same county, or, if none is published in the county, in a legal newspaper of general circulation in the county. Such publication shall be at the expense of such bank. Proof of such publication shall be transmitted to the department within thirty days, or as may be required by the department, from the date fixed for such report.

Sec. 2. That section 8-213, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

8-213. In the case of national banks doing business as trust companies under authority of the Federal Reserve Act, and trust companies which upon insolvency are not liquidated by the Department of Banking and Finance, whether such banks and trust companies shall heretofore have become insolvent or shall hereafter become insolvent, upon the insolvency of any such bank or trust company and the appointment of a receiver, trustee in bankruptcy, or other liquidating agent, ~~therefor~~, the department shall turn over to such receiver, trustee in bankruptcy, or other liquidating agent, any such cash or securities deposited with it by ~~said the~~ bank or trust company upon proper showing, as follows:

(1) That all trust liabilities aforesaid known to ~~said the~~ receiver, trustee in bankruptcy, or other liquidating agent, and reasonably ascertainable from the records of ~~said such~~ bank or trust company have been discharged;

(2) That notice has been given for three successive weeks in some legal newspaper published in the county or, if none is published in the county, in a legal newspaper of general circulation in the county in which the principal place of business of such bank or trust company is located that all claims for ~~said such~~ trust liabilities shall be filed with such receiver, referee in bankruptcy, or other liquidating agent within thirty days; and

(3) That after such notice, and after such period has elapsed, all such claims, if any, have been discharged.

In the case of national banks the notice provided for in United States Code ~~title Title~~ 12, section 193, and in the case of trust companies liquidated in bankruptcy court, the notice provided for in United States Code ~~title Title~~ 11, section 94 (b), shall be sufficient without further notice being given and shall be in lieu of the notice ~~herein~~ required.

Sec. 3. That section 8-215, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-215. Any trust company doing business in this state, upon liquidating its business and affairs for reasons other than insolvency, may have such deposit returned to it upon satisfying the Department of Banking and Finance that it has been lawfully relieved of all its duties and obligations as assignee, receiver, or

trustee, either by appointment of court or under will, and for depository of money in court, after first having published notice three successive weeks in some legal newspaper published in the county or, if none is published in the county, in a legal newspaper of general circulation in the county in which the principal place of business of such company is located that all claims against such deposit, whether absolute or contingent, must be filed with ~~said~~ such department by a day certain, not less than thirty days after the last publication of such notice.

Sec. 4. That section 8-408.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-408.01. Each licensee shall make to the department a report which shall exhibit, in detail and under proper headings, the resources and liabilities of the industrial loan and investment company at the close of business on December 31 of each year, and at such other times as required by the department, but not to exceed one report each three months. Such and shall submit such report shall be submitted within thirty days from receipt of requisition for such report. ~~therefor.~~ The report shall be certified under oath as correct by its president or secretary, and shall be made on forms prescribed by the department. A summary of such report in the form prescribed by the department shall be published one time in a legal newspaper where the industrial loan and investment company is located or, if none is published in such location, in a legal newspaper published or of general circulation in the county in the place where the industrial loan and investment company is located, at its expense. Proof and proof of publication shall be transmitted to the department within fifty days of the date fixed for such report.

Sec. 5. That section 12-505, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

12-505. (1) If the purchase price, or any portion thereof, of any lot or subdivision of a lot shall remain unpaid for three years or more, or if the general assessments, annual care assessments, or other levies or charges made by such association shall remain unpaid on any lot or subdivision of a lot for three years or more, such association shall have authority to sell the unused portion of such lot or fractional part thereof as though the original title remained in such association, proceeding under the general bylaws of the association. Such and ~~PROVIDED,~~ such association shall

distinctly mark and set off the used portion of any such lot or subdivision ~~and thereof~~; AND PROVIDED FURTHER, ~~such association~~ shall give notice of its intention ~~to~~ sell such lot or subdivision. Such thereof, said notice ~~to~~ shall be in writing and served personally upon the owner ~~or owners~~ of such lot, or subdivision, ~~thereof~~, not less than sixty days before such lot or subdivision shall be held for sale, and proof thereof filed and recorded in the office of the register of deeds. If ~~in the event it shall be is~~ impossible to serve such notice personally, ~~then notice thereof~~ shall be given by publication in a legal newspaper published in the county where the cemetery is located, or if none is published in such county in a legal newspaper of general circulation in the county where the cemetery is located, for three successive weeks. The ~~the~~ last publication ~~to~~ shall be not less than sixty days before such lot or subdivision shall be offered for sale. Proof ~~proof~~ of publication ~~to~~ shall be filed and recorded in the office of the register of deeds, together with the affidavit of the secretary of the association showing that diligent effort has been made to locate the owner ~~or owners~~ and that personal notice cannot be given to such owner. The or owners. ~~Such~~ association may purchase any such lot or subdivision ~~thereof~~ sold pursuant to this subsection.

(2) When there has been no burial in any such lot or subdivision ~~thereof~~ and no payment of annual assessments for a period of twenty years, the association may reclaim the unused portion of such lot or subdivision after publishing notice of its intention to do so. Such notice shall be published once each week for four weeks in a legal newspaper of general circulation throughout the county in which the cemetery is located, shall describe the lot or ~~lots~~, subdivision ~~or subdivisions~~ proposed to be reclaimed, and shall be addressed to the person in whose name such portion stands of record, or if there ~~be is~~ no owner of record, ~~then~~ to all persons claiming any interest ~~therein~~. If no person appears to claim such lot or ~~lots~~, subdivision ~~or subdivisions~~, and pay all delinquent assessments with interest within fifteen days after the last date of such publication, the association may by ~~such~~ resolution reclaim such lot or ~~lots~~, subdivision, ~~or subdivisions~~. Such reclamation shall be complete upon a filing of a verified copy of such resolution, together with proof of publication, in the office of the register of deeds.

