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**LAWS**

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## **I. INTRODUCTION - A DOZEN NEWS LAW QUESTIONS AND ANSWERS**

**Question No. 1.** When can my local governmental board legally close its meeting and go into executive session?

**Answer:** Nebraska Public Meetings law, section 84-1410, allows closed session by the recorded, affirmative vote of a majority of its voting members only under the following circumstances:

- A. The closed session must be clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual who has not requested a public meeting.
- B. If, but only if, one or the other of those first two criteria is met, then closed sessions may be held for such reasons as: (a) strategy sessions with respect to collective bargaining, real estate purchases, or litigation (litigation means a lawsuit in court, or a suit which is imminent, as evidenced by a threat of litigation communicated to or by the public body); (b) discussion regarding deployment of security personnel or devices; (c) investigative proceedings regarding allegations of criminal misconduct; (d) evaluation of the job performance of a person. Any other reasons given must be of similar obvious validity, and if doubtful, then the law requires the meeting to stay open. The law leans strongly toward open meetings, open government and public participation.

C. It is not permissible for a board to hold a closed meeting to discuss the possible appointment or election of a new member to any public body. Such political discussions are to be held in the open session.

D. It is now clear that no formal action, in the sense of a collective decision or promise to make a certain decision, can be made in the closed session. Furthermore, when a closed session goes beyond the stated reason for the closing, all members who recognize that and remain or permit it, are in criminal violation of the open meetings law. Penalties, especially for repeated violations, have now been increased substantially.

**Question No. 2.** May a legal newspaper charge less than the statutory "legal rate" for publishing notices?

**Answer:** The law, Neb. Rev. Stat. § 33-141, sets a maximum rate. The Nebraska Supreme Court has held that a printer is not required to charge the full legal rate, so a printer or publisher may contract, if it so desires, to publish for less than the statutory legal rate.

**Question No. 3.** Is the sheriff's and municipal police department's "log" of activity a public record which can be obtained and looked at freely?

**Answer:** Yes, if it is in the nature of an "original record of entry such as police blotters, offense reports, or incident reports." Nebraska Revised Statutes §29-3521. If the police log, however, is purely investigatory in the sense that it includes the identification of confidential informants, or investigative information which has to be kept secret until an arrest is made, then the police or sheriff will have an argument that it is not

public information. In such cases, however, they should not be putting that part of the information on the "blotter" or incident report. There definitely should be an original record of entry as to police and sheriff activity, and that original record of entry should be a public record under the above-mentioned statute.

**Question No. 4.** If we print a letter to the editor which is libelous, can the newspaper also be held liable even though we did none of the investigation and have no way of knowing whether the libelous comment was true or false?

**Answer:** Yes, and especially because you have printed or "republished" a libel without checking on the accuracy of the reputation-damaging remarks in the letter. See section on Libel.

**Question No. 5.** Are we entitled to any birth certificate and any death certificate from the Bureau of Vital Statistics?

**Answer:** Yes, after legislation in 1992, we are, as members of the public, upon payment of the fee and proof of identification, permitted to see any birth or death certificate except those birth certificates of persons later adopted, or persons whose birth out of wedlock has been subsequently legitimized. Upon proof of news media status, we are also deemed to have good cause automatically to obtain a certified copy, for a small statutory fee. Arrangements can also be made with the Bureau for a mass search under certain conditions, at a much reduced rate. The

Bureau is currently completing regulations with further details concerning access, forms, and similar details.

**Question No. 6.** Must a school board secretary publish individual school teachers' salaries?

**Answer:** It was long a subject of litigation and dispute, but now the Nebraska Supreme Court has ruled that the claim publication statute is not clear enough to require individualized listing of teacher and other employee salaries in any school district. They do remain public record, but the district is only required to publish the salary expenses generically, by class of employees, rather than individually.

**Question No. 7.** If a reader claims that a newspaper article libeled him or her, should I always retract the offending statement?

**Answer:** Retract if you are wrong, but be very careful that you not simply retract automatically without thoroughly checking out the truth. A retraction of a statement which in effect was substantially true in the first place can do more damage than good. See the section on Libel.

**Question No. 8.** My local governmental board is required by statute to publish a "concise summary" of its proceedings, and the question is how detailed should that summary be?

**Answer:** There is little case law in Nebraska on the subject. The summary should certainly include all of the substantive motions and full identification of the votes thereon; it should include the names of those present; it should indicate whether executive session was used and for

what reason on the record; and you should argue that the concise summary should include the primary reasons given for the passage of major legislation, ordinances or decisions, or for their rejection. This last is the "gray" area and subject to some debate as to amount of detail, but courts around the nation have required that a reasonable effort be made to give the public an understanding of the decisions as well as the decisions themselves. If there is a pattern of abuse of that principle, then the summary you are being furnished to publish is unlawfully "concise." By negotiations with the League of Municipalities, we have reached an informal consensus agreement on all but the last item-the statement of the principal reasons for decisions. Some entities just want to publish their regular minutes. If these are complete, they may be adequate or even more than statutorily required, or they may be woefully inadequate. Try to press for as full an explanation to the public as possible, and do not settle for less than the minimum of the identified votes on all substantive issues decided, and the reasons for executive sessions.

**Question No. 9.** If I publish an advertisement which turns out to have been false or misleading, can I be called to account legally for any damage caused by such ad?

**Answer:** Not unless you knew the ad was misleading or deceptive. Once such misleading material has been called to your attention, however, you must take action to discontinue the ad or require it to be changed so that it is no longer misleading, false or deceptive, or

completely refuse to run the ad. You do have a right to refuse to run any advertisement, whether it be commercial or political, under the United States Supreme Court decision in *Miami Herald v. Tornillo*.

**Question No. 10.** What is the current law pertaining to publication of real estate tax delinquency lists?

**Answer:** Per Neb. Rev. Stat. § 77-1804, the delinquent tax list is now to be published once a week for three consecutive weeks commencing the first week in February in a legal newspaper, and in counties having more than 250,000 inhabitants, in a daily legal newspaper of general circulation designated by the county board and which is published in the county.

**Question No. 11.** If I find a nice photo or writing on the internet which does not contain a copyright notice, can I use it without the author's permission without incurring liability?

**Answer:** No. Under the federal copyright statutes, an author has a copyright in his or her work even if no notice is affixed to the work. The absence of a notice may limit the remedies available to the author for infringement, but it does not mean that there is no copyright.

**Question No. 12.** My newspaper operates a website and publishes an online edition. The website allows readers to post comments about articles and editorials. Is the paper liable if a reader posts a libelous comment about a news story?



**Answer:** Generally, no. Section 230 of the federal Communications Decency Act of 1996 provides libel immunity to internet service providers for content posted by others. This immunity does not apply if the newspaper plays some role in the creation of the libelous content.

## **II. LEGAL NOTICE**

### **A. Introduction**

References are to the Nebraska Revised Statutes. This section-legal notice-is an outline and contains only publication laws. While pertinent statutes or portions thereof are quoted, there is no substitute for examination of the statutes or consultation with your attorney. The statutory citation will serve as a lead and time saver. If the statute specifically fixes the rate, it is quoted or summarized; if the statute fixes the number of publications, it is quoted or summarized. However, in this book, as in the statutes, the courts have construed widely separated statutes as controlling.

The legal notice statutes are compiled in the same order as the revised statutes so that the number preceding the dash indicates its relative position in the book. In using the index, if consideration is given to the source of the material to be published as City, County, School District, Courts, or Clerk of Courts, or the subject matter of the notice, it is hoped the index may prove adequate.

Some helpful background information:

City of Metropolitan Class-Population more than 300,000

Omaha and its statutes are found in chapter 14; that is, citations with the number 14 before the dash.

City of Primary Class-Population 100,000 to 300,000

Lincoln and its statutes are in chapter 15.

Cities of the First Class-Population 5,000 to 100,000

Covered by statutes in chapter 16.

Cities of the Second Class-Population 800 to 5,000

(With option of adopting Village government)

Covered by statutes in chapter 17.

Villages-Population 100 to 800

Covered by statutes in chapter 17.

**B. Legal Notice Rates**

The various rates for publications are stated in the respective acts; the index indicates the variety of rates provided. **We believe the controlling rate in the absence of specific legislation is:**

The legal rate for the publication of all legal notices shall be forty-one cents a line, single column, standard newspaper measurements for the first insertion, and shall be thirty-five and nine-tenths each subsequent insertion. Publication of such notices may be in any type selected by the publisher, but for the purpose of uniformity the calculation of fees for such publication shall be based on the official conversion table developed by the Secretary of State.

**Nebraska Legal Notice Rates Effective September 9, 1996**

Size of Type (Pica Width-9)	1st Additional Insertion	Additional Insertions
5-1/2 point (per line)	53.553	46.887
6 point (per line)	49.087	42.980
7 point (per line)	42.079	36.842
8 point (per line)	36.816	32.236
9 point (per line)	32.724	28.655
10 point (per line)	29.452	25.788

(For complete table see §33-141)

**C. Legal Notice Publication Calendar**

In 1986, the Legislature passed LB 960, which permits adjacent county legal newspapers to publish legals, when the county in question itself has no resident legal newspaper.

PUBLIC NOTICE

-When To Publish What

CHRONOLOGICAL INDEX

Most statutes require notice be given following a specified event. However, some statutes require notice be given in a specified month. This index lists statutes that specify notice in a certain month.

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**JULY**

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**E. Legal Notice Statutes**

**CHAPTER 2. AGRICULTURE**

**Article 2. County Agricultural Societies and Fairs**

2-222. **County fair; election to establish.** Governed by same requirements for voting courthouse bonds. See § 23-120.

2-223. **County fair; bonds; special tax.** County fair bonds shall be sold in like manner as for building county courthouse. See § 23-120.

2-227. **County fair board; rules and regulations; fair management; duties.** The county fair board shall publish newly adopted bylaws, rules and regulations as it deems necessary, and shall publish a premium list.

2-234. **County fair; dissolution; submission to voters.** Dissolution and abandonment of county fair is governed by § 23-126.

2-238. **County fair board; compliance with Open Meetings Act and Records Management Act.** County fair boards established under sections 2-221 to 2-231 shall comply with the open meetings act and the Records Management Act.

2-261. **County agricultural society; budget; meetings; records.** (1) County agricultural societies are subject to the Nebraska Budget Act. County agricultural societies shall comply with the Open Meetings Act and the Records Management Act. (2) The budget of each county agricultural society is subject to annual review, audit, and approval by the county board of the county in which such society is located.

2-264. **County agricultural society; powers relating to real estate.** A county agricultural society may exchange its real estate and improvements for other real estate or to sell its real estate for the purpose of acquiring other real estate for fair grounds, and may make, execute, deliver and accept all proper or necessary conveyances in and about such exchange, sale or purchase, and the right of the county in the original grounds and improvements.

## **Article 9. Weed Eradication and Control**

2-955. **Notice; kinds; effect; failure to comply; powers of control authority.** (1) Notices for control and eradication of noxious weeds shall consist of two kinds: General notices and individual notices. General notices shall be on a form prescribed by the director; individual notices shall be on a form prescribed by §2-955. Failure to publish general weed notices or to serve individual notices as provided in this

section shall not relieve any person from the necessity of full compliance with the Noxious Weed Control Act and regulations thereunder.

(a) General notice shall be published by each control authority, in one or more newspapers of general circulation throughout the area over which the control authority has jurisdiction, on or before May 1 of each year and at such other times as the director may require or the control authority may determine.

(b) Whenever any control authority finds it necessary to secure more prompt or definite control of weeds on particular land than is accomplished by the general published notice, it shall cause to be served individual notice upon the owner of record of such land at his or her last-known address, giving specific instructions and methods when and how certain named weeds are to be controlled. Such methods may include definite systems of tillage, cropping, management, and use of livestock. In all counties having a population of three hundred thousand or more inhabitants, the control authority may dispense with the individual notices and may publish general notices if published in one or more newspapers of general circulation throughout the area over which such control authority has jurisdiction. Such notice shall be published weekly for four successive weeks prior to May 1 of each year or at such other times as the control authority deems necessary.

2-965. **Project of control without individual notice; control authority; powers.** A control authority may direct and carry out projects of control for one or more specific noxious weeds without individual notice if the control authority has caused publication of the notices. The notice shall be published in one or more newspapers of general circulation throughout the area over which such control authority has jurisdiction and shall be published weekly for four successive weeks prior to the project commencement date. Such notice shall state the noxious weed(s) to be controlled by the project, the date the project will commence and the approximate period of time the project will be carried out.

## **Article 25. County Agricultural Society**

2-253. **Annual meeting; notice; voting.** The board of directors of the county agricultural society shall give notice of the annual meeting in a newspaper of general circulation within the county once at least five days before the scheduled meeting. The notice shall state the time and place of the annual meeting and that all registered voters of the county are eligible to participate and vote at the annual meeting.



2-255. **Petition; signature verification; organizational meeting; notice.** The county board shall schedule an organizational meeting for the county agricultural society and shall give notice of the organizational meeting in a newspaper of general circulation within the county once each week for three weeks before the scheduled meeting. The notice shall state the time and place of the meeting and that all registered voters of the county are eligible to participate and vote at the organizational meeting.

### **Article 32. Natural Resources Districts**

2-3210. **Districts; change of boundaries, division or merger; notice.** Within sixty days after the proposal for a change of boundaries, division or merger is made and filed, the department shall begin publication of the notices for a public hearing by the commission on the question. Notice requirements shall be satisfied by publishing such notice at least once a week for three consecutive weeks in a legal newspaper published of general circulation in the areas affected.

2-3220. **Board; minutes; records; monthly publication of expenditures; publication fee; public inspection.** It shall be the duty of the board to prepare and publish each month in a newspaper or newspapers which provide general coverage of the district, a detailed list of all expenditures of the district for the preceding month. Any newspaper utilized by the district shall publish such list of expenditures for a fee no greater than the rate provided by law for the publication of proceedings of county boards. Such publication shall set forth the amount of each claim approved, the purpose of the claim, and the name of the claimant.

2-3223.01. **Audit; failure to file; publication of failure; individuals responsible; penalty.** The name of a district, the officers and the board of directors of a district failing to file a copy of the audit within the required time shall be published in a newspaper or newspapers which provide general coverage of the district. The publication shall state the failure and the publication of the costs to be paid by the district.

2-3254. **Improvement project areas; petition; hearing; notice; findings of board; apportionment of benefits; lien.** Notice of hearing on desirability of improvement project shall be published prior thereto once each week for three consecutive weeks in a legal newspaper published or of general circulation in the district.

Notice shall also be published for at least one week in a newspaper published or of general circulation in the project improvement area,

stating when and where the directors shall meet for a hearing involving all parties interested in the apportionment of benefits by reason of the improvement.

Once a report on the project has been completed by the board, notice that the required report has been filed shall be published once a week for three consecutive weeks in a newspaper published or of general circulation in the project improvement area.

2-3254.03. **Improvement project areas; issuance of bonds; special assessment levy; hearing; notice; delinquent; interest.** A levy of special assessments shall be made after the board holds a hearing for which notice shall be published at least once a week for three weeks in a newspaper of general circulation in the improvement project area. Such notice shall state the time and place for such meeting and that such meeting shall be held for the purpose of hearing all parties interested in the levying of assessments for special benefits by reason of the improvements.

2-32,110. **Flood control improvement corridor; hearing on adoption or amendment of map; notice.** At least ten days prior to the district's public hearing on the adoption or amendment of any flood control corridor map, the district shall publish, in a newspaper of general circulation within the district, a notice of the hearing together with a diagram showing the general location and width of each flood control improvement corridor which is proposed to be adopted or amended. The notice shall identify the place within the district where the detailed flood control improvement corridor maps which are proposed to be adopted or amended are available for public inspection.

## **CHAPTER 3. AERONAUTICS**

### **Article 1. Department of Aeronautics**

3-134. **Air navigation facility; certificate of approval; hearing; notice; order; license.** Hearings on measures proposed affecting airports and landing areas shall be held by the department on demand. Notice of hearing shall be published by department in legal newspaper published in or of general circulation in the county in which hearing is to be held, at least twice, first publication to be at least 15 days prior to the hearing.

3-155. **Real property formerly used as army airfields; disposal; conditions.** The appraisers shall be selected by the department based on competitive bids received after three weeks' notice of invitation for bids has been published in at least two newspapers of

general circulation throughout the state. The notice shall state that the selection shall be made of the lowest and best qualified bidders, and that the department reserves the right to reject any and all bids and to readvertise for further bids.

## **Article 2. Airports and Landing Fields**

3-215. **Municipality; general powers; rules and regulations; adopt.** Rules, regulations, and ordinances shall be published as provided by general law or the charter of the municipality for the publication of similar rules, regulations and ordinances.

3-228. **Joint agreements; ordinances enacted concurrent with each other; effect; publication.** Publication shall be made in each municipality involved in the manner provided by law or charter for publication of its individual ordinances.

### Article 3. Airport Zoning

3-307. **Zoning regulations; adoption; notice; hearing.** Notice of hearing to change or enact zoning regulations shall be published for at least 15 days in an official paper, or a paper of general circulation in the political subdivision or subdivision in which is located the airport hazard area to be zoned.

3-317. **Zoning regulations; appeal; hearing; notice; appearances.** A reasonable time for appeals shall be given and public notice given thereof.

## **CHAPTER 4. ALIENS**

4-107. **Nonresident alien; property by succession or testamentary disposition; taking of property in this state; conditions; escheat; disposition of escheated property.** Any sale held under this section shall be preceded by a single publication of notice thereof at least three weeks in advance of sale in an English language newspaper of general circulation in the county where the property is to be sold and the cost of such publication to be paid out of the proceeds of such sale.

## **CHAPTER 8. BANKS AND BANKING**

### **Article 1. Banks**

8-115.01 **Banks; new charter; transfer of charter; procedure.** Notice of the filing of an application made by a corporation for a new bank charter or for transfer of a bank charter to any location other than

within the corporate limits of the city of its original charter shall be published by the Department of Banking three weeks in a legal newspaper published in or of general circulation in the county where the transfer is contemplated. The publication expense shall be paid for by the applicant. If the director receives objection to the move within 15 days after the first publication, he or she shall publish a notice and hold a hearing.

8-117. **Conditional bank charter; application; contents; hearing; notice; expenses; conversion to full bank charter; extension; written request; notice of expiration.** If a hearing is to be held for a substantially completed application for a conditional bank charter, the notice of the filing of the application and the date of hearing thereon shall be published by the department for three weeks in a minimum of two newspapers with general circulation in Nebraska.

8-128. **Capital stock; increase; decrease; notice; publication; denial by department, when.** The stockholders may vote to reduce or increase paid-in capital stock. Notice containing a statement of the amount of any proposed reduction of paid-in capital stock shall be published for four weeks in some newspaper published and of general circulation in the county of the bank.

8-167. **Banks; reports to department; contents; publication.** Each report required under §8-166 shall be summarized and published once in a legal newspaper in the city in which the bank is located. If no paper exists, the summary shall be published in a legal newspaper published in the same county of the bank, or if none, then in a legal newspaper of general circulation in the county. Publication is at the expense of the bank. Proof of the publication shall be transmitted to the department within thirty days from the date fixed for such report.

8-1,106. **Insolvent banks; claims; filing; time limit.** The director shall within two weeks of the order for filing claims against the bank cause notice to be given by publication, in such newspapers as he may direct, once a week for two successive weeks, calling on all persons who may have claims against the bank to present them to the director following the provisions of the order and to make proof thereof.

## **Article 2. Trust Companies**

8-213. **Pledged securities of insolvent trust companies; transfer to fiduciary; conditions.** The Department of Banking must show before turning funds over to the receiver that notice was given for three successive weeks in some legal newspaper published in the county, or if none exists, a legal newspaper of general circulation in the county in

which the principal place of business of the national bank, Federal savings association, or trust company is located that all claims must be filed within thirty days..

In the case of a national bank, notice shall be sufficient under 12 U.S.C. 193, and in the case of trust companies liquidated in bankruptcy court, notice shall be sufficient under 11 U.S.C. 94(b).

8-215. **Pledged securities; release to solvent trust companies upon liquidation; conditions.** Department of Banking shall return deposits after first having published notice three successive weeks in some legal newspaper published in the county, or if none, then 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 securities, whether absolute or contingent, must be filed with said department by a day certain, not less than thirty days after the last publication of such notice.

8-224. **Reports; form; publication.** Summary of annual report required by §8-223 shall be published in a newspaper of general circulation in the place where the business is transacted, within thirty days after filing them with the Department of Banking.

### **Article 3. Building and Loan Associations**

8-332. **Annual statement; publication; special reports; violation; penalty.** Annual statement required by the Department of Finance shall be published in a newspaper of general circulation, in the county where such association is located, three consecutive times, and due proof of such publication, by affidavit, shall be filed with the department. Special reports called for by the Department of the amount of existing debts are not required to be published.

8-335. **Liquidation; insolvency; shareholders' meeting.** Shareholder meeting shall be called by Department of Banking due to insolvency; notice shall be by publication in newspaper of general circulation in county where association is located.

8-374. **Department; hearing on application; notice; purpose.** The department shall public notice of filing of the application for a period of three weeks in a legal newspaper published in or of general circulation in the county where the applicant proposes to operate the savings and loan association.

## CHAPTER 10. BONDS OF THE STATE AND OF POLITICAL SUBDIVISIONS

### Article 1. General Provisions

10-111. **County bonds; retirement; payment out of state; procedure.** Before investment of sinking fund for county bonds may be made by the county treasurer by purchase of bonds of the State of Nebraska or of the United States, the county treasurer must give twenty days' notice, by publication in at least one newspaper published and in general circulation at the capital city or town of the state. Cost of advertising shall be at legal rates.

10-115. **Statement of business transacted; duties of county treasurer and county clerk.** When ordered by the county board, the county treasurer and county shall publish a detailed statement of the business transacted in regard to county bonds.

10-118. **Bonds, precinct; registration by Auditor of Public Accounts; certification.** [Repealed]

10-123. **Precinct, township, or school district bonds; duty of local boards.** Precinct, township or school district boards or officers shall file for record with the County Clerk the question submitted, the notice and proof of publication, and the return of votes for and against all bonds.

### Article 4. Internal Improvement Bonds

10-401. **County and city bonds; issuance; conditions; limitations.** Internal improvement bonds may be issued by any city or county but it must submit the question to a vote of the legal voters of the county or city in the manner provided by law for submitting to people of county the question of borrowing money.

10-404. **County and city bonds; publication required; resubmission limited.** Notice of adoption of bond proposition by election shall be published for two successive weeks in any newspaper in the county or city, if there is one and if not, then without such publication (if notice is not published in an available paper, bonds are void).

10-406. **Railroad aid bonds, precinct, township, village, second-class city; petition; election; issuance; conditions; limitations.** Notice shall follow guidelines of § 10-404.

10-408. **Courthouse bonds; election; procedure.** Issuance of courthouse bonds in city of second-class shall be conducted as provided for such purpose as general elections in such a city.

10-409. **Precinct, township, city of the second class, or village bonds; petition; election; issuance; conditions; limitations; tax; levy.** Election for the issuance of bonds, for streets, highways, bridges, courthouse, jails, municipal libraries, city and town halls, high schools, county high schools, school dormitories, drainage of swamp and wet lands, construction or purchase of telephone system in precinct, township, city of second class or village shall be governed by laws regulating election for voting bonds for a county. See § 10-404.

### **Article 6. Funding Bonds; General**

10-606. **City of the second class and village; issuance; limitations; election; notice.** Cities of second class, villages issuing funding bonds shall call election to approve or disapprove. Notice of election shall be published in four issues of some legal newspaper published in the city or village, or if no newspaper, then by posting notices in five conspicuous places in said city or village for at least four weeks prior to the date of said election.

10-607. **City of the second class; internal improvement and railroad aid refunding bonds; issuance; conditions; limitations; election.** Cities of second class may exchange bonds due for new bonds and must use the same procedure, notice and publication as in § 10-606.

### **Article 7. School District Bonds**

10-702. **Issuance; election required; resubmission limited; submission at a statewide election; resolution; notice; counting boards.** No bonds shall be issued until the question has been submitted to the qualified electors of the district and notice is given by the officers of the district at least twenty days prior to such election.

The election notices shall be conducted by the county clerk or election commissioner as provided in Chapter 32 (the Election Act).

A special notice of the election shall be published by the board of education in a newspaper or newspapers of general circulation within the district stating the day of the election, the hours during which the polls will be open, and any other information deemed necessary in informing the public of the bond issue. The notice shall be made at least twenty days prior to the election.

10-703.01. **Issuance; election; notice; counting of ballots; canvass of vote.** In all special elections called for voting on the question of issuing bonds of the district, the election shall be conducted as provided under Chapter 32 (the Election Act), except as otherwise specifically provided in this section. The school district officers shall give notice of the election at least twenty days prior to the election and cause the sample ballot to be published in a newspaper of general circulation in the school district one time not more than ten days nor less than three days prior to the election, and no notice of the election shall be required to be given by the county clerk or election commissioner. The notice of election shall state where absent and disabled voters, ballots may be obtained.

## **Article 8. County Aid Bonds**

10-802. **Issuance; terms; election; notice; vote.** Election shall be called for issuance of bonds, notice to be given by publication in two consecutive issues of one or more newspapers published and of general circulation in such county and by posting notices at the polling places in each election precinct therein.

## **CHAPTER 12. CEMETERIES**

### **Article 5. Cemetery Associations**

12-501. **Formation; trustees; election; notice; clerk; right to establish cemetery limited.** Formation of association by meeting requires notice of such meeting to be given by publication of notice in local newspaper or by posting notice in at least three places within the precinct or township at least fifteen days prior to such meeting.

12-505. **Lots; resale or reclamation; conditions; notice; requirements.** (1) If personal service cannot be given, then notice is to be given by publication in a legal newspaper published or of general circulation in the county where the cemetery is located for three successive weeks, the last publication to be not less than sixty days before such lot or subdivision is to be offered for sale. Proof of publication shall be filed and recorded in the office of the register of deeds. (2) When there has been no burial in any such lot or subdivision 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 published in the county, or if none, then in a newspaper of general circulation throughout the county in which the cemetery is located, shall describe



the lot or subdivision proposed to be reclaimed, and shall be addressed to the person in whose name such portion stands of record, or if there is no owner of record, then to all persons claiming any interest.

12-522. **Grounds; abandonment; sale; procedure; notice of petition; contents; form.** Notice of proposed sale and abandonment shall be published in some weekly newspaper in the county for three successive weeks. Said notice shall be substantially in the following form.

#### Legal Notice

The members of the \_\_\_\_\_ Cemetery Association of \_\_\_\_\_, Nebraska, and all other persons interested in said association and in the real estate or other property of said association, are hereby notified that on the \_\_\_ day of \_\_\_\_\_, 20\_\_, said association filed its petition in the district court of County, Nebraska, the object and prayers of which is (here set forth in at least a general way the object sought and relief prayed for in said petition).

Any person desiring to oppose the granting of the relief sought by or the prayer of said petition is required to file his objection in writing with the clerk of said court as required by law on or before Monday, the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Dated \_\_\_\_\_, 20\_\_.  
\_\_\_\_\_  
Cemetery Association of \_\_\_\_\_,  
Nebraska, Petitioner.

12-523. **Grounds; abandonment; sale; procedure; notice; time; objections, reply.** Time of filing objections shall be between the third and the fifth Mondays next after the last publication.

#### **Article 6. Mausoleum Associations**

12-601. **Formation; trustees; election; notice; terms; officers.** Meetings of association shall be called by notice to members. If address only part known or unknown, notice shall be by publication at least fifteen days prior to meeting.