Sec. 6. That section 12-701, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

12-701. (1) The ownership of or right in or to an unoccupied cemetery lot, or part of a lot, lots, or parts of lots, in any cemetery in the state shall, upon abandonment, revert to the city, village, township, or cemetery association having the ownership and charge of the cemetery containing such lot, or part of a lot, lots, or parts of lots. The continued failure to maintain or care for a cemetery lot, or part of a lot, lots, or parts of lots, for a period of ten years, shall create and establish a presumption that the same has been abandoned. Abandonment shall not be deemed complete unless, after such period of ten years, there shall be have been given by the reversionary owner to the owner of record or, if he or she be deceased or his or her whereabouts unknown, to the heirs of such deceased person, as far as they are known or can be ascertained with the exercise of reasonable diligence, or to one or more of the near relatives of such owner of record, whose whereabouts are unknown, notice declaring the lot, or part of a lot, lots, or parts of lots to be abandoned. This notice shall be served as is provided for by subsection (2) of this section.

(2) The notice, referred to in subsection (1) of this section, may be served personally upon the owner or his or her heirs or near relatives or may be served by the mailing of the notice by either registered or certified mail to the owner, or to his or her heirs or near relatives, as the case may be, to his, her, or their last-known address or addresses. In the event that the address or addresses of the owner, and his or her heirs, and near relatives are unknown, or cannot be found with reasonable diligence, the notice of such abandonment shall be given by publishing the same one time in a legal newspaper published in and of general circulation in the county or, if none is published in the county, in a legal newspaper of general circulation in the county in which said the cemetery is located.

Sec. 7. That section 12-802, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

12-802. The notice shall state the legal description of such burial lot, the property located thereon on such lot which is claimed to be so unsightly, dilapidated, or decayed, and that if the said property is not repaired or removed, within thirty days after such notice is given, that the trustees will proceed to either repair or remove the same. The notice may shall be given to, served upon, or sent by registered mail to

the owner ~~or owners~~ of record, ~~or one of them~~. If the owner ~~or owners~~ of record ~~is~~ are deceased, or his, ~~or her or their~~ whereabouts are unknown, ~~said such~~ notice ~~may shall~~ be given to, served upon, or sent by registered mail to any one of the next of kin of the owner ~~or one of the owners~~ of record of ~~said such~~ lot. In the event that neither an owner of record nor any one of the next of kin of an owner of record of ~~said such~~ lot can be found, the ~~said~~ notice may be given by publishing the same one time in a legal newspaper published in and of general circulation in the county in which ~~said the~~ cemetery is located, ~~or, if none is published in such county, in a legal newspaper of general circulation in the county in which the cemetery is located.~~ Such ~~said~~ notice ~~to shall~~ be addressed to the ~~recorded record~~ owner and to all persons having or claiming any interest in or to the burial lot, which shall be set forth in ~~said such~~ notice by its legal description. The notice shall date from the date of the delivery or service of ~~said such~~ notice, the date of mailing ~~said such~~ notice by registered mail, or the date of ~~said the~~ publication in ~~said the~~ newspaper.

Sec. 8. That section 17-511, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-511. Whenever the governing body ~~shall deem deems~~ it necessary to make any of the improvements named in section 17-509, ~~said such~~ governing body shall by ordinance create a paving, graveling, or other improvement district ~~or districts~~, and, after the passage, approval, and publication of such ordinance, shall publish notice of the creation of any such district ~~or districts~~ for six days in a legal newspaper of the city or village, if ~~it is~~ a daily newspaper, or for two consecutive weeks, if ~~it is the same be~~ a weekly newspaper. ~~If no legal newspaper is published in the city or village, the publication shall be in a legal newspaper of general circulation in the city or village.~~ If the owners of the record title representing more than fifty per cent of the front footage of the property directly abutting on the street, ~~streets~~, or alley, or ~~alleys~~ to be improved, shall file with the city clerk or the village clerk within twenty days after the first publication of ~~said such~~ notice, written objections to the creation of such district, ~~such or districts~~, ~~said~~ improvement shall not be made as provided in ~~said such~~ ordinance, ~~or~~ but ~~said such~~ ordinance shall be repealed. If ~~said~~ objections are not filed against the district in the time and manner ~~aforsaid~~ prescribed in this

section, the governing body shall ~~forthwith~~ immediately cause such work to be done or such improvement to be made, ~~and~~ shall contract therefor, and shall levy assessments on the lots and parcels of land abutting on or adjacent to such street, ~~streets,~~ or alley, ~~or alleys~~ especially benefited thereby in such district in proportion to such benefits, to pay the cost of such improvement.

Sec. 9. 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 purpose 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 such city or village is located. If there is no legal newspaper published in the county wherein such city or village is located, the publication shall be in a legal newspaper of general circulation in the county. Such bonds may be issued only when 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~~ such city or village subject to taxation.

Sec. 10. That section 17-971, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-971. Whenever the governing body ~~shall~~ deem ~~deems~~ it necessary or desirable to make improvements in a water service district, it shall by ordinance create such water service district and, after the passage, approval, and publication of such ordinance, shall publish notice of the creation of such district for two consecutive weeks in a legal newspaper of the city or village. If no legal newspaper is published in the city or village, the notice shall be placed in a legal newspaper of general circulation in the city or village. If a majority of the resident

owners of the property directly abutting upon any water main to be constructed within such water service district shall file with the city clerk or the village clerk within twenty days after the first publication of such notice, written objections to the creation of such district, ~~or districts~~, such improvement shall not be made as provided in such ordinance, but such ordinance shall be repealed. If such objections are not so filed against the district, the governing body shall ~~forthwith~~ immediately cause such work to be done or such improvement to be made, shall contract therefor, and shall levy assessments on the lots and parcels of land within such district or districts specially benefited ~~thereby~~ in proportion to such benefits in order to pay the cost of such improvement.

Sec. 11. That section 17-972, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-972. If any property owner shall neglect or fail, for ten days after notice either by personal service or by publication in a legal newspaper ~~of the city or village in the manner prescribed in section 17-971~~, to comply with the regulations adopted pursuant to section 17-970, or to make any required connections, the governing body may cause the same to be done and assess the cost ~~thereof~~ against the property and collect the same in the manner provided for other special taxes.

Sec. 12. That section 19-922, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-922. The legislative body of any first or second-class city or any village may after public hearing adopt by ordinance, which shall have the force and effect of law, the conditions, provisions, limitations, and terms of a building code, a plumbing code, an electrical code, a fire prevention code, or any other code relating to building or relating to the erection, construction, reconstruction, alteration, repair, conversion, maintenance, placing, or using of any building, structure, automobile trailer, house trailer, or cabin trailer. The , if the local legislative body shall, before such ordinance takes effect, cause such ordinance setting forth the code to be published one time in book or pamphlet form or in a legal newspaper published in and of general circulation in the municipality or, if none is published in the municipality, in a legal newspaper of general circulation in the municipality. The legislative body may by ordinance, which shall have the force and effect

of law, amend such code so adopted. For this purpose, the local legislative body may adopt any standard code which contains rules or regulations printed as a code in book or pamphlet form, by reference to such code, or portions thereof, alone without setting forth in such ordinance the conditions, provisions, limitations, or terms of such code. When such code or any such standard code, or portion thereof, shall be incorporated by reference into any ordinance, as aforesaid pursuant to this section, it shall have the same force and effect as though it has been spread at large in such ordinance, without further or additional publication ~~thereof~~. Not less than three copies of such code or such standard code, or portion thereof, shall be filed for use and examination by the public in the office of the clerk of such municipality prior to ~~its the adoption thereof~~. The adoption of any such standard code by reference shall be construed to incorporate such amendments ~~thereof~~ as may be made ~~therein~~ from time to time; if three copies of such standard code so filed shall be at all times kept current in the office of the clerk of the municipality. Any code adopted and approved by the local legislative body as provided in this section, and the building permit requirements or occupancy permit requirements imposed by any such code or by section 19-913, shall apply to all of the city or village, and within the unincorporated area where a city or village has been granted zoning jurisdiction and is exercising such jurisdiction.

Sec. 13. That section 19-1103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-1103. Publication under sections 19-1101 and 19-1102 shall be made in one legal newspaper of general circulation in said such village or city. If no legal newspaper ~~is be~~ published in ~~said the~~ village or city, then such publication shall be made in one legal newspaper published or of general circulation within the county in which such village or city is located. The cost of ~~said~~ publication shall be paid out of the general funds of said such village or city.

Sec. 14. That section 19-1303, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-1303. Before any sinking fund or funds shall be established, or before any annual tax shall be levied for a one or more planned municipal improvements improvement mentioned in section 19-1302, by any such city or village, its local governing body shall declare

its purpose by resolution to submit to the qualified electors of said the city or village at the next general municipal election to be held therein the proposition to provide said such city or village with the specific municipal improvement or improvements planned for consummation under the provisions of sections 19-1301 to 19-1304. Such resolution of submission shall, among other things, set forth a clear description of the improvement or improvements planned, thereunder, the estimated cost thereof according to the prevailing costs, the amount of annual levy over a definite period of years, not exceeding ten years, required to provide said such cost, and the specific name or designation for the sinking fund sought to be established to carry out said the planned improvement, together with a statement of said the proposition for placement upon the ballot at said such election. Notice of the submission of said the proposition, together with a copy of the official ballot containing the same, shall be published in its entirety three successive weeks before the day of said the election in a legal newspaper published in said the municipality, or, if no legal newspaper be is published therein, then in some legal newspaper published in the county in which said such city or village is located and of general circulation. If no legal newspaper is published in the county, such notice shall be published in some legal newspaper of general circulation in the county in which the municipality is located. No therein; PROVIDED, no such sinking fund shall be established unless the same shall have been authorized by a majority or more of the legal votes of such city or village cast for or against said the proposition. If less than a majority of said the legal votes favor the establishment of said the sinking fund, said the planned improvement shall not be made, no annual tax shall be levied therefor, and no sinking fund or sinking funds shall be established in connection therewith, but said such resolution of submission shall forthwith immediately be repealed. If said the proposition shall carry at said such election in the manner aforesaid prescribed in this section, the local governing body and its successors in office shall proceed to do all things authorized under said such resolution of submission but never inconsistent with the provisions of said sections 19-1301 to 19-1304. Provisions of the statutes of this state relating to election of officers, voting places, election apparatus and blanks, preparation and form of ballots, information to voters, delivery of ballots, conduct of elections, manner of voting, counting of

votes, records and certificates of elections, and recounts of votes, so far as applicable, shall apply to voting on the proposition ~~or propositions~~ under the ~~provisions~~ of this section.

Sec. 15. That section 19-2203, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-2203. If it shall appear to the judge of the district court that such application is properly filed, he or she shall ~~thereupon~~ make an order directing all persons owning real estate or having an interest in real estate situated in such part of such city or village, giving the name of the plat ~~or plats~~ as ~~same~~ are recorded as well as a general description of the territory affected by the proposed correction and reestablishment of corporate limits, to appear before him or her at a time and place ~~therein~~ to be specified, not less than four and not more than ten weeks from the time of making such order, to show cause why a decree correcting and reestablishing the corporate limits of such city or village should not be entered. The notice of such order to show cause shall be made by publication in a legal newspaper published in such city or village, if there ~~be is~~ any printed in such city or village; and, if there ~~be is~~ not, in some legal newspaper printed in the county having general circulation in such city or village. If no legal newspaper is printed in the county, such notice shall be published in a legal newspaper having general circulation in such city or village. The notice ~~must shall~~ be published four consecutive weeks in such newspaper and ~~must shall~~ contain a summary statement of the object and prayer of the application, mention the court where it is filed, and notify the persons interested when they are required to appear and show cause why such decree should not be entered.