#### **Article 7. Cemetery Lots, Abandonment and Reversion**

12-701. **Abandonment; failure to maintain; presumption; reversion; notice; service.** If address of owner or his heirs is unknown

or cannot be established, notice of abandonment shall be given by publishing the same one time in a legal newspaper published in and of general circulation in the county in which the cemetery is located, or if none, then in a legal newspaper of general circulation in the county.

### **Article 8. Improvement of Cemeteries**

12-802. **Notice; contents; how served.** If owner of record or next of kin cannot be found, notice may be given by publishing the same one time in a legal newspaper published in and of general circulation in the county of the cemetery or if none, then in a legal newspaper of general circulation in the county. The notice shall be addressed to the record owner and to all persons claiming an interest in the burial lot, which shall be described in the notice by its legal description. The notice shall date from the date of the publication in the newspaper.

### **Article 9. Cemetery Districts**

12-911. **County board; examine petition; hearing; notice.** The county board shall set a district hearing and cause notice thereof to be published at least three successive weeks in a newspaper of general circulation throughout the area to be included in such proposed district. Such notice shall contain a statement of the information contained in such petition and of the date, time, and place at which such hearing shall be held.

12-912. **Completion of organization; meeting; notice.** Notice of organization meeting shall be published once each week for two successive weeks in a newspaper of general circulation in the district.

### **Article 10. Municipal Cemeteries**

12-1002. **Bonds; term; interest rate; notice of election.** Notice of bond election time and place shall be given by publication three consecutive weeks prior thereto in some legal newspaper printed and of general circulation in such municipality or, if no newspaper be printed in such municipality, in a newspaper of general circulation therein, and if there be no newspaper of general circulation, then by posting written notice in three conspicuous public places in said municipality with such posting to be done at the beginning of the third week prior to such election.

## **CHAPTER 13. CITIES, COUNTIES, AND OTHER POLITICAL SUBDIVISIONS**

### **Article 3. Political Subdivisions; Particular Classes and Projects**

## **(b) AMBULANCE SERVICE**

13-303. **Counties, cities, and villages; contract; agreement; hearing; notice; cost; levy; fee.** Before any such ambulance service is established under the authority of this section, the county board or the governing bodies of cities and villages shall hold a public hearing after giving at least ten days' notice thereof, which notice shall include a brief summary of the general plan for providing such ambulance service, including an estimate of the initial cost and the possible continuing cost of operating such service.

## **(c) RECREATIONAL FACILITIES**

13-306. **Joint facilities; bonds; authority of county board; eminent domain; powers.** To carry out the purpose set forth in section 13-304, no bonds shall be issued until the question of issuing the same shall have been submitted to the electors of the county at a general election therein, or at a special election called for such purposes, and a majority of electors voting at such election shall have voted in favor of issuing the bonds. Notice of such election shall have been given by publication once each week for three successive weeks prior thereto in a legal newspaper published in or of general circulation in such county.

13-310. **Formation of subdivision or district; special assessment; notice; copy to non-resident property owners.** Before any political subdivision or special taxing district for public works or public improvements shall be formed, and before any political subdivision or special taxing district, excepting any city of the metropolitan class and school districts, may impose any special assessment for public works or public improvements, a copy of any notice required to be published by law shall be mailed to the last-known address of all nonresident property owners as shown on the current tax rolls at the time such notice is first published.

13-311. **Formation of district; mailing of notice; requirements.** The county clerk, city clerk, clerk of any political subdivision, except any city of the metropolitan class, or any other person upon whom the duty is imposed by law to publish notice required by law in regard to the formation of a special taxing district for public works or public improvements shall mail by certified mail with return receipt requested a copy of the published notice in regard to the formation of any special taxing district within the county, city, or other political subdivision to the last-known address as shown on the current tax rolls of each nonresident property owner.

13-312. **Special assessment; mailing of notice; requirements.** The county clerk, city clerk, clerk of any political subdivision, except any city of the metropolitan class, or any other person upon whom the duty is imposed by law to publish notice required by law in regard to any special assessment by a special taxing district shall mail by certified mail with return receipt requested a copy of such notice to be published to the last-known address as shown on the current tax rolls of each nonresident property owner.

13-313. **Failure to mail copy of published notice; assessment invalidated.** The failure of any county clerk, city clerk, clerk of a political subdivision, except any city of the metropolitan class, or any other person upon whom the duty is imposed by law to mail a copy of a published notice as provided in sections 13-310 to 13-314 shall invalidate the assessment against the property involved while permitting all other assessments and procedures to be lawful.

13-315. **Appropriation or expenditure; purposes; method; limitation.** Council shall have power to appropriate annually amount not to exceed one-tenth of one per cent of taxable valuation for purpose of encouraging immigration, new industries, and investment and to conduct and carry on a publicity campaign.

## **Article 5. Budgets**

### **13-501 Act; how cited**

Sections 13-501 to 13-513 shall be known and may be cited as the Nebraska Budget Act.

13-506. **Proposed budget statement; notice; hearing; adoption; certify to board; exceptions; file with auditor.** Notice of place and time of budget hearing, together with a summary of the proposed budget statement, shall be published at least five days prior to the date set for the hearing, in a newspaper of general circulation within the governing body's jurisdiction or by direct mailing of the notice to each resident within the community: Provided, that when the total operating budget, not including reserves, does not exceed ten thousand dollars per year, the proposed budget summary may be posted at the governing body's principal headquarters.

13-511. **Revision of adopted budget statement; when; supplemental funds; hearing; notice; warrants; issuance; correction.** When the governing body proposes to revise the previously adopted budget statement a public hearing shall be conducted on such proposal. Notice of the time and place of the hearing shall be published at least five

days prior to the date set for hearing in a newspaper of general circulation within the governing body's jurisdiction. Such published notice shall set forth (a) the time and place of the hearing, (b) the amount in dollars of additional or reduced money required and for what purpose, (c) a statement setting forth the nature of the unanticipated circumstances and, if the budget requirements are to be increased, the reasons why the previously adopted budget of expenditures cannot be reduced during the remainder of the current year to meet the need for additional money in that manner, and (d) a copy of the summary of the originally adopted budget previously published.

13-516. **Public power district; public power and irrigation district; rural power district; power project agency; proposed budget; contents; notice; meeting; changes.** Notice of the place and time of the meeting of the board of directors shall be published at least seven days prior to the date set for such meeting in a newspaper of general circulation within the district or agency. The notice shall include a statement that the proposed budget is available for public inspection and the location where it is available.

13-517. **School districts and educational service units; Nebraska Budget Act applicable.** The annual budget of all school districts and educational service units shall be subject to the Nebraska Budget Act.

## **Article 11. Industrial Development**

### **(b) INDUSTRIAL AREAS**

13-1113. **Hearing; notice.** The county clerk shall publish a notice once each week for three successive weeks in some newspaper published in the county or counties in which the real estate is located and, if no newspaper is published in the county or counties, such notice shall be published in some newspaper having a general circulation therein. The notice shall state the time and place of hearing and the land affected thereby.

13-1121. **Designation; review by county board; notice; hearing; removal of designation.** The county board will hold a hearing every even-numbered year and the county board shall give notice of the hearing by certified mail to the owners of the tract of land, but if the owners cannot be located, then by publishing a notice three successive weeks in some newspaper published and of general circulation in the county or counties in which the real estate is located.

## **Article 14. Public Docks**

13-1403. **Members; terms; organization; records; removal; vacancies, how filled.** Rules and regulations shall be in force after one publication in some legal newspaper published in or circulating in the municipality.

13-1409. **Structures, erections and artificial constructions; building, repair and operation; rules and regulations.** When certified copy of rules and regulations filed with clerk of municipality, clerk shall publish once in some legal newspaper of general circulation in the county or municipality, or if none is there published, then the next nearest legal newspaper published in this state.

13-1411. **Tolls, fees and other charges; conditions; procedure for adoption.** Charges shall be published in same manner as rules and regulations of the Dock Board.

13-1414. **Docks; terminal facilities; construction; plans, bids; contracts.** After plans completed and approved by engineer of docks board, give public notice asking for bids for construction of such work, based upon such plans and specifications, in some legal newspaper of general circulation published within the county or municipality, or if none is so published, then in the nearest legal newspaper published in this state. Publication shall be thirty days before time fixed for opening bids and contracting for the work.

#### **Article 25. Joint Public Agency**

13-2542. **Notice; proceeding.** The board may provide for the publication of any resolution or other proceeding adopted by it pursuant to the Joint Public Agency Act in a newspaper of general circulation published in the area served by the joint public agency or, if no newspaper is so published, in a newspaper qualified to carry legal notices having general circulation in the area served by the joint public agency.

#### **Article 31. Sports Arena Facility Financing Assistance**

13-3105. **Public Hearing; notice.** The board shall give notice of the time, place and purpose of the public hearing by publication three times in a newspaper of general circulation in the area where the applicant is located. Such publication shall not be less than ten days prior to the hearing. The notice shall describe generally the eligible sports arena facility for which state assistance has been requested.

### **CHAPTER 14. CITIES OF THE METROPOLITAN CLASS (OVER 300,000)**

## **Article 1. General Powers**

14-102(15). **Additional powers.** Notice to property owner is required as to assessment of cost of removal of weeds and worthless vegetation to property. Publication shall be in official newspaper of the city and may be directed in general terms to the owners of lots and lands affected without having named the owners.

14-102(28). **Additional powers.** To erect, designate, establish, maintain and regulate hospitals or workhouses, houses of correction, jails, station houses, fire engine houses, asphalt repair plants and other necessary buildings; and to erect, designate, establish, maintain and regulate plants for the removal, disposal or recycling, or all of the same, the city council must make specification and advertise for bids.

14-102(36). **Additional powers.** City may provide for necessary publicity and appropriate money for purpose of advertising the resources and advantages of the city.

14-115. **Real estate; subdividing; procedure; conditions; replatting; powers of city council; vacation of street or alley; effect.** Notice shall be published for two weeks of the filing of plat for subdividing or replatting.

14-116. **Real estate within three miles of city; subdividing; platting; conditions; powers of city council; requirements.** Real estate within three miles of city is included in operation of § 14-115.

14-138. **Ordinances; how proved.** Ordinances may be proved by certificate of clerk and when printed or published in book or pamphlet form and published by council.

## **Article 2. Officers, Elections, Bonds, Salaries, Recall of Officers, Initiative, Referendum**

14-202. **Special election; notice; vote; requirements.** Special elections may be held, unless otherwise directed, by ordinances of thirty days' notice of time and place of holding such election.

14-210. **Ordinances; adoption by initiative; procedure.** Notice of election of an ordinance proposed by initiative shall be published once in each of the daily newspapers of general circulation in the city, and if there be no daily newspaper published, then once in each weekly newspaper of general circulation in such city, such publication to

be not more than twenty nor less than five days before submission of the ordinance to vote.

### **Article 3. Public Improvements**

14-361. **Sewerage and drainage; connections; city may require; notice to property owners; construction by city; assessment of cost.** Ordinance requiring connections for sewerage or drainage shall be published in an official newspaper and is the only notice required to the property owners of the action by the council.

14-365.07. **Sewerage systems and sewage disposal plants; revenue bonds; ordinance; general obligation bonds; election; amount.** The issuance of such bonds can be made only after the question of their issuance shall have been submitted to the electors of the city of the metropolitan class at a general or special election of which three weeks' notice has been published in a legal newspaper in or of general circulation in such city. 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.

14-365.08. **Sewerage systems and sewage disposal plants; minutes; plans; contracts; bids.** Governing body shall advertise for sealed bids for the construction of said improvements once a week, three consecutive weeks, in a legal paper published in or of general circulation within said municipality.

14-367. **Property; acquisition by eminent domain; procedure.** Appraisers of value of property shall give reasonable notice to the owners and parties interested in the property to be appropriated of the time and place of the hearing. (Notice by publication sufficient).

14-375. **City planning board; vacation of streets or alleys; procedure; appointment of committees; effect; appeal.** Committee of three appointed by council shall give reasonable notice to owners and parties interested in the property affected by such vacation. (Notice by publication sufficient).

14-3,102. **Streets; improvements; notice; service; protest; effect; assessments.** The city shall cause to be published notice of surface change in the official newspaper a brief notice of such proposal stating the character of the improvement proposed thereby, and shall give additional notice to the property owners in the district or proposed district as required by the property owners in the district or proposed district as required by the provisions of section 25-520.01.



14-3,105. **Sidewalks; construction or repair; notice; service.** Before any sidewalk shall be constructed or repaired by the city, the owner or owners of the lots or lands to be assessed shall be given notice to construct or repair such sidewalk and shall have twenty days after the giving of such notice within which to construct or repair the same. Such notice shall be served or published as directed by ordinance and if the notice be by publication, it shall be sufficient to address such notice to the owners generally.

14-3,115. **Improvement districts; estimate of cost; bids; advertisement.** The city shall, when it creates an improvement district for paving, repaving, curbing, or guttering, or other improvements of like character, prepare an estimate of the cost of such improvement and shall thereafter advertise for and receive bids upon such material as may be designated by the city for such improvement. The advertisements, specifications for bids, and petitions designating materials shall contain such information and be worded in such language as the city may from time to time direct.

14-3,119. **Improvements; petitions; examination; certification; notice of irregularity; publication; supplemental petitions.** If the certificates show the petition for any improvement to be irregular, illegal, or insufficient, it shall be the duty of the city to give notice by publication for three successive days in the official newspaper of the city of such irregularity, illegality, or insufficiency.

14-3,120. **Improvements; petition; publication; notice to file protest.** If the certificates required by section 14-3,119 show that the petition is regular legal, and sufficient, the city shall cause a copy of the petition to be published for three days in the official newspaper of the city with a notice directing the property owners in the district that they shall have thirty days from the first day of publication and notice to file a protest with the city.

#### **Article 4. City Planning and Zoning**

14-404. **Building zones; boundaries; regulations; recommendation of city planning board required; hearing; notice.** Building zone boundaries and regulations shall have a public hearing with at least one day notice of time, place, and purpose of the hearing to be published in the official paper or a paper of general circulation in such municipality, not less than ten days before such hearing.

14-405. **Building zones; boundaries; change or repeal; protest.** Building zone boundaries and regulations shall be subject to same procedure as set in § 14-404.

#### **Article 5. Fiscal Management, Revenue and Finances**

14-518. **Sewers; special assessment bonds; special assessment sewer district; creation; petition; notice; withdrawal of signature.** City clerk shall cause to be published in the official newspaper for not less than three consecutive days the plan of assessment in sewer district and amounts proposed to be assessed against each parcel of land in the district.

14-547. **Special assessments; board of equalization; meetings; notice; procedure; appointment of referee; ordinance; finality.** City council shall sit as board of equalization on assessments in sewer districts. The city clerk shall publish notice of such sitting for at least three days, first publication to be at least seven days prior to the first session of the board.

14-553. **City treasurer; duties.** City treasurer shall register all warrants, and when they are to be paid he shall give notice by public advertisement for three days in the official paper describing the warrants to be redeemed.

14-556. **City treasurer; authorized depositories; securities; conflict of interest.** City council shall advertise for rates for deposit of funds of the city.

14-564. **City supplies; advertisement for bids; sheltered workshop; negotiation; contracts.** Council to prepare list of all supplies required for offices and departments and boards for the coming year, in December. Designate clearly quantity and quality of articles required, but not specify particular product of any manufacturer. City clerk shall advertise for bids on the articles for at least three consecutive days in the official newspaper. Advertisement shall state that at a certain stated regular meeting of the council, bids will be received and opened for all such supplies, and it shall be sufficient in such advertisement to describe the articles in a general way and refer to such list as being on file in the office of the city clerk.

14-565. **City supplies; equipment; described.** Supplies or equipment for public improvements, street cleaning, or repairs, horses, hose engines, vehicles or implements used by park board, fire department or police department are to be included in terms of § 14-564.

List of supplies may be made and advertised for at any time on request of proper board of officers, but must always be advertised.

14-566. **Printing; official newspaper; how designated; failure to print notice.** At the beginning of the term of each council, the purchasing agent shall advertise for three days in each daily newspaper of general circulation in the city for proposals for publishing in some daily newspaper, published in the English language and otherwise meeting the requirements of a legal newspaper fixed by state law, all advertisements, notices, ordinances, resolutions, council proceedings, and all other matter published by the city. In addition to considering the rate bid for printing, the purchasing agent may give weight to the character of circulation, the quality of printing, plant, delivery service, and responsibility of the bidders in determining the lowest and best bid. He may also consider the advantage of the same plant's combining publication of ordinances and providing an ordinance publishing service to subscribers. The purchasing agent shall notify the city clerk of his selection of the official newspaper, which shall continue as such throughout the term of the council. The council may order additional publication of any of its proceedings in any other qualified newspaper or publication. If at any time, the designated official newspaper ceases regular publication, or is not giving service satisfactory to the council, the purchasing agent shall recommend another qualified newspaper to the council, and, upon approval of the council, it shall become the official newspaper. In case of refusal or neglect of the official newspaper to publish any required notice, the city clerk shall post it in a conspicuous place in the city hall, and he shall keep a written record of such posting witnessed by two persons. The record of such posting shall be evidence that the same was done as required and shall be sufficient to fulfill the requirement of publication. The city shall not be without an official newspaper more than thirty days at a time.

## **Article 8. Miscellaneous Provisions**

14-811. **Franchises; grant; modification; procedure; notice; election.** Ordinances dealing with franchises, granting, extending, changing or modifying a franchise shall not be passed until such ordinance has been published daily for at least two weeks in the official newspaper of the city.

## **Article 12. Interstate Bridges**

14-1206. **Bridge; purchase or lease; how conducted.** A purchase or lease of bridge question shall be submitted to election and the proposition shall be published on three consecutive days in the

official newspaper of the city, the publication to be completed not less than ten days before the date of the election.

14-1207. **Bridges; right of eminent domain; procedure.** Hearing on condemnation of bridges notice shall be provided in §§ 76-704 to 76-724.

14-1215. **Bridges; acquisition; preliminary expenses; bonds; amount.** The bonds shall be short term bonds, not to exceed three years, redeemable at par on any semiannual interest date upon ten days' notice by publication once in the official newspaper.

14-1233. **Bridge commission; records; reports; city council; examinations.** Semi-annual statement of the bridge commission shall be published on each bond interest date in the official newspaper of the city.

14-1251. **Bridges; acquisition; elections; rules governing.** Governing body of the city is authorized to determine what shall be included in the proposition to be stated in notices of elections and upon the ballots, except that it shall be stated that acquisition is by new construction, condemnation, or purchase, the kind of the bonds and the amount of the bonds.

## **Article 18. Metropolitan Transit Authority**

14-1808. **Metropolitan transit authority; revenue bonds and certificates; sale; advertisement for bids.** Before any such bonds or certificates (excepting refunding bonds or certificates) are sold, the entire authorized issue, or any part thereof, shall be offered for sale as a unit after advertising for bids at least three times in a daily newspaper of general circulation published in the metropolitan area, the last publication to be least ten days before bids are required to be filed. Copies of such advertisement may also be published in any newspaper or financial publication in the United States.

14-1820. **Metropolitan transit authority; financial statement; publication; filing.** As soon after the end of each fiscal year as may be expedient, the board shall cause to be prepared and printed a complete and detailed report and financial statement of its operations and of its assets and liabilities. A reasonably sufficient number of copies of such report shall be printed for distribution to persons interested, upon request; eight copies shall be filed with the Nebraska Publications Clearinghouse and one copy thereof shall be mailed to the mayor and members of the city council and filed with the city clerk of the city of the metropolitan class.

## Article 21. Public Utilities

14-2121. **Utilities district; contracts; bids; powers of board of directors.** Bids shall be received after reasonable advertisements therefore.

14-2124. **Utilities district; gas utility; rules and regulations.** All rules and regulations shall be published once in the official paper of the particular city within such district, and be kept posted at the main office of the district for public inspection.

14-2142. **Utilities district; bonds; issuance; sale; election required; when; obligations without election; when authorized; powers of board of directors.** Election on district bonds shall be held with notice which has been given for at least ten days in one or more daily papers published in the district. All such evidences of indebtedness issued by the district without a vote of the registered voters shall be offered upon such terms and in such manner as the board determines.

14-2147. **Utilities district annual audit; reports of; filing; expenses.** Upon completion of such examination and audit, the person making the same shall file and furnish to the village or city clerk of, each village or city within the district one copy of his or her report. Another copy shall be furnished to the county board of the counties in which the metropolitan utilities district is located. A copy shall also be placed on file with the manager of the metropolitan utilities district. The original copy shall be filed in the office of the Auditor of Public Accounts.

14-2152. **Utilities district elections; procedure.** Public utilities district elections shall be held according to the Election Act.

## CHAPTER 15. CITIES OF THE PRIMARY CLASS (100,000 TO 300,000)

### Article 2. General Powers

15-238. **Health regulations; sewer connections; power to compel.** If owner refuses to make such recommended sewer connection after five days notice by publication, or by personal notice, the city may proceed to make such connection at the expense of property owners.

15-254. **Ordinances; revisions; publication.** Ordinances may be revised from time to time and may provide for their publication in pamphlet or book form.

15-268. **Weeds, destruction and removal.** If owner of land fails, neglects or refuses after five days' notice by publication or certified mail or by conspicuous posting of the notice on the lot or land to so remove weeds from lot, the city may do so at owner's expense.

#### **Article 4. Council and Proceedings**

15-402. **Ordinances, passage; publication; proof.** Passage, approval, publication or posting of ordinances shall be sufficiently proved by certificate of the clerk under seal of the city, showing when passed and approved, when and in what paper published or when, by whom, and where the same was posted.

15-403. **Ordinances; form; publication; when operative.** The style of ordinances shall be; Be it ordained by the City Council of the City of \_\_\_\_\_. All ordinances shall be published within fifteen days after passage thereof, such publication to be sufficient if published in one issue of a daily or weekly newspaper of general circulation in the city, or posted on the official bulletin board of the city at city hall, or in book or pamphlet form, as may be provided by ordinance, to be distributed or sold in the city.

#### **Article 7. Street Improvements**

15-709. **Streets; improvements; utility service connections; duty of landowner.** Council may order owner of lots on a street, to be paved, to lay sewer, gas, and water service pipes to connect mains and if owner neglects to do so after five days' notice by publication in a newspaper of general circulation in the city or by personal notice, the city may do the work and assess the property.

15-725. **Public improvements; special assessments; procedure; amount; reassessment.** Cost of local improvements, except special assessments for sidewalk purposes, shall be published in some newspaper published and of general circulation in the city ten days before the assessment, and that the city council will sit as a board of equalization to distribute the tax at a time in such notice fixed, not less than five days after such assessment, and the proper distribution of such special tax shall be open to examination of all persons interested.

15-726. **Special tax assessments; certificate; warrants.** Five days' notice through a newspaper published in the city of the time when such tax will become delinquent, is required for assessment to become delinquent. Refers to assessments in §15-725.

15-734. **Sidewalks; construction; repair; duty of landowner; power of city in case of default; cost; assessment.** For construction or repair of sidewalks, notice must be given to owners by publication; after five days city may proceed. Notice of hearing to assess cost of such construction by the city shall be by publication five days before assessment by the council.

15-735. **Sidewalks; assessments; collection.** Sale of property for sidewalk assessments requires advertisement as in the case of sale of real estate under judgment and execution.

### **Article 8. Fiscal Management, Revenue and Finances**

15-808. **Board of equalization; hearings; duties.** Notice of the meeting of the city council sitting as the board of equalization shall be given before any increase in assessment, and in case personal service notice cannot be made in the city, it shall be sufficient if such published notice is published in one issue of a daily newspaper of general circulation within the city.

15-809. **Board of equalization; special assessments; equalization.** Notice must be given for increase of assessment on property due to equalization to resident personally or at his residence, or if non-resident by publication five days before such increase. If changes are many, another distribution may be submitted, and notice by five days' publication be given of a second session for equalization.

15-822. **Special assessments; reassessment; procedure.** Reassessment or relevy of special taxes or assessments requires five days' notice in newspaper published and of general circulation in the city of the time when the council will meet to determine the matter of reassessing or relevying all such special assessments.

### **Article 11. Planning Department**

15-1105. **Planning director; duties; commission; hearings.** Notice of the time and place of hearings for modification of zoning ordinance shall be given by publication thereof in a paper of general circulation in the city at least five days before the date of the hearing.

## **CHAPTER 16. CITIES OF THE FIRST CLASS (5,000 TO 100,000)**

### **Article 2. General Powers**

16-202. **Real estate; conveyance; how effected; remonstrance; procedure; hearing.** Notice of sale and terms thereof shall be published for three consecutive weeks in a legal newspaper published in or of general circulation in such city immediately after passage and publication of the ordinance to sell.

16-247. **Ordinances; revision; publication.** City is authorized to revise ordinances from time to time and publish the same in pamphlet or book form.

### **Article 3. Officers, Elections, Employees**

16-321. **City engineer; public works; prepare estimate of cost; board of public works; powers; contracts; procedure; city council; powers and duties; public emergency.** Contracts for public works costing over thirty-thousand dollars must be advertised for bids and be published at least seven days prior to the bid closing in a legal newspaper published in or of the general circulation of the city.

### **Article 4. Council and Proceedings**

16-403. **Council; ordinances; passage; proof; publication.** Passage, approval and publication or posting of ordinances shall be sufficiently proved by certificate under seal of the city from the clerk. Certificate shall show ordinance was passed, approved, and when and in what paper the same was published and when and by whom and where the same was posted. When ordinances are published in book or pamphlet form, the same need not be otherwise published; and such book or pamphlet shall be received as evidence of the passage.

16-405. **Council; ordinances; style; publication; emergency ordinances.** Ordinances of general nature shall be published within fifteen days after they are passed, and must be published for at least one week.

### **Article 6. Public Improvements**

16-606. **Property; condemnation for streets; assessments; levy; collection.** At a regular meeting of the council, assessments and levy shall be made by resolution. Notice of the time of such meeting and that such assessments will be made thereat shall be published in a newspaper in said city ten days before such meeting.

16-607. **Property; condemnation for other public purposes; bonds; issuance; approval by electors.** Notice of election to approve or



disapprove bonds shall be given in some legal newspaper published in the city, at least once each week for three successive weeks prior thereto.

16-619. **Improvement districts; creation; notice.** Notice of a creation of street improvement districts shall be published on the creation of any such district one time each week for not less than twenty days in a daily or weekly newspaper of general circulation published in the city. This is in addition to regular publication of the ordinance.

16-621. **Improvements; materials; kind; petition of landowners; bids; advertisement.** City clerk shall advertise for bids on material and labor for street improvements.

16-622. **Improvements; assessments; how levied; when delinquent; interest; collection; procedure.** Should there be three or more said installments 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 the future fixed date. The resolution shall set forth the description of the property and the names of its record title owners and shall provide that all future installments shall become delinquent upon the time fixed. 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.

16-666. **Sidewalks and sewers; assessments; levy; certification; collection.** Notice of time of holding council meeting to assess cost of construction or repair to be published in some newspaper published and of general circulation in the city at least ten days before the same shall be held. Personal service maybe given instead of notice by publication.

16-667.01. **Prohibit formation of district; procedure.** Owners of record title may petition formation of a water and sewer district. Written protest shall be submitted within thirty calendar days after publication of notice concerning the ordinance creating the district in a newspaper of general circulation. Publication of such notice shall follow within ten calendar days after passage of such an ordinance.

16-667.03. **Sewer or water mains; special assessments; use of other funds.** Notification requiring sewer or water main connections shall be done by certified mail or publication in a newspaper of general circulation.

16-669. **Assessments; when delinquent; interest; future installments; collection.** Should there be three or more installments of assessments for sewer or water mains delinquent and unpaid, the mayor

and city council may by resolution declare all future installments delinquent on a future 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.

16-672. **Assessments; equalization; reassessment.** Council shall assess after notice to property owners as in other cases of special assessment provided (such as requirements in § 16-666).