Sec. 16. That section 19-2404, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-2404. The assessment of special taxes for sanitary sewer extension mains or water extension mains so provided for and constructed shall be levied at one time and shall become delinquent in equal annual installments over a period of years of not less than four years and not more than ten years as the mayor and council or chairperson and board of trustees may determine at the time of making the levy. The first installment shall become delinquent fifty days after the making of such levy. Subsequent installments shall

become delinquent on the anniversary date of the levy. Each of ~~said~~ such installments, except the first, shall draw interest at the rate set by the city council or board of trustees, as the case may be, from the time of such levy until they shall become delinquent. ~~After such installments~~ ; ~~and after the same~~ become delinquent, interest at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, shall be paid thereon until the same are collected and paid. Such special taxes shall be collected and enforced as in the case of general municipal taxes and shall be a lien on ~~said~~ such real estate from and after the date of the levy. ~~If thereof~~ ~~Should there be~~ three or more of such installments become delinquent and unpaid on the same property, the mayor and city council or the chairperson and board of trustees, as the case may be, may by resolution declare all future installments on such delinquent property to be due on a future fixed date. The resolution shall set forth the description of the property and the ~~names~~ name of its record title ~~owners~~ owner and shall provide that all future installments shall become delinquent upon the date fixed. A copy of such resolution shall be published one time in a legal newspaper of general circulation published in the municipality or, if none is published in such municipality, in a legal newspaper of general circulation in the municipality. ~~After and after~~ the fixed date such future installments shall be deemed to be delinquent and the municipality may proceed to enforce and collect the total amount due including all future installments.

Sec. 17. That section 19-3316, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-3316. Special assessments levied pursuant to section 19-3315 shall become due in fifty days after the date of such levy and shall become delinquent in one or more installments over a period of not to exceed twenty years, in such manner as the mayor and city council shall determine at the time of making the levy. The first installment may become delinquent in fifty days after the date of levy if so specified by the mayor and the city council. Each of such installments shall draw interest before due date of not more than the rate of interest specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, and after delinquency at the rate specified in section 45-104.01, as such rate may from time to time be

adjusted by the Legislature, as the mayor and city council shall determine at the time the levy shall be made, ~~except~~ ; ~~PROVIDED~~; that any installment may be paid within fifty days of the date of such levy without interest being charged thereon. ~~Should there be~~ if three or more of such installments become delinquent and unpaid on the same property, the mayor and city council may by resolution declare all future installments on such delinquent property to be due on a future fixed date. The resolution shall set forth the description of the property and the name of its record title owner and shall provide that all future installments shall become delinquent upon such fixed date. A copy of such resolution shall be published one time each week for not less than twenty days in a legal newspaper of general circulation published in the city or, if none is published in the city, a legal newspaper of general circulation in such city. ~~After and after~~ the fixed date such future installments shall be deemed to be delinquent and the city may proceed to enforce and collect the total amount due and all future installments. Except as otherwise provided, all special assessments levied under section 19-3315 shall be liens on the property and shall be certified for collection and be collected in the same manner as special assessments made for improvements in street improvement districts in the city are collected.

Sec. 18. That section 23-114.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-114.03. Zoning regulations shall be adopted or amended by the county board only after the adoption of the county comprehensive development plan by the county board and the receipt of the planning commission's specific recommendations. Such zoning regulations shall be consistent with the comprehensive development plan and designed for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Nebraska, including, among others, such specific purposes as:

- (1) Developing both urban and nonurban areas;
- (2) Lessening congestion in the streets or roads;
- (3) Reducing the waste of excessive amounts of roads;
- (4) Securing safety from fire and other dangers;
- (5) Lessening or avoiding the hazards to

persons and damage to property resulting from the accumulation or runoff of storm or flood waters;

(6) Providing adequate light and air;

(7) Preventing excessive concentration of population and excessive and wasteful scattering of population or settlement;

(8) Promoting such distribution of population, such classification of land uses, and such distribution of land development as will assure adequate provisions for transportation, water flowage, water supply, drainage, sanitation, recreation, soil fertility, food supply, and other public requirements;

(9) Protecting the tax base;

(10) Protecting property against blight and depreciation;

(11) Securing economy in governmental expenditures;

(12) Fostering the state's agriculture, recreation, and other industries;

(13) Encouraging the most appropriate use of land in the county; and

(14) Preserving, protecting, and enhancing historic buildings, places, and districts.

Within the area of jurisdiction and powers established by section 23-114, the county board may divide the county into districts of such number, shape, and area as may be best suited to carry out the purposes of this section and regulate, restrict, or prohibit the erection, construction, reconstruction, alteration, or use of nonfarm buildings, or structures, and the use, conditions of use, or occupancy of land. All such regulations shall be uniform for each class or kind of land or buildings throughout each district, but the regulations in one district may differ from those in other districts. An official map or maps indicating the districts and regulations shall be adopted, and within fifteen days after adoption of such regulations or maps, they shall be published in book or pamphlet form or once in a legal newspaper published here in and of general circulation in the county or, if none is published in the county, in a legal newspaper of general circulation in the county. Such regulations shall also be spread in the minutes of the proceedings of the county board and such map or maps filed with the county clerk. Nonfarm buildings are all buildings except those buildings utilized for agricultural purposes on a farmstead of twenty acres or more which produces one thousand dollars or more of farm products each year.

Sec. 19. That section 23-318, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

23-318. Within ten days after said such work has been completed and approved by the board, the board shall cause a notice to all persons whose lands are benefited by said such improvement to be published for three successive weeks in a legal newspaper published and of general circulation in said such county; fixing or, if no legal newspaper is published in the county, in a legal newspaper of general circulation in the county. Such notice shall fix the time, not more than sixty days from the date of the completion and approval of said the work, within which owners of real estate benefited may pay the entire amount assessed against the respective parcels of land benefited; and stating shall state that unless the amount is paid within said such time, bonds will be issued for the payment of the special benefits assessed as hereinafter provided.

Sec. 20. That section 23-370, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-370. The county may set up an improvement district as provided in section 23-369 by resolution of the county board and after the passage, approval, and publication of such resolution shall publish notice of the creation of such street improvement district or districts for two consecutive weeks in a legal newspaper published in and of general circulation in such county or, if none is published in the county, in a legal newspaper of general circulation in such county. If a majority of the owners of record title of the property directly abutting on the street or streets improved shall file with the county clerk within twenty days after the first publication of said such notice, written objections to the creation of such district or districts, said the improvements shall not be made, as provided in said such resolution, but said such resolution shall be repealed.

Sec. 21. That section 23-1728, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1728. (1) The commission shall prepare and hold open competitive examinations in order to test the relative fitness of all applicants for appointment to the classified service. At least two weeks' notice shall be given of all such examinations by publication at least once in a legal newspaper published and of general circulation in the county or, if none is published in the county, in a legal newspaper of general

circulation in the county.