16-672.02. **Ordinance; hearing; notice.** Notice of the time when any such ordinance shall be set for consideration before the mayor and city council shall be given by at least two publications in a newspaper published in the city, or published in the county in which said city is located and of general circulation in said city, which publication shall state the entire wording of the ordinance. The last publication shall be not less than five days nor more than two weeks prior to the time set for the hearing of objections to the passage of any such ordinance.

16-672.05. **Construction; notice to contractors, when; contents; bids; acceptance.** No work shall be done or contract let, if the estimated cost of the improvements, as determined by the city engineer, is in excess of two thousand dollars, until notice to contractors has been published once each week for three weeks in a newspaper published in the city, or if there be no newspaper published in said city, then in some newspaper of general circulation published in the county wherein such city is located. The notice shall state the extent of the work, and the kind of materials to be bid upon, including in such notice all kinds of material mentioned in the ordinance specified in section § 16-672.01.

16-672.06. **Construction; acceptance; notice of assessments.** Notice that objections to assessments may be made by two published in said city or if there be no newspaper published in said city then in some newspaper of general circulation published in the county wherein the city is located, and by notices posted in three conspicuous places in said storm water sewer district. Said notice shall state the time and place where objections filed as herein provided shall be considered by the mayor and city council.

16-676. **Acquisition; operation; bonds; issuance; amount; approval of electors required.** Public utilities bonds shall be issued only after election, notice of which shall have been given by publication in a legal newspaper published in the city at least one time each week for three weeks.

16-680. **Sewerage system; drainage; waterworks; bonds authorized; amount; approval of electors; sewer or water**

**commissioner; authorized.** Sewerage system, drainage, waterworks bonds shall be issued only after election, notice of which shall have been given by publication in some newspaper published in the city at least thirty days before the date of the election.

16-687. **Contracts; terms; special election.** Contracts for water and option to buy system may be made only after election, notice of which shall be given by publication once each week for three successive weeks prior thereto in a legal newspaper published in or of general circulation in such city.

16-688. **Water; unwholesome supply; purification system; authority to install; tax authorized.** Water purification system may be obtained only after election, notice of which shall be given by publication once each week, three successive weeks prior thereto in a legal newspaper published in or of general circulation in such city.

16-695. **Parks; swimming pool; stadium; other facilities; acquisition of land; bonds; election; issuance; interest; term.** No such bonds shall be issued until election, notice of which shall be given by publication once each week for three successive weeks prior thereto in a legal newspaper published in or of general circulation in such city.

16-698. **Markets; construction; operation; location; approval of electors; notice; when acquired.** When an improvement costs in the aggregate a sum greater than two thousand dollars, it shall not be authorized until the ordinance providing therefore shall first be submitted to and ratified by a majority of the legal voters of such city voting thereon, notice of which shall be given by publication once each week for three successive weeks in a legal newspaper published in or of general circulation in such city.

16-6,100. **Public buildings; construction; bonds authorized; approval of electors required, when; revenue bonds.** Public building bonds shall be issued only after election, notice to be given by publication in some legal newspaper for three successive weeks prior to election published in and of general circulation in such city. Applies to construction authorization elections and contracts also.

16-6,101. **Waterworks; gas plant; acquisition; revenue bonds; approval of electors required.** Waterworks and gas plant bonds shall be issued only after election, notice to be given by publication in some legal newspaper for three weeks published in and of general circulation in such city, or if no legal newspaper is published therein, then by posting in five or more public places.

## **Article 7. Fiscal Management, Revenue and Finances**

16-707. **Board of equalization; meetings; notice; hearings; special assessments; grounds for review.** Council shall give notice of any board of equalization meeting at least ten days prior thereto by publication in a newspaper having general circulation in the city.

16-722. **City receipts and expenditures; publication.** Council shall publish semi-annually a statement of receipts of the city and an itemized account of the expenditures of the city.

## **Article 8. Off Street Parking**

16-802. **Grant of power.** Before any such city may commence a program to construct, purchase, or acquire by other means a proposed off-street parking facility or facilities, notice shall be given by publication once each week for not less than three weeks, inviting application for private ownership and operation of off-street parking facilities.

16-806. **Ordinance; publication; objections; submission to electors; election; notice.** Notice of the time and place of election for acquisition of parking facilities shall be given by publication in some legal newspaper printed and of general circulation in such city three successive weeks prior thereto.

## **Article 11. First-Class City Merger**

16-1106. **Public hearing; notice.** After adoption of a resolution and preparation of the required merger plan, the city council of each city proposing to enter into the plan shall hold a public hearing on the plan and shall give notice of the hearing by publication in a newspaper of general circulation in the city once each week for three consecutive weeks prior to the hearing. The notice shall describe the contents of the plan and specify that a copy of the plan may be obtained at no charge at the city clerk's office.

16-1109. **Submission of plan to voters; notice; publication; contents.** When a merger plan is submitted to the voters for approval, the city council of each city adopting the plan shall publish a notice at least once each week for three consecutive weeks prior to the election in one or more newspapers of general circulation in the city. Final publication in each city shall be within seven calendar days prior to the election. The notice shall describe the contents of the plan and specify that a copy of the plan may be obtained at no charge at the city clerk's office.

## CHAPTER 17. CITIES OF THE SECOND CLASS AND VILLAGES

### Article 1. Laws Applicable Only to Cities of the Second Class

17-150. **Sewerage system; establishment; estimates; duties of engineer; contracts; advertisement for bids.** Sewerage system contracts shall be advertised for bids for such work or materials for at least twenty days in some newspaper published in the city. Include the estimate of the city engineer.

17-154. **Sewers; right-of-way; condemnation; procedure.** The procedure to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724.

17-155. **Board of equalization; counties under township organization; members; meetings.** City council to meet as board of equalization in same manner as provided by law for townships in counties under township organization.

17-164. **Off-street parking; facilities; acquisition; procedure.** Before any city may commence a program to construct, purchase or acquire proposed off street parking, notice shall be given, by publication, once each week for not less than 30 days. The notice shall invite application for private ownership of such facilities.

17-168. **Off-street parking; acquisition of facilities; submission at election; majority required; notice.** The mayor and council of a second class city who wish to purchase or build an off-street parking facility must submit the issue for election. Notice of the time and place of the election shall be given by publication in some legal newspaper printed in general circulation for three weeks prior thereto.

### Article 2. Laws Applicable Only to Villages

17-207.01. **Off-street motor vehicle parking; acquisition; procedure.** Before any village may commence a program to construct, purchase or acquire by other means a proposed off-street parking facility, notice shall be given by publication once each week for not less than thirty days inviting application for private ownership.

17-210. **Board of trustees; ordinances; publication; chairman pro tempore.** Chairman of board of trustees shall cause ordinances of the board to be printed and published for the information of the inhabitants.

17-211. **Elections; notice of.** Public notice of time and place of holding each election to be given not less than ten nor more than twenty days prior thereto. (Publication would be acceptable).

17-216. **Village; dissolution; petition; election.** Dissolution of villages shall be submitted to election of voters and notice thereof to be given as the general notice seventy days before the date of the general election.

17-219.01. **Village; dissolution; property; sale; notice.** County treasurer shall advertise and sell all corporate property of village remaining unsold after three years from the date of abolishment of incorporation. County Treasurer shall advertise and sell real estate upon which owner has failed to pay taxes for three years.

17-224. **Village situated in more than one county; legal notices; publication.** Notices and other publications required by law in any county in which any part of an incorporated village is situated may be published in any newspaper published in such village, and such publication shall have the same force and effect as it would have if published in every county in which any part of the village is situated.

### **Article 3. Changing From One Class to Another**

17-306. **City of second class; reorganization as village.** Notice shall be published for at least thirty days stating that the question of adopting village government shall be submitted at the next city election, or at a special election announced in such notice.

17-312. **Village; retention of village government; petition; election.** Notice shall be published for at least thirty days stating that the question of retaining a village form of government will be submitted at the next regularly scheduled election or at a special election announced in such notice.

### **Article 5. General Grant of Power**

17-503. **Real property; sale; exception; procedure; remonstrance; procedure; hearing.** After the passage of the resolution directing a sale of property, notice shall be published once each week for three consecutive weeks in a legal newspaper published in or of general circulation in such city or village.

17-511. **Streets; improvement by ordinance; objections; time of filing.** To create improvement districts the governing body shall

publish notice of creation of such district for six days in a legal newspaper of the city or village, if a daily newspaper, or for two consecutive weeks if the same be a weekly paper. If no legal newspaper is published in the city or village, publication shall be in a legal newspaper of general circulation in the city or village.

17-513. **Streets; improvement; petitions and protests; sufficiency; how determined; appeal.** Notice shall be given to all persons who may become liable for assessments by one publication in each of two successive weeks in a newspaper having general circulation in the city or village.

17-522. **Sidewalks; repair; cost; assessment; notice.** Cities shall give notice of intention to assess sidewalks repair cost property by publication in one issue of a legal newspaper of general circulation in such city or village.

17-524. **Streets and sidewalks; improvements; assessments; how made; collection.** Notice shall be given by publication in some newspaper published or of general circulation in said city or village at least four weeks before the meeting for special assessment shall be held. Personal service may be given in place of publication.

17-529.05. **Flood control projects; removal to another site; petition; contents; order for hearing; notice.** After petition, notice of hearing for removal of city or village to another site because of flood control projects shall be given by publication three successive weeks prior to such hearing in a legal newspaper of general circulation in such county.

17-529.08. **Flood control projects; bonds; interest; election; tax; levy.** Notice of 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.

17-533. **Waterworks; construction; bids.** Twenty days' published notice shall be given of the terms and conditions upon which contracts for construction of waterworks are to be let. It shall be published in a newspaper published in the city or village, and if no newspaper is published therein, in some newspaper published in the county.

17-534. **Waterworks; purchase or construction; bonds; interest; limitation; tax; approval of electors required; exception.** Purchase or construction of waterworks shall be submitted to election, notice of which election shall be 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.

17-563. **Lots; drainage; weeds or litter; nuisance; noncompliance by owner; notice; assessment of cost; violation; penalty; civil action.** Notice to abate and remove a nuisance shall be given to each owner and to the occupant, if any, by personal service or certified mail. If notice by personal service or certified mail is unsuccessful, notice shall be given by publication in a newspaper of general circulation in the city or by conspicuously posing the notice.

17-568.01 **City or village engineer; public works; prepare estimate of cost; board of public works; powers; contracts; procedure; city council or village board; powers and duties; public emergency.** Council or Board shall advertise for bids and cause the amount of the estimate of the City Engineer to be published. Advertisements shall be published at least seven days prior to the bid closing and shall be published in a legal newspaper of general circulation in the city or village, and if there be no legal newspaper published in or of general circulation in such city or village, then in some newspaper of general circulation published in the county wherein such city or village is located, and if there be no legal newspaper of general circulation published in the county wherein such city or village is located, then in a newspaper, designated by the county board, having a general circulation within the county where bids are required, or by posting.

17-570. **Abandoned real estate; sale; notice.** No sale shall be held until at least thirty days' notice by publication in some newspaper published in the city or village or, in case no newspaper is published there, by posting notice in four public places.

## **Article 6. Elections, Officers, Ordinances**

17-601.01. **Caucus; when held; notice.** The governing body of the village may, by ordinance, call a caucus for the purpose of nomination of candidates for offices to be filled in the village election. Such caucus shall be held at least ten days before the filing deadline for such election, and the governing body calling the caucus shall publish notice of such caucus in at least one newspaper of general circulation in the county at least once each week for two consecutive weeks before such caucus.

17-613. **Ordinances; style; publication; proof.** All ordinances of a general nature shall, before they take effect, be published, within fifteen days after they are passed, (1) in some newspaper published in such city or village but if no paper is published in the city, then by



posting, or (2) by publishing the same in book or pamphlet form. The passage, approval, and publication or posting of all ordinances shall be sufficiently proved by a certificate under seal of the city from the clerk, showing that ordinance was passed and approved, and when and in what paper the same was published. When ordinances are printed in book form, the same need not be otherwise published.

### **Article 7. Fiscal Management**

17-702. **Property tax; general levy authorized; sale for delinquent taxes; additional levies.** Sale in all respects to be deemed and treated as though such sale had been made for the delinquent county taxes.

### **Article 8. Board of Public Works in Cities of Second Class**

17-805. **Board of public works; organization; meetings; records.** The board of public works shall keep record of their proceedings and if there is a legal newspaper published in or of general circulation in said city, they shall publish therein the minutes of each meeting within thirty days after it is held.

### **Article 9. Particular Municipal Enterprises**

17-903. **Utilities; contracts for service; approval of electors; bonds; interest; taxes.** Public utility bonds shall be submitted to vote, after not less than twenty days' notice thereof shall have been given by publication in some newspaper published and of general circulation in such municipality or if no newspaper is published therein, then by posting notices. This section deals only with bonds to pay contracts to furnish electricity and for construction of lines and connections with supply.

17-905. **Utilities; acquisition; revenue bonds; issuance; when authorized.** Bonds for construction or acquisition of utilities shall be submitted to vote after three weeks' notice of the submission of the proposition by publication in some legal newspaper published in or of general circulation in such city or village or if no legal newspaper is published therein, by posting notice.

17-908. **Power plant; construction; election; bonds; interest; redemption.** Bonds for construction of municipal power plant shall be submitted to vote after not less than thirty days' notice thereof has 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 notice.

17-911. **Joint power plant; bonds; election; interest.** Bonds for joint municipal power plant shall be submitted to vote after notice thereof for not less than twenty days by publication as provided in § 17-908.

17-914. **Sewers; resolution to construct; publication; hearing.** Notice of time when any such resolution shall be set for consideration. before the council or board shall be given by at least two publications in a newspaper of general circulation published in the city or village, which publication shall contain the entire wording of the resolution. Last publication shall be not less than five days nor more than two weeks prior to the time set for hearing. By § 17-913, estimate of the city engineer as to cost of proposed improvement shall be included in the publication of the resolution.

17-915. **Sewers; resolution to construct; posting.** If there is no newspaper of general circulation published within any such city or village, notice as provided in § 17-914 shall be given for the same length of time by posting in three conspicuous places in such city or village, two of which shall be the clerk's office and the Post Office.

17-918. **Sewers; construction; contracts; notice; bids; acceptance.** After ordering any such improvements as provided for in section 17-917, the council or board may enter into a contract for the construction of same in one or more contracts, but no work shall be done or contract let until notice to contractors has been published in a newspaper of general circulation, published in such city or village, and if there be no newspaper of general circulation published in said city or village, then in some newspaper of general circulation published in the county wherein such city or village is located. The notice shall be published in at least two issues of such paper and shall state the extent of the work, and the kinds of materials to be bid upon, including in such notice all kinds of material mentioned in the resolution specified in section 17-913, the amount of the engineer's estimate of the cost of the said improvements, and the time when bids will be received.

17-919. **Sewers; acceptance by engineer; approval; cost; assessments; notice.** After work is completed, engineer shall file complete statement of all costs and plat of the property in district and schedule of amount proposed to be assessed against each property. Council shall give notice of filing of such plat and schedules by two publications in a newspaper of general circulation published in said city

or village. Said notice shall state the time and place where objections shall be filed and considered.

17-920. **Sewers; assessments; hearing; equalization; payable in installments; interest.** Hearings on assessment of sewers shall be not less than twenty days nor more than thirty days after the date of first publication, unless such session be adjourned with provisions for proper notice of such adjournment.

17-939. **Cemetery; acquisition; bonds; interest; approval of electors required.** Cemetery bonds shall be submitted to vote; notice of such election shall be given by publication in a legal newspaper published or of general circulation in said city or village for three successive weeks, final publication to be not more than ten days prior to the date of such election.

17-954. **Public buildings; purchase or construction; bonds; approval of electors required; exception.** Auditorium construction purchase bonds shall be submitted to vote. Notice of time and place of election to be given by publication in some legal newspaper printed in or of general circulation in the city or village, for three successive weeks immediately prior thereto.

17-958. **Cold storage plants; bonds; approval of electors; interest; redemption.** Bonds shall be submitted to vote after not less than thirty days notice thereof has 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, by publication in some legal newspaper published in the county wherein said city or village is located. If no legal newspaper published in county, publication shall be in legal newspaper of general circulation in the county.

17-963. **Facility; acquisition or construction; issuance of bonds; interest; election.** Bonds for hospital acquisition or construction shall be approved by election, notice of time and place of such election to be given by publication three successive weeks prior thereto in some legal newspaper printed in and of general circulation. in the city or village, or if no newspaper is printed in the city or village, in a newspaper of general circulation in the city or village.

17-971. **Water service districts; improvements; protest; effect.** The governing body shall give public notice of the creation of such district for two consecutive weeks in a legal newspaper of the city or village, or if none, in a legal newspaper of general circulation in the city or village.

17-972. **Water service district; failure to comply with regulation or make connection; effect.** If property owner fails, for ten days after notice by personal service or publication in a legal newspaper as prescribed in § 17-971, to comply with regulations of § 17-970, the governing body may assess costs against the property.

## **CHAPTER 18. CITIES AND VILLAGES, LAWS APPLICABLE TO ALL**

### **Article 1. Ordinances**

18-131. **Publication.** Ordinances passed by cities of all classes and villages must be posted, published in a legal newspaper, or published in book or pamphlet form, as required by their respective charters or general laws.

### **Article 4. Public Utilities**

18-403. **Public utility districts; creation; extension or enlargement of service; notice requirements; protests.** The city council shall publish notice in the official paper of the city or village or in the principal city within the metropolitan utilities district, addressed generally to owners of the real estate within such district notifying them of the creation of said district and of the ordering of the extension or enlargement of the district and further notifying the owners of said real estate that they have thirty days from and after such publication to file with such city council, or other public authority their written protest against the creation or extension or enlargement of the district.

18-412. **Electric light and power systems; construction, acquisition, and maintenance; revenue bonds and debentures authorized; referendum petition; cities with home rule charters; powers.** Acquisition or construction of municipal light and power plants shall be submitted to vote of people with three weeks' notice, once each week, of the submission of the proposition by publication in some legal newspaper published and of general circulation in such city or village, or if none, by posting.

18-412.02. **Electric system; acquisition from public power district or public power and irrigation district.** Acquisition shall not be consummated nor become effective until thirty days' notice of the transaction shall have been given by the governing body by publication once each week for three successive weeks in some legal newspaper published and of general circulation in such city or village, or if no such

newspaper is published therein, then by posting in five or more public places therein.

### **Article 5. Sewage Disposal Plants, Sewerage Systems**

18-506.01. **Revenue bonds; general obligation bonds; issuance; conditions.** General obligation bonds authorized by section 18-506, may be issued only after question is submitted to electors, which requires three weeks' notice in a legal newspaper of general circulation in such city or village.

18-507. **Installation, improvement, or extension; plans and specifications; bidding requirements.** Upon approval of plans, governing body shall thereupon advertise for sealed bids for the construction of the improvements, to advertise once a week for three weeks in a legal newspaper published in or of general circulation within the municipality and the contract shall be awarded to the lowest responsible bidder.

### **Article 6. Subways and Viaducts**

18-604. **Private property; condemnation; ordinance; requirements.** Ordinance shall be published once each week for three issues in a daily or weekly newspaper published in such city or village and of general circulation therein. Notice shall designate time and place of meeting of appraisers for damages to property and shall be headed "Viaduct Ordinance."

18-617. **Construction; resolution; notice.** Governing body of city shall publish notice of passage of resolution stating necessity for viaduct or subway, for six consecutive days in a newspaper published or of general circulation in the city or village, or if there be no such daily newspaper, then two consecutive weeks in a weekly newspaper published or of general circulation therein. Notice shall include exact copy of the resolution.

18-627. **Private property; condemnation; resolution; requirements; procedure.** When necessary to appropriate or damage private property for construction of such viaduct or subway, appropriation resolution shall be published once each week for three weeks in a daily or weekly newspaper published in such city or village or in general circulation therein, and shall be headed "Viaduct Resolution."

### **Article 21. Community Development Law**

18-2115. **Plan; public hearing; notice.** The governing body of the city shall hold a public hearing on any redevelopment plan or substantial modification thereof recommended by the authority, after reasonable public notice thereof by publication at least once a week for two consecutive weeks in a legal newspaper of general circulation in the community, the time of the hearing to be at least ten days from the last publication.

18-2119. **Redevelopment contract proposal; notice; considerations; acceptance; disposal of real property; contract relating to real estate within an enhanced employment area; recordation.** Proposals shall be invited by public notice by publication once each week for two consecutive weeks in a legal newspaper having a general circulation in the city.

18-2127. **Bonds; sale.** The bonds shall be sold at less than par at public sale held after notice published prior to such sale in a legal newspaper having a general circulation in the area of operation and in such other medium of publication as the authority may determine.

## **CHAPTER 19. CITIES AND VILLAGES: LAWS APPLICABLE TO MORE THAN ONE AND LESS THAN ALL CLASSES**

### **Article 4. Commission Form of Government (Applicable to all cities 2,000 or over)**

19-402. **Commission plan; petition for adoption; election; ballot form.** After petition for adoption of commission form of government, there shall be a special election for approval, notice to be given by proclamation; date of election not less than fifteen nor more than sixty days after date and issuance of the proclamation.

### **Article 5. Charter Convention (Applicable to all cities over 5,000)**

19-502. **Charter convention; work, when deemed complete; charter, when published.** City clerk shall not begin publication of any proposed charter or amendments in less than thirty days from time of completion of the work of the charter convention.

### **Article 7. Eminent Domain (Applicable to cities of primary, first or second class, and villages)**

19-702. **Court of condemnation; members; hearing; parties; notice.** Notice by personal service or service by publication and actual

personal service of notice within or without the state shall supersede necessity of notice by publication. Same requirements for notice as in cases before District Court.

**Article 9. City Planning and Zoning  
(Applicable to cities of primary,  
first or second class, and villages)**

19-904. **Building zones; creation; hearing; notice.** Notice of time and place of the hearing on the question shall be given by publication thereof in a paper of general circulation in such municipality at least one time ten days prior to the hearing.

19-905. **Building zones and regulations; changes; protest; notice; publication; posting; mailing; personal service; when not applicable.** Provisions of § 19-904 apply as to notice and hearing to all changes or amendments in zones and regulations.

19-909. **Board of adjustment; appeals to board; record on appeal; hearing; stays.** The board must give public notice of time and place of the hearing of adjustment with only requirements that it be within a "reasonable time."

19-922. **Legislative body of municipality; adopt building regulations; publish; reference to existing codes; ordinances open to public ordinances to apply to entire municipal area.** The legislative body of any first or second-class city or any village may adopt by ordinance the terms of a building code, a plumbing code, an electrical code, a fire prevention code or any other code relating to building. 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, 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. When such code or any such standard code, or portion thereof, shall be incorporated by reference into any ordinance, as aforesaid, 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.

**Article 11. Treasurer's Report and Council Proceedings, Publication  
(Applicable to cities of the first and second class and villages)**

19-1101. **City or village treasurer; report for fiscal year; publication.** It shall be the duty of the treasurer of each village or city

having a population of not more than one hundred thousand to prepare and publish annually within sixty days following the close of its municipal fiscal year a statement of the receipts and expenditures by funds of said city or village for the preceding fiscal year. Not more than the legal rate provided for in section 33-141 shall be charged and paid for such publication.

19-1102. **City or village clerk; proceedings of council; publication; contents.** It shall be the duty of each village or city clerk in every village or city having a population of not more than one hundred thousand to prepare and publish the official proceedings of the village or city board, council or commission within thirty days after any meeting of the board, council or commission. The publication shall be in a newspaper of general circulation in the village or city, shall set forth a statement of the proceedings of the meeting and shall also include the amount of each claim allowed, the purpose of the claim, and the name of the claimant, except that the aggregate amount of all payroll claims may be included as one item. Between July 15 and August 15 each year, the employee job titles and the current annual, monthly, or hourly salaries corresponding to such job titles shall be published. Each job title published shall be descriptive and indicative of the duties and functions of the position. The charge for said publication shall not exceed the rates provided for in section 23-122.

19-1103. **Reports and proceedings; how published; cost.** Publication under §§ 19-1101 and 19-1102 shall be made in one legal newspaper of general circulation in the village or city; if no legal newspaper be published in said 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. Cost of publication shall be paid out of general funds of the village or city.

**Article 13. Funds**  
**(Applicable to all cities of the first**  
**and second class, and villages)**

19-1303. **Sinking fund; resolution to establish; contents; election; laws governing.** Notice of the submission of such proposition, together with a copy of the official ballot containing the same, shall be published in the entirety, three successive weeks before the day of the election in a legal newspaper published in the municipality, or if no legal newspaper be published therein, then in some legal newspaper published or of general circulation in the county in which said city or village is located and of general circulation therein.



19-1306. **Public utilities; plans and specifications; notice; contents; revenue bonds, sale; procedure; subsequent issuance of revenue bonds; procedure.** The governing body of such city or village shall first cause plans and specifications for said proposed extensions and improvements and an estimate of the cost thereof to be made by the city or village engineer or by a special engineer employed for that purpose. The governing body shall direct that public notice be given in regard thereto. This notice shall state: (1) the general nature of the improvements or extensions proposed to be made; (2) that the plans, specifications and estimate thereof are on file in the office of the city or village clerk and are open to public inspection; (3) the estimated cost thereof; (4) that it has proposed to pay for the same by combined revenue bonds; (5) the principal amount of said bonds which it proposes to issue; (6) the maximum rate of interest which such bonds will bear; (7) that the payment of said bonds will be a lien upon and will be secured by a pledge of the revenue and earnings of certain public utilities; (8) the names of the utilities whose revenue and earnings are to be so pledged; (9) that any qualified elector of the city or village may file written objections to the issuance of said bonds with the city or village clerk within twenty days after the first publication of said notice; (10) that if such objections are filed within said time by qualified electors of the city or village, equal in number to forty percent of the electors of the city or village who voted at the last preceding general municipal election, the bonds will not be issued unless the issuance of such bonds is otherwise authorized in accordance with law; and (11) that if such objections are not so filed by such percentage of such electors, the governing body of such city or village proposes to pass an ordinance authorizing the sale of said bonds and making such contracts with reference thereto as may be necessary or proper. Such notice shall be signed by the city or village clerk and be published three consecutive weeks in a legal newspaper published or of general circulation in such city or village.

19-1307. **Public utilities; combined revenue bonds; interest; objections; submit to electors; terms.** When objections filed to improvements are a sufficient number, the question shall be submitted to election, notice of which is to be given by publication in a legal newspaper published or of general circulation in the city or village for three consecutive weeks.

#### **Article 14. Light, Heat and Ice**

19-1403. **Municipal heat, light, and ice plants; bonds; interest; amount; approval of electors; tax.** Bond and plant questions shall be submitted to elections after not less than thirty days notice thereof has been given by publication in some newspaper published and

of general circulation in such municipality, or if no newspaper is published, by posting in five or more public places therein.

**Article 21. Garbage Disposal**  
**(Applicable to all except metropolitan and primary)**

19-2103. **Garbage disposal plants; systems and solid waste disposal areas; issuance of bonds; limitation on amount.** Question of issuing bonds shall be submitted to election, notice of which to be given by publication in some newspaper published and of general circulation in such municipality or, if no newspaper is published therein, then by posting. Election shall be not less than thirty days after notice given.

**Article 22. Correction of Corporate Limits**  
**(Applicable to cities of the first and second class and villages)**

19-2203. **Error in platting; application; order to show cause; contents; publication.** If it shall appear to the judge of the district court that such application is properly filed, he or she shall make an order directing all interested persons to appear before him. 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 is any in such city or village, and if there is not, in some newspaper printed in the county having general circulation in the 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 shall be published four consecutive weeks in such newspaper and must contain a summary statement of the object and prayer of the applicant, mention the court where it is filed, and notify the persons interested when they are required to appear and show cause why the decree should not be entered.

**Article 24. Municipal Improvements.**  
**First and Second Class Cities**

19-2401. **Municipal improvements; combination of projects; notice; allocation of cost.** The published notice shall (A) set forth the engineer's lump sum estimate of the total cost for the aggregate of all work to be performed in the combined districts, (B) enumerate the estimated quantities of work to be done in each separate district, and (C) call for an aggregate bid on all work to be performed in the combined districts, broken down in such a manner as will accurately reflect unit prices for such estimated quantities.

19-2404. **Municipal improvements; combination of projects; notice; allocation of cost.** If the special assessment tax for sewer and

water mains is not paid, a resolution shall be published one time in a legal newspaper of general circulation published in the municipality or if there is none, in a legal newspaper of general circulation in the municipality. The resolution shall set forth the description of the property and the name of its record title and shall provide that all future installments shall become delinquent on a fixed date.

19-2411. **Combined improvements; district; creation; notice; objections.** After passage, approval and publication of the ordinance, the city or village clerk shall cause notice of the creation of the district to be published for two consecutive weeks in a newspaper published or of general circulation in the city or village, or by personal service.

19-2416. **Limited street improvement district; creation; purpose; ordinance; notice; procedure.** The mayor or chairman of the board of trustees and clerk shall, after the passage, approval and publication of such ordinance, publish notice of the creation of any such district or districts one time each week for three weeks in a daily or weekly newspaper of general circulation in the city or village.

### **Article 33. Off-street Parking**

19-3311. **Off-street parking facilities; authorized; powers; home rule charter provisions excepted; limitations; duties of city council.** Before any such city may commence a program to construct, purchase, or acquire by other means a proposed off-street parking facility or facilities, notice shall be given, by publication once each week for not less than thirty days, inviting application for private ownership and operation of off-street parking facilities, which notice shall fix a date for public hearing on any application received.

19-3312. **Proposed districts; boundaries; notice; objections; hearing.** The mayor and city council may fix and establish by resolution the boundaries of a proposed district. Notice of the time and place of a hearing before the city council on the creation of such district and of protests and objections to the creation of the district as set forth in the notice shall be given by publication one time each week for not less than three weeks in a daily or weekly newspaper of general circulation published in the city. The notice shall set forth in addition the proposed boundaries of the district and the engineer's estimate of the sum of money to be expended in the acquisition of property and the construction of the off-street parking facility.

19-3314. **Costs; special assessment; notice; contents; appeal.** The amounts of special assessment shall be determined by the mayor and city council sitting as a board of equalization. Notice of a the

hearing and the general purpose for the assessment is to be made one time each week for three weeks in a daily or weekly newspaper of general circulation published in the city. The notice shall provide the date, time and place of hearing to determine any objections or protests by landowners.

19-3315.01. **Taxes, assessments, and revenue; use; notice; protest.** If the city clerk shall give notice of the council's intention to exercise such authority by publishing notice of such intent in a newspaper of general circulation in the city once a week for two consecutive weeks. The notice shall describe the propped new uses for district revenue and shall specify the time for hearing objections to such uses.

19-3316. **Assessments; delinquent; interest; notice; lien; payment.** If payment of special assessment becomes delinquent a 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 exists, a legal newspaper of general circulation in such city. The resolution shall state the description of the property and the name of record title owner and shall provide that all future installments shall become delinquent upon such fixed date.

19-3319. **Petition; notice; protest.** The same procedure for publication of notice and objections to the creation of the district shall apply.

19-3320. **District boundaries; change; notice; contents.** Whether the ordinance creating the off-street parking district is passed on the initiative of the council or on the petition of landowners, the council shall not change the boundaries, except after notice of intention to do so given by the clerk by one insertion in the newspaper.

#### **Article 40. Business Improvement Districts**

19-4025. **Notice of hearing; manner given.** A notice of hearing under sections 19-4015 and 19-4038 shall be given by (1) publication of the resolution of intention in a newspaper of general circulation in the city, and (2) mailing a complete copy of the resolution of intention to each owner of taxable property in the proposed or established area. Publication and mailing shall be completed at least ten days prior to the date of the hearing.

19-4030. **Business improvement district; special assessments; purpose; notice; appeal; lien.** Notice of a hearing on any special assessments to be levied under sections 19-4015 to 19-4038

shall be given to the landowners in such district by publication of the description of the land, the amount proposed to be assessed, and the general purpose for which such assessment is to be made one time each week for three weeks in a daily or weekly newspaper of general circulation published in the city. The notice shall provide the date, time, and place of hearing to determine any objections or protests by landowners in the district as to the amount of assessment made against their land.

## **CHAPTER 21. CORPORATIONS**

### **Article 14. Nonstock Cooperative Marketing Companies**

21-1408. **Directors; duties and powers; annual and special meetings; notice.** By-laws may require that notice of annual and special meetings may be given by publication in newspaper of general circulation in the territory in which the association has its membership.

### **Article 19. Nonprofit Corporations Act**

21-19,136. **Unknown claims against dissolved corporation; notice.** (a) A dissolved corporation may also publish notice of its dissolution and request that persons with claims against the corporation present them in accordance with the notice. (b) The notice must: (1) be published one time in a newspaper of general circulation in the county where the dissolved corporation's principal office (or, if none in this state, its registered office) is or was last located; (2) describe the information that must be included in a claim and provide a mailing address where the claim may be sent; and (3) state that a claim against the corporation will be barred unless a proceeding to enforce the claim is commenced within five years after publication of the notice.

21-19,163. **Foreign corporation; domestication; procedure.** A foreign corporation that complies with this act and publishes notice of amended articles as required by section 21-19,173 of this act, shall thereupon become and be a domestic corporation under this act.

21-19,173. **Notice of incorporation, amendment, merger, or dissolution; public.** (a) Notice of incorporation, amendment, or merger of a domestic corporation subject to the Nebraska Nonprofit Corporation Act shall be published for three successive weeks in some legal newspaper of general circulation in the county where the corporation's principal office or, if none in this state, its registered office is located.

A notice of incorporation shall show (1) the corporate name of the corporation, (2) whether the corporation is a public benefit, mutual

benefit, or religious corporation, (3) the street address of the corporation's initial registered office and the name of its initial registered agent at that office, (4) the name and street address of each incorporator, and (5) whether or not the corporation will have members.

A brief resume of any amendment or merger of the corporation shall be published in the same manner for the same period of time as a notice of incorporation is required to be published.

(b) Notice of dissolution of a domestic corporation shall be published for three successive weeks in some legal newspaper of general circulation in the county where the corporation's principal office or, if none in this state, its registered office is located. A notice of dissolution shall show (1) the terms and conditions of such dissolution, (2) the names of the persons who are to wind up and liquidate its affairs and their official titles, and (3) a statement of assets and liabilities of the corporation.

(c) Proof of publication of any of the notices required to be published under this section shall be filed in the office of the Secretary of State. In the event any notice required to be given pursuant to this section is not given, but is subsequently published for the required time, and proof of the subsequent publication thereof is filed in the office of the Secretary of State, the acts of such corporation prior to, as well as after, such publication shall be valid.

## **Article 20. Business Corporation Act**

21-20,189. **Publication and notice requirements.** (1) Notice of incorporation, amendment, merger, or share exchange of a domestic corporation subject to the Business Corporation Act shall be published for three successive weeks in some legal newspaper of general circulation in the county where the corporation's principal office, or, if none in this state, its registered office, is located.

A notice of incorporation shall show (a) the corporate name for the corporation, (b) the number of shares the corporation is authorized to issue, (c) the street address of the corporation's initial registered office and the name of its initial registered agent at that office, and (d) the name and street address of each incorporator.

A brief resume of any amendment, merger, or share exchange of the corporation shall be published in the same manner and for the same period of time as a notice of incorporation is required to be published.

(2) Notice of the dissolution of a domestic corporation and the terms and conditions of such dissolution and the names of the persons who are to wind up and liquidate its business and affairs and their official titles, with a statement of assets and liabilities of the corporation, shall be published for three successive weeks in some legal newspaper of general circulation in the county where the corporation's principal office, or, if none in this state, its registered office, is located.

(3) Proof of publication of any of the notices required to be published under this section shall be filed in the office of the Secretary of State. In the event any notice required to be given pursuant to this section is not given, but is subsequently published for the required time, and proof of the publication thereof is filed in the office of the Secretary of State, the acts of such corporation prior to, as well as after, such publication shall be valid.

## **Article 22. Professional Corporations**

21-2215. **Involuntary dissolution; procedure.** Summons shall issue and be served as in other civil actions. If process is returned not found, the Attorney General shall cause publication to be made as in other civil cases in some newspaper published in the county where the last-known registered office of the corporation is situated, containing a notice of the pendency of such action, the title of the court, the title of the action, and the date on and after which default may be entered. The Attorney General shall cause a copy of such notice to be mailed to the corporation at its last known registered office or mailing address within ten days after the first application thereof. The certificate of the Attorney General of the mailing of such notice shall be prima facie evidence thereof. Such notice shall be published at least once each week for two successive weeks, and the first publication thereof may begin at any time after the summons has been returned. Unless a corporation shall have been served with summons, no default shall be taken against it earlier than thirty days after the first publication of such notice.

## **CHAPTER 22. COUNTIES**

### **Article 2. Formation of New Counties**

22-210. **County seat; site; lots; sale.** Notice of sale of lots shall be posted up in three public places of the county.

### **Article 4. Consolidation of Counties**

22-404. **Consolidation agreement; publication; availability.** A description of proposed consolidation agreement shall be published in

its county prior to the election at least once a week for three consecutive weeks in one or more newspapers of general circulation in the county. Final publication in each county shall be within seven calendar days prior to the election pursuant to Section 22-405. Each board shall make a copy of the agreement available for inspection at the county clerk's office. A person may obtain a copy of the agreement at no charge upon request at the county clerk's office.

## **CHAPTER 23. COUNTY GOVERNMENT AND OFFICERS**

### **Article 1. General Provisions**

23-107.01. **Real estate owned by county; sale or lease; terms and procedures.** The county board of county shall hold an open and public hearing prior to any sale or lease at which any interested party may appear and speak for or against the sale or lease, and raise any issue regarding the fair market value of the property as determined by the county board. Public notice of any such public hearing shall be run for three consecutive days during the week prior to the hearing date in any newspaper or legal publication distributed generally throughout the county.

The county board shall cause to be printed and published once at least ten days prior to the sale or lease in a legal newspaper in the county, an advertisement for bids on the property to be sold or leased. The advertisement shall state the legal description and address of the real estate and that the real estate shall be sold or leased to the highest bidder.

23-114.03. **Zoning regulations, purpose; districts.** An official map or maps indicating the districts and regulations shall be adopted and within 15 days shall be published in book or pamphlet form once or in a legal newspaper published in and of general circulation in the county, or if none, in a legal newspaper of general circulation in the county.

23-122. **Counties having less than 150,000 inhabitants; proceedings; claims; employee job titles and salaries; publication; rate.** The county board of all counties having a population of less than one hundred fifty thousand inhabitants shall cause to be published within ten working days after the close of each annual, regular, or special meeting of the board, a brief statement of the proceedings thereof which shall also include the amount of each claim allowed, the purpose of the claim, and the name of the claimant, except that the aggregate amount of all payroll claims may be included as one item, in one newspaper of general circulation published in the county, and also its proceedings



upon the equalization of the assessment roll. Between July 15 and August 15 of each year the employee job titles and the current annual, monthly, or hourly salaries corresponding to such job titles shall be published. Each job title published shall be descriptive and indicate the duties and functions of the position. No publication in a newspaper shall be required unless the same can be done at an expense not exceeding three-fourths of the legal rate for advertising notices.

23-126. **Special tax; submission to voters; notice.** Notice shall be submitted of special tax to voters. The published notice shall include the whole question, sum desired or amount of tax desired, rate per annum, the whole regulation including time of taking effect and the penalty of its violation to be published four weeks in some newspaper published in the county. The notice shall name the time when such question will be voted upon, and the form in which the question shall be taken, and a copy of the question submitted shall be posted at each place of voting during the day of election.

23-149. **Commissioners; number; petition to change; election; ballot; form.** Whenever in counties not under township organization a petition or petitions for the submission of the question of number of commissioners, signed by not less than two hundred registered voters of the county voting at the last general election, are filed in the office of the county clerk or election commissioner not less than seventy days before the date of any general election, the county clerk or election commissioner shall cause the question to be submitted to the voters of the county at such election and give notice thereof in the general notice of the election.

23-154. **County board; special sessions; notice.** Special sessions of county board shall be called by giving five days' notice of time and object of session, by posting notices or by publication in newspaper published in the county.

23-164. **Adjacent territory; regulation; hearings; notice by publication; written notice to chairperson of planning commission.** The county board shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined. No such regulation, restriction or boundary shall become effective until after public hearings are held by both the county planning commission and county board in relation thereto, when its parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be given by the publication thereof in a legal newspaper of general circulation in such county one time at least ten days prior to such hearing. Notice of the time and place of such hearing shall also be given in writing to the chairperson of any

municipal, county, or joint planning commission in the state of Nebraska which has jurisdiction over land within three miles of the property affected by such action. In the absence of a planning commission, such notice shall be given to the clerks of units of local government in the State of Nebraska having jurisdiction over land within three miles of the property affected by such action.

23-173. **Zoning resolutions; adoption; publication; printing; effect.** The county board may also pass, approve and publish any other resolution governing and controlling zoning after the zoning district is created and when such resolutions are passed and approved, they shall be published as provided in section 23-172. If any resolution is published by printing the same in book or pamphlet form, purporting to be published by authority of the county board, the same need not be otherwise published, and such book or pamphlet shall be received as evidence of the passage and legal publication of such resolution, as of the dates mentioned in such book or pamphlet, in all courts without further proof.