(2) The commission shall cause to be kept records of the service of each employee, in the classified service, known as service records. These records shall contain facts and statements on all matters relating to the character and quality of the work done and the attitude of the individual toward his or her work. All such service records and employee records shall be subject only to the inspection of the commission.

Sec. 22. That section 31-309, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

31-309. The board of supervisors shall, immediately after its election, choose one of its number ~~chairman~~, chairperson and another secretary. The board may adopt a seal, with a suitable device, and shall keep a record of all its proceedings, open to the inspection of all owners of real estate in the drainage district. At each annual meeting the board shall make a report of what work has been done, and shall annually publish a statement of its receipts and expenditures, in a legal newspaper printed, published, and of general circulation in the county in which the district was organized or, if none is printed and published in the county, in a legal newspaper of general circulation in such county where the district was organized. The supervisors shall receive two dollars per day compensation for time actually employed in the business of the district, not exceeding eighty dollars each per year, but reasonable allowance shall be made for necessary clerical work and assistance, and the secretary shall receive for his or her services such compensation as the board of supervisors may agree upon, payable out of the district drainage fund. The board of supervisors may employ an attorney to act for the district and to advise the board.

Sec. 23. That section 31-375, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

31-375. There being no outstanding indebtedness, the board of supervisors of any drainage district organized under ~~the provisions of sections 31-301 to 31-305~~ may, on its own motion, or on the filing of a written request in writing, filed with them, signed by fifteen electors of the district, order an election to be held to vote on the question of the dissolution of any such district. The secretary of any such drainage district shall file a certified copy of

said such action by the board with the clerk of the district court of the county wherein the original petition for the incorporation of any such drainage district was filed, whereupon the clerk of the district court shall call an election and give notice ~~thereof~~ to all persons interested in and owning land within said the drainage district three successive weeks next preceding the election in a legal newspaper printed and published in the county wherein the district was originally incorporated. If no legal newspaper is printed and published in such county, such notice shall be placed in a legal newspaper of general circulation in the county wherein the district was originally incorporated. It shall be sufficient if the notice of such election shall be directed to all persons interested in the drainage district, identifying the same as it is referred to in the original petition for incorporation. The notice shall specify the day, hour, and place at which the election shall be held. The 7 and the election shall be held in some public place in the county in which the district was organized. At such election every acre of land shall represent one share, and each owner shall be entitled to one vote for every acre of land owned by him or her in such district. If at the election a majority of the votes cast shall favor the dissolution, then such district shall stand dissolved, and the clerk of the district court shall certify such result and dissolution to the county clerk of each county wherein any portion of the lands of said the drainage district ~~it~~ lies. When any drainage district is dissolved as provided in this section, any remaining funds of the district shall be distributed to the counties in which the district is situated in the same proportion as the area of the district in each county bears to the total area of the district, and shall be deposited in the general fund of the respective counties.

Sec. 24. That section 31-909, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

31-909. The ~~said~~ proposal shall be filed with the county clerk of ~~said the~~ county who shall set a hearing date ~~thereon~~ not less than thirty nor more than ninety days from date of filing. Notice of ~~said the~~ hearing shall be given by certified mail addressed to the address of each land or lot owner as shown on ~~said the~~ plat. The ~~said~~ notice shall give the date of hearing, the amount of benefits assessed against or damages awarded to the owner so notified, and a recital

that the plan for ~~said the~~ improvement is on file and subject to inspection in the office of ~~said the~~ clerk. If no address of a landowner is ascertainable, the county clerk shall publish a notice of ~~said the~~ hearing as to such owner by one publication in a legal newspaper published or of general circulation in ~~said such~~ county.

Sec. 25. That section 32-550, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-550. (1) The officer charged with the duty of canvassing results of the primary election within counties shall issue ~~certificates a~~ certificate of election to ~~the persons each person~~ each person elected ~~delegates~~ delegate to the county postprimary convention. Such officer shall notify each person elected of the time and place of the holding of the postprimary convention, which shall be held in the courthouse, or other suitable place at the county seat, anytime during the first seven days in June following the state primary election at an hour and place to be designated by the chairperson of the county central committee. The county central committee chairperson shall, after appropriate consultation with the central committee, certify the date, time, and location of the convention to the county clerk or election commissioner not later than the first Tuesday in May preceding the primary election. The respective county chairpersons shall cause to be published, at least fifteen days prior to the date of the county convention, an official notice of the date, time, and place of the convention in at least one legal newspaper published or of general circulation within the county.

(2) It shall be the duty of the officer referred to in subsection (1) of this section to deliver to the temporary secretary of each convention the roll, properly certified, showing the name and address of each delegate elected to such convention. Upon receipt of such roll, the convention shall proceed with its organization and the transaction of such business as shall properly come before it. It may elect a county chairperson, secretary, treasurer, and such other officials as it deems necessary. The authority reposed in delegates to the county convention, by reason of their election, shall be deemed personal in its nature, and no such delegate may, by power of attorney, proxy, or in any other way, authorize any person, in such delegate's name or on such delegate's behalf, to appear, at such county convention, cast ballots, therein, or participate in the organization or transaction of any

business of such county convention. In case of a vacancy in the elected delegates, such elected delegates present shall have the power to fill any vacancy from the qualified electors of a precinct in which the vacancy exists.

Sec. 26. That section 32-708, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-708. The Secretary of State, at the time he or she furnishes to the county clerks or election commissioners, as the case may be, of the several counties certified copies of the names of the candidates for state and other offices, shall furnish to each of the county clerks or election commissioners, as the case may be, his or her certified copy of the ballot titles and numbers of the several measures and initiative amendments to the constitution to be voted upon at the ensuing general election, and he or she shall use for each measure the ballot title designated in the manner provided by this section. Such ballot title shall in no case exceed one hundred words, and shall not resemble, so far as to be likely to create confusion, any such title previously filed for any measure to be submitted at that election. He The Secretary of State shall number such measures, and such ballot titles shall be printed on the separate official ballot from that on which the names of the candidates appear in the order in which the petitions by the people shall be filed in his or her office. Beginning with the 1986 general election, the The first measure shall be numbered ~~300~~ 400, and the succeeding measures shall be numbered consecutively ~~301, 302, 303, 304, 305~~ 401, 402, 403, 404, 405, and so on, ~~at each election.~~ It shall be the duty of the several county clerks or election commissioners to print such ballot title and numbers upon the separate official ballot in the order presented to them by the Secretary of State and the relative position required by this section. Measures referred by petition shall be designated Referendum ordered by Petition of the People. Measures proposed by initiative petition shall be designated and distinguished on the ballot by the heading Proposed by Initiative Petition.

Sec. 27. That section 39-1502, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1502. The county board, in a county having a population of less than eighteen thousand inhabitants and less than five commissioners, shall appoint and fix the salary of a county highway superintendent whenever a

petition for such appointment is signed by ten per cent of the legal voters in the county voting for Governor at the last general election and is filed with the county clerk. ~~If a~~ ~~;~~ ~~PROVIDED,~~ ~~that if~~ petition protesting such appointment is signed by ten per cent of the legal voters in the county and is filed with the county clerk within ninety days from the filing date of the petition for appointment, the county board shall submit the question to the electors. Within ten days from the filing of the petition for appointment, the county board shall publish notice that such petition has been filed, and such notice shall be published once a week for three consecutive weeks in a legal newspaper ~~of published in~~ the county or, if none is published in the county, in a legal newspaper of general circulation in the county. If no petition in protest is filed or if a majority of the votes cast are in favor of appointing a county highway superintendent, the county board shall appoint and fix the salary of such superintendent within six months from the filing of the petition for appointment or from the date of balloting as the case may be.

Sec. 28. That section 39-1503, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1503. It shall be the duty of the county board in commissioner type counties having a county highway superintendent and in township type counties having adopted a county road unit system to:

(1) Give notice to the public of the date set for public hearings upon the proposed county highway program of the county highway superintendent for the forthcoming year by publication once a week for three consecutive weeks in a legal newspaper of published in the county or, if none is published in the county, in a legal newspaper of general circulation in the county. The notice shall clearly state the purpose, time, and place of ~~said~~ such public hearings;

(2) Adopt a county highway annual program no later than March 1 of each year which shall include a schedule of construction, repair, and maintenance projects and the order of priority of such projects thereof to be undertaken and carried out by the county, and a list of equipment to be purchased and the priority of such purchases, thereof, within the limits of the estimated funds available during the next twelve months;

(3) Adopt standards to be applied in road and bridge repair, maintenance, and construction;

(4) Advertise for, and take and let bids for all or any portion of the county road work when letting

bids, ~~except~~ ~~;~~ ~~PROVIDED~~, that when the Department of Roads takes bids on behalf of the county, the county shall have authority to permit such bids to be taken and let at the offices of the Department of Roads, Lincoln, Nebraska; and

(5) Cause investigations, studies, and inspections to be made, hold public hearings, and do all other things necessary to carry out the duties imposed upon it by law.

Sec. 29. That section 39-1513, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1513. In the event of the filing with the county clerk ~~of~~ a petition signed by ten per cent of the qualified electors in the county, the board of county supervisors shall adopt the provisions of the county road unit system by resolution at the next regular meeting of ~~said~~ ~~the~~ ~~board~~. ~~The~~ ~~;~~ ~~PROVIDED~~, ~~that~~ ~~the~~ resolution shall be published once a week for three consecutive weeks in a legal newspaper published in the county or, if none is published in the county, in a legal newspaper of general circulation in ~~of~~ the county. ~~The~~ ~~;~~ ~~AND~~ ~~PROVIDED~~ ~~FURTHER~~, ~~that~~ adoption of the county unit plan shall take effect ninety days after the date of the first publication of the resolution providing for such adoption or any later date designated by the resolution, but not later than one year after the date of the first publication of the resolution unless before the effective date of adoption there is filed with the county clerk a petition signed by ten per cent of the qualified electors in the county protesting such adoption. In that ~~;~~ ~~in~~ ~~which~~ event, the board of county supervisors shall ~~is~~ ~~hereby~~ ~~required~~ ~~to~~ submit the question of a county road unit system to the electors of the respective counties.

Sec. 30. That section 39-1724, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1724. Upon receipt of the report, as provided in section 39-1722, the county board shall adopt a resolution fixing the time, date, and place for public hearing. Such resolution shall contain a clear and unambiguous description of the road to be vacated or abandoned. The county board shall cause such resolution to be published once a week for three consecutive weeks in a legal newspaper of published in the county or, if none is published in the county, in a legal newspaper of general circulation in the county. Whenever and whenever possible ~~the~~ ~~board~~ shall cause copies ~~thereof~~

to be served by either registered or certified mail upon the owners of land abutting on or adjacent to the road to be vacated or abandoned, and upon the planning and public works directors of a city of the metropolitan, primary, or first class when such road or any part thereof is within the area of the zoning jurisdiction of such city, by mailing the same to the last-known address of each owner not less than two weeks in advance of the hearing.

Sec. 31. That section 46-1,129, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-1,129. Notice of such election shall be given by posting notice ~~thereof~~ in three public places in each of the election precincts in the election district for at least twenty days and also by publication of such notice in some a legal newspaper published or of general circulation in the county where the office of the board of directors is kept, once each week for three consecutive weeks. Such notice shall specify the time and place of holding the election in such district, and shall contain a brief summary of the proposition involving the proposed conveyance.

Sec. 32. That section 46-229.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-229.03. (1) The notice shall contain the date and place of hearing, a description of the water appropriation, the number thereof upon the books and records of the department, the date of priority, the point of diversion, and a description of the lands which are located under such water appropriation. It shall call upon all persons interested in such water appropriation to show cause why all or part of the same should not be canceled and annulled. The notice shall be served personally or by certified mail at least thirty days before the date of hearing upon those owning or controlling the water appropriation and the ditch, canal, or reservoir for the purpose of using or storing water for any purpose ~~whatsoever~~, if they are known to the department to be the owners thereof and maintain an office within the State of Nebraska.

(2) If the persons, named in subsection (1) of this section, do not maintain an office within the State of Nebraska, then such notice shall be served by the publication ~~thereof~~ in some legal newspaper published or of general circulation in the county in which the place of diversion of such water appropriation is located, four consecutive weeks prior to the date of hearing, and

a copy of such notice shall further be personally served or sent by either registered or certified mail to all persons appearing from the records of the county clerk or register of deeds to be landowners under such appropriation.