23-174.08. **Zoning resolution; public hearing; notice; approval.** Notice of the time and place of the hearings for county zoning shall be given by publication thereof in a paper of general circulation in the county at least one time at least five days before the date of the hearing. Notice with reference to proposed amendments, supplements, or modifications of the zoning resolution shall also be posted in a conspicuous place on or near the property upon which the action is pending.

23-188. **County board; notice; contents; public hearing.** A county board shall provide notice of the time when any county ordinance is set for consideration before the board. Such notice shall appear at least once a week for two weeks in a newspaper published or of general circulation in the county. The notice shall contain the entire wording of the ordinance and the time and place of the public hearing. The last publication of the notice shall not be less than five days nor more than two weeks prior to the time set for the public hearing on the adoption of the ordinance.

## **Article 2. Counties Under Township Organization**

23-210. **Township; creation from city of second class; petition.** Creation of new township out of city of second class shall be done by petition; before final action is taken by the board, two weeks' notice of filing such petition and of the time when and place where hearing thereon will be held shall be given by publication in some newspaper published in the city, if there be one.

23-227. **Annual town meetings; notice; publication.** Notice of the time and the place of holding annual meeting, after the first meeting, shall be given by the town clerk by publishing the notice in a newspaper in or of general circulation in the town at least ten days prior to the meeting.

23-229. **Town bylaws and regulations; publication.** Town bylaws and regulations shall be published by posting or by one insertion in any newspaper published in the county within twenty days of their adoption.

23-253. **Accounts; audit; meetings; notice.** Notices of audit meeting shall be published once at least ten days before such meeting in a legal newspaper of general circulation in the county.

23-273. **County supervisors; special meetings; notice.** Notice of special meetings of county board shall be published in some newspaper of the county if any published therein. Notices shall state time and object of such meeting.

### **Article 3. Provisions Applicable to Various Projects**

23-312. **Levees; dikes; report of engineer; filing; notice of hearing.** Report of engineer on levees and dikes shall be filed. Notice of filing, location of proposed improvement and time for hearing thereon shall be published for three consecutive weeks in some weekly newspaper published in the county.

23-314. **Levees; dikes; plan for protection; approval by Director-State Engineer.** Report of engineer as finally adopted shall be submitted to the State Engineer and notice of the hour and days of such submission shall be once published in the newspaper selected by the board for other publication notices.

23-315. **Levees; dikes; bids; contracts; conditions.** Bids on levees and dikes shall be advertised for by giving notice of time and place contracts will be let, by publication three successive weeks in one or more weekly newspapers published in the county. Notice shall state the specifications, nature, and extent of improvement, time within which work to be completed and allotment or allotments to be let.

23-318. **Levees; dikes; assessments; notice.** Assessments shall be made on lands benefited and notice of assessment to be published for three successive weeks in a legal newspaper published and of general circulation in the county, or if none, in a legal newspaper of

general circulation in the county. Notice shall fix time, not more than sixty days from completion, and approval of the work in which assessments may be paid in full without issuance of bonds.

23-338      **Illegal contracts; county exempt from liability.**  
Notice of intention to repair bridge damaged by sudden casualty shall be published by county board in at least one publication in some newspaper of general circulation in the county; provisions of statutes as to contract requirements do not apply.

23-340.      **Streets outside corporate limits; improvement; notice to landowners; county aid.** Notice of improvement of streets outside corporate limits of city shall be given to non-resident owners without agents in the county by publication of notice in newspaper published in and of general circulation in the county.

23-341.      **Streets outside corporate limits; improvement; cost; payment; assessments; determination; how levied.** Assessment for improvement of streets outside corporate limits shall be made upon property benefited and notice of such assessment to be published in a newspaper of general circulation in the county ten days prior to the final determination.

23-355.      **Monuments; markers; plans; contracts; advisory committee; duties.** Monuments and markers shall be contracted for after notice published for three successive weeks in a legal newspaper having general circulation in the county advertising for bids.

23-365.      **Sidewalks; outside corporate limits of city or village; construct or repair; tax; levy; notice; construction by owner, when; appropriation.** Notice of a special assessment shall be given by publication in one issue of a legal newspaper having a general circulation in such county.

23-366.      **Bids; special assessments; notice; levy.** Notice of the time of assessment meeting of the county board and its purpose shall be published once in a newspaper published and of general circulation in such county at least five days before the meeting of the county board is to be held, or in place thereof, personal notice may be given such abutting property owners.

23-370.      **Resolution of county board; notice; objections; effect.** Notice of the creation of a street improvement district shall be given by publication for two weeks in a legal newspaper published in and of general circulation in such county.

23-382. **Public gatherings; protest; enjoin; grounds.** The county board shall give advance notice of protest and of its hearing thereon as may be reasonable under the circumstance of the particular case, and the notice shall be given by the posting thereof at or immediately adjacent to the premises where such exhibition, entertainment, or gathering is to be held, and it may give such additional notice by publication as the county board in its judgment may deem feasible.

### **Article 8. Recreation, Entertainment, Amusements: Regulation**

23-810. **Pool hall; bowling alley; license; hearing; renewal.** Notice of original license application shall be published at expense of applicant for two consecutive weeks in some newspaper of general circulation in the county and precinct, giving the time and place the application will be considered by the board.

23-815. **Roadhouses; dance halls; carnivals; shows; amusement parks; petition for license; notice; hearing.** Same requirements for publication as in §23-810.

### **Article 9. County Budget**

23-906. **Budget-making authority, how constituted; budget, when prepared; contents; notice of hearing.** A summary of the county budget and notice of public hearing to be had with respect to the budget before the county board shall be published in some legal newspaper published or of general circulation in the county. Publication shall be once, at least five days before hearing date.

23-920. **Counties having 200,000 population or more; county hospitals; fiscal year; change of fiscal year.** In counties having two hundred thousand or more inhabitants, the fiscal year shall begin January 1 and end December 31. Any such county may elect to change its fiscal year from a period of twelve months commencing January 1 to a period commencing July 1, and to become subject to all the terms of sections 23-901 to 23-919. Any County hospital operating under sections 23-3501 to 23-3527 may elect to change its fiscal year to any period of twelve months for determining and carrying on its financial affairs.

### **Article 16. County Treasurer**

23-1605. **Semiannual statement; publication.** The county treasurer of each county shall, during the months of July and January of each year, cause to be published in a legal newspaper, and in counties

having more than two hundred fifty thousand inhabitants in a daily newspaper printed in the county or, if there is no legal newspaper published in the county, in a legal newspaper of general circulation within the county, a tabulated statement of the affairs of his office, showing the receipts and disbursements of his office for the last preceding six months ending June 30 and December 31.

23-1607. **Semiannual statement; cost of publication; payment.** County shall pay to the printer reasonable compensation for publication of such statement.

#### **Article 17. Sheriff**

23-1728. **Commission; competitive examinations; records of service; keep; subject to inspection by commission.** The commission shall prepare and hold open competitive examinations in order to test the relative fitness of all applicants for appointment to classified service. At least two weeks' notice shall be given of all such examinations by publication at least once in a legal newspaper published or of general circulation in the county.

#### **Article 18. Coroner**

23-1815. **Inquest; personal property; discovery on or near body; disposition.** Personal property, if not claimed or proceeds are needed to defray expenses of burial, shall be sold after ten days' notice of time and place of sale by the coroner.

#### **Article 29. County Community Buildings**

23-2906. **District; petition; hearing; notice.** Upon receipt of such petition [for creation of a community building district], the county board shall examine it to determine whether it complies with the requirements of section 23-2905. Upon finding that such petition complies with such requirements, the county board shall set a hearing thereon and cause notice thereof to be published at least three successive weeks in a newspaper of general circulation throughout the area to be included in the proposed district. Such notice shall contain a statement of the information contained in such petition and of the date, time, and place at which the hearing shall be held and that at such hearing proposals may be submitted for the exclusion of land from or the inclusion of additional land in the proposed district. If the proposed district lies in two or more counties, the hearing shall be held before the combined boards of all counties interested and the time and place thereof shall be as mutually agreed by such boards.

## Article 35. Medical Facilities

23-3513. **Cities and villages; gifts of money or property to aid county in acquisition, construction, or maintenance; issuance of bonds; procedure.** Notice of the time and place of bond 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 the city or village.

23-3531. **Hospital districts; petition; hearing; notice; modification of boundaries.** The county board shall set a hearing on modification of boundaries and cause notice thereof to be published at least three successive weeks in a newspaper of general circulation throughout the area to be included in such proposed district.

23-3583. **Hospital authority; formation; petitions; notice; contents.** Notice of hearing on petitions for proposed hospital authorities is to be published on the same day in each of three successive weeks in one or more newspapers of general circulation throughout the area to be included in the proposed authority. Such notice shall contain a statement of the information contained in such petitions and of the date, time, and place at which such hearing shall be held before the board of county commissioners, and that at such hearing proposals may be considered for the exclusion of land from or inclusion of additional land other than that named in the petitions.

## CHAPTER 24. COURTS

### Article 3. District Court

24-303. **Terms of Court; when fixed; where held; assignment of judges by Supreme Court; telephonic or videoconference hearing; authorized.** The judges of the district court shall fix the time of holding court, and cause the same to be published throughout the district, if it can be done without expense. Hearings, except jury trials, may be held by telephone or video, "conducted in a manner . . . consistent with the public's access to the courts."

### Article 8. Selection of Judges

24-810. **Judicial vacancy; judicial nominating commission; meeting; notice; hearing; investigations; submissions of names.** The chairperson of the judicial nominating commission shall notify each commission member in writing of the time and place of said meeting and shall also cause appropriate notice to be published by various news

media of the time and place of the public hearing of said judicial nominating commission, and of the interest of the commission in receiving information relating to qualified candidates for the judicial vacancy.

## **CHAPTER 25. COURTS, DISTRICT: CIVIL PROCEDURES**

### **Article 5. Commencement of Actions: Process**

25-518.01. **Service by publication.** Service may be made by publication (1) when such service is elsewhere provided for by statute, or (2) when ordered by the court.

25-519. **Service by publication; how made; contents.** Publication shall be made once in each week for three successive weeks in some newspaper printed in the county where the petition is filed, if there is not one, then in some newspaper printed in this state of general circulation in that county. It must contain a summary statement of the object and prayer of the petition, mention the court wherein it is filed, and notify the person or persons thus served when they are required to answer.

25-520. **Service by publication; when complete; how proved; affidavit of publication.** Service by publication shall be deemed complete when it shall have been made in the manner and for the time prescribed in section 25-519; and such service shall, be proved by the affidavit of the printer or his foreman or principal clerk, or other person knowing the same.

25-522. **Service by publication; designation of newspaper.** It shall be the right of the plaintiff or petitioner, in an action in which publication is necessary, to designate in what newspaper such notice shall be published. The judges shall be charged with the duty of ordering, directing or superintending the publication of any of such notices.

25-523. **Legal newspaper, defined; prior publications legalized.** No newspaper shall be considered a legal newspaper for the publication of legal and other official notices unless the same shall have a bona fide circulation of at least three hundred paid subscriptions weekly, and shall have been published within the county for fifty-two successive weeks prior to the publication of such notice, and be printed, either in whole or in part, in an office maintained at the place of publication. Provided, that nothing in this section or section 25-524 shall invalidate the publication in a newspaper which has suspended publication or been printed outside of the county, on account of fire,



flood or other unavoidable accident, for not to exceed ten weeks, in the year last preceding the first publication of a legal notice, advertising or publication; provided further, that all publications made prior to May 22, 1941, in a newspaper which has, on account of flood, fire or other unavoidable accident, suspended publication or been printed in an office outside of the county, are hereby legalized; provided further, that all newspapers, otherwise complying herewith, which have, on account of flood,, fire or other unavoidable accident, suspended publication or been printed in an office outside of the county, for not to exceed ten weeks in any year are hereby legalized; and provided further, that the publication of legal or other official notices in the English language in foreign language newspapers published within the county for fifty-two successive weeks prior to the publication of such a notice, and printed either in whole or in part in an office maintained at the place of publication, shall also be legal.

#### **Article 10. Provisional Remedies**

25-1023. **Attached property; preservation; sale; proceeds.** Property under this section is to be advertised in the same manner as for the sale of property on execution.

#### **Article 12. Evidence**

25-1274. **Legal notices; proof of publication.** Publications required by law to be made in a newspaper, 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 newspaper is a legal newspaper under the statutes of the State of Nebraska, but such affidavit must, for the purposes now contemplated, be made within six months after the last day of publication, in the office where the original affidavit of publication is required to be filed.

25-1275. **Legal notices; proof of posting or service.** The posting or service of any notice or other paper required by law may be proved by the affidavit of any competent witness, attached to a copy of said notice or paper, and made within six months of the time of such posting.

#### **Article 14. Abatement and Revivor**

25-1409. **Revivor; procedure; service of order by publication.** When the defendants are non-resident, or have left to avoid service of the order, or concealed themselves so that the order cannot be served, or that the names and residences of the heirs or devisees of the person against whom the action may be ordered to be revived, or the names are

unknown, a notice may be published once each week for four successive weeks in the same manner as provided by §25-519, notifying them to appear on a day named therein.

### **Article 15. Executions and Exemptions**

25-1524. **Goods unsold; delivery bond.** In all cases where goods remain in an official's hands, unsold because of lack of bidders, the official holding an execution for the sale of the same may sell the same by notice given in writing to said defendant in execution, or by advertisement, published in a newspaper printed in the county naming therein the day and place of the sale.

25-1525. **Goods unsold; additional writ; notice of sale.** Before the officer proceeds to sell the goods or chattels, he shall cause public notice to be given by publication once each week for four successive weeks of time and place of sale for at least ten days before the day of sale. The notice shall be given by advertisement published in some newspaper printed in the county, or in case no newspaper is printed therein, by putting up advertisements in five public places in the county, two in precinct where sale is to be held.

25-1527. **Sale of land; prior sale set aside; readvertisement.** When real estate offered for sale shall not be sold for want of bidders, the same shall be readvertised as provided in section 25-1525.

25-1529. **Sale of land; notice; publication; effect of failure to publish.** Lands taken in execution shall not be sold until public notice is given of the time and place of sale