Sec. 33. That section 46-640, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-640. Upon receipt of an application, the Director of Water Resources shall prepare a notice of his or her intent to proceed to make a determination whether a permit should be granted. The notice shall set forth a place and time, which shall not be less than thirty days after the date of the last publication of notice, when the director or his or her authorized assistant shall begin the taking of testimony in support of the application to withdraw ground water and transport it into the area to be served and the amount of the water withdrawal applied for. The director shall cause such notice to be published in a legal newspaper published or of general circulation in each county in which the well field or any part thereof is or will be located three successive weeks prior to the date of hearing. Publication; ~~publication~~ may be proved by affidavit of any person having knowledge of the fact, specifying the time when and the paper in which the publication was made, and that said such newspaper is a legal newspaper under the statutes of the State of Nebraska.

Sec. 34. That section 51-216, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

51-216. The library board may, by resolution, direct the sale and conveyance of any real estate owned by the library board or by the public library, which is not used for library purposes, or of any real estate so donated or devised to said the library board or to said the public library upon such terms as the library board may deem best. Before any such sale is made the library board shall advertise such sale for three weeks in a legal newspaper published or, if none is published, of general circulation in the city, village, township, or county in which the public library is situated, and such notice shall set out the time, place, terms, manner of sale, legal description of such real estate, and the right to reject any and all bids. If said such bid or bids have not been rejected, then said the real estate shall be sold to the highest bidder for cash, and the ~~chairman~~ chairperson of the library board, upon

resolution of the library board directing him or her so to do, shall convey ~~said~~ such real estate to the purchaser of ~~said~~ such real estate upon his or her payment of his or her bid. ~~If therefor, PROVIDED, that~~ if a remonstrance against such sale signed by thirty per cent of the electors of such city, village, township, or county voting at the last regular city, village, or county election ~~be is~~ filed with the governing body of such city, village, township, or county three or more days prior to the day set for sale, such property shall not then, nor within one year thereafter, be sold.

Sec. 35. That section 51-511, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

51-511. The museum board may, by resolution, direct the sale and conveyance of any real estate or other property owned by the museum board or by the museum, which is not used for museum purposes, or of any real estate or other property so donated or devised to ~~said~~ the museum board or to ~~said~~ the museum upon such terms as the museum board ~~may deem~~ deems best. Before any such sale is made the museum board shall advertise such sale for three weeks in a legal newspaper published or, if none is published, of general circulation in the city, village, county, or township in which the museum is situated, and such notice shall set out the time, place, terms, manner of sale, legal description of such real estate or other property, and the right to reject any and all bids. If ~~said~~ such bid or bids have not been rejected, then the real estate or other property shall be sold to the highest bidder for cash, and the president of the board, upon resolution of the museum board directing him or her so to do, shall convey the real estate or other property to the purchaser thereof upon his or her payment of his or her bid therefor. ~~If~~ PROVIDED, that if a remonstrance against such sale signed by thirty per cent of the electors of such city, village, county, or township voting at the last regular city, village, county, or township election ~~be is~~ filed with the governing body of such city, village, county, or township three or more days prior to the day set for sale, such property shall not then, nor within one year thereafter, be sold.

Sec. 36. That section 66-436, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-436. The court, upon conviction of the person so arrested, unless good cause to the contrary is shown by the owner or lienor, shall order a sale by

public auction of the vehicle seized. The 7 and the officer making the sale, after deducting the expenses of keeping the vehicle, the fee for the seizure, and the cost of sale, shall pay all liens, according to their priorities, which are established, by intervention or otherwise at such hearing or in other proceedings brought for such purpose, as being bona fide and having been created without the lienor having any notice that the carrying vehicle was being used or was to be used for illegal transportation of motor vehicle fuels; and shall pay the balance of the proceeds into the school fund as in the case of fines and forfeitures. Notice of the hearing upon the proceedings for the forfeiture and confiscation of such vehicle shall be given all interested parties by publication in one issue of a legal newspaper; published in said the county, or, if legal newspaper is not published in the county, in a legal newspaper of general circulation in the county at least ten days prior to the date of hearing.

Sec. 37. That section 66-437, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-437. If the person operating the vehicle; used for the unlawful transportation of motor vehicle fuels; is not apprehended or arrested, the officer or agent shall take the vehicle and fuel into custody, and a complaint shall be filed; charging that the vehicle was so unlawfully used, and the court shall ~~thereupon~~ fix a time for hearing upon the complaint. Notice of the hearing shall be given to all persons interested by publication at least ten days before the hearing in a legal newspaper published in said such county or, if none is published in the county, in a legal newspaper of general circulation in the county. If the court finds at such hearing that such vehicle was used for the unlawful transportation of motor vehicle fuels, judgment shall be entered directing that the fuel conveyed and any other personal property actually and directly used in connection with such violation; shall be ordered sold by the court at a public sale on ten days' notice. The proceeds, after the state gasoline tax and cost of collection shall have been paid, shall be paid into the school fund as in the case of fines and forfeitures, and like proceedings shall be had against the vehicle as provided in section 66-436 where the person in charge ~~thereof~~ is arrested and convicted.

Sec. 38. That section 72-410, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-410. The board shall maintain its office or principal place of business in the office of the county clerk of the county where its treasurer has his or her office; and shall hold its meetings, which shall be open to the public, in the district courtroom of such county. The minute book of the board and all other papers, records, or correspondence shall be kept on file and preserved by its secretary in the office of the county clerk. The first board shall organize within ten days after the date of ~~their~~ its written notice of appointment by the Governor. The county treasurer shall, upon receipt of his or her copy of the letters of appointment from the Governor, issue a call for the initial meeting of the trustees for a day and hour certain, shall call the meeting to order, shall act as temporary ~~chairman~~ chairperson, shall examine and verify the credentials of the Governor's appointees to the board with his or her copy thereof, and shall deliver all documents of credentials to the secretary of the board when he or she is later chosen. The appointees shall select from their own number a ~~chairman~~ chairperson and a secretary, whose terms of office shall be for a period of one year. Each year thereafter the board shall hold its annual meeting, and shall meet and organize for the ensuing year at the place designated in this section for holding its regular meetings on the day and hour prescribed by the bylaws. Notice ~~PROVIDED;~~ ~~notice~~ of the time and place of holding the annual meeting of the board shall be given by the secretary by publication one time in a legal newspaper published in and of general circulation in the county or, if none is published in the county, in a legal newspaper of general circulation in the county not less than ten days before the day when the annual meeting is held. The ~~chairman~~ chairperson and secretary shall hold office until their successors are selected and qualified.

Sec. 39. That section 77-2206, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2206. It shall be the duty of every treasurer to pay each registered warrant, in the order of its registration. When there is sufficient money in the treasury to the credit of the proper fund against which it is drawn to pay a registered warrant, the treasurer shall give notice ~~thereof~~ by mail to the holder at his or her address if known to him; such treasurer, or if unknown, to him he or she shall give notice to the holders of registered warrants to be paid by causing one publication to be made in a legal

newspaper published in the county or, if none is published in the county, in a legal newspaper of general circulation in the county where his or her office is located, that certain registered warrants against a certain fund, ~~or funds~~, designated from a beginning number to a concluding number inclusive, will be paid at the office of such treasurer. After the date for payment named in the call, interest upon such warrant shall cease. The State Treasurer may pay any warrant of a less amount than twenty-five dollars when presented ~~to him~~ for payment, regardless of the order of presentation for payment or registration.

Sec. 40. That section 77-2804, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2804. The county treasurer shall, prior to the sale, cause an advertisement to be printed in a legal newspaper published in the English language in such county or, if none is published in the county, in such a legal newspaper of general circulation in the county at least once a week for three consecutive weeks. Such advertisement shall state an advertisement stating the owner of such property and that such property, described by its legal description and if within a city or village by its street address in addition to its legal description, will be sold to the highest bidder on the date set for sale and that a title clear of all liens for taxes, or special assessments and interest, penalties, or costs thereon will be conveyed. If upon the date of sale no bid is made, the county treasurer shall continue such sale until a bid shall have been received, except ; ~~PROVIDED~~; that the owner, at any time after the date for sale, may cause the selling of the property to be discontinued by notifying the county treasurer of such desire.

Sec. 41. That section 79-4,100, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-4,100. Any public high school district may refuse admission to any or all nonresident pupils, if the amount of nonresident high school tuition as fixed in section 79-4,102 is not compensatory, or if such nonresident pupils are from districts which are not now being served or have not previously been served by the high school district, except ; ~~PROVIDED~~; that no public high school district may refuse admission to nonresident pupils effective prior to the beginning of the 1963-1964 school year, and effective then, or at the beginning of any school year unless thereafter, only if notice of its

intention to refuse admission to nonresident pupils has been given by July 15, 1963, for the 1963-1964 school year, and by October 1 of each year the preceding year for the 1964-1965 school year and the school years thereafter, by publication in a legal newspaper published in the county or, if none is published in the county, of general circulation in the county where such high school is located. Any AND PROVIDED FURTHER, that any school district may by public notification prior to October 1 require that the parents or guardians of all nonresident pupils must make application on or before April 1 for admission to the following school term.

Sec. 42. That section 79-810, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-810. The board of education of a Class III school district shall annually, on or before August 1, report in writing to the county board the entire revenue raised by taxation and all other sources, and received by such board of education for the previous fiscal year, and a budget for the ensuing fiscal year in form of a resolution broken down generally as follows: (1) The amount of funds required for the support of the schools during the ensuing fiscal year; next ensuing; (2) the amount of funds required for the purpose of school sites; (3) the amount of funds required for the erection of school buildings; (4) the amount of funds required for the payment of interest upon all bonds issued for school purposes; and (5) the amount of funds required for the creation of a sinking fund for the payment of such indebtedness. The secretary shall publish, within ten days after the filing of such budget, a copy of such budget thereof one time at the legal rate prescribed for the publication of legal notices, in a legal newspaper published in and of general circulation in such city or village or, if none is published in such city or village, in a legal newspaper of general circulation in the city or village. The secretary of such board of education failing or neglecting to comply with the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, thereof, shall be fined in any sum not exceeding twenty-five dollars for each offense and, in the discretion of the court, the judgment of conviction may provide for the removal from office of such secretary for such failure or neglect. It shall be the duty of the county board to levy and collect such taxes as are necessary to provide the amount of revenue from property taxes as indicated by

all the data contained in the budget and the certificate prescribed by this section, at the time and in the manner provided in section 77-1601.

Sec. 43. That section 79-1066, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1066. Upon the filing of the report of the appraisers appointed in accordance with section 79-1065, the court shall fix the fees allowed such appraisers for their services, which fees shall be paid by the school district. If the board of education shall be satisfied with the amount of ~~said~~ such appraisal, the court, upon the application by the district, shall issue an order directing the sheriff of the county to sell the property as described in section 79-1061 at public auction to the highest cash bidder, but for not less than ninety per cent of the appraised value. Notice of such sale and the time and place where the same shall be held shall be given by publication three consecutive weeks in some legal newspaper published in the county where the property is located or, if none is published in such county, in a legal newspaper of general circulation in the county where the property is located. Proof of such publication shall be made by the affidavit of the publisher to be filed in the proceedings. In making such sale, the sheriff shall act in his or her official capacity and shall be liable on his or her official bond for all his or her acts incident to such sale. The sheriff He shall receive for his or her services an amount to be determined by the court, to be paid by the school district as part of the costs of the action.

Sec. 44. That original sections 8-167, 8-213, 8-215, 8-408.01, 12-505, 12-701, 12-802, 17-511, 17-958, 17-971, 17-972, 19-922, 19-1103, 19-1303, 19-2203, 19-2404, 19-3316, 23-114.03, 23-318, 23-370, 23-1728, 31-309, 31-375, 31-909, 32-550, 32-708, 39-1502, 39-1503, 39-1513, 39-1724, 46-1,129, 46-229.03, 46-640, 51-216, 51-511, 66-436, 66-437, 72-410, 77-2206, 77-2804, 79-4,100, 79-810, and 79-1066, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 45. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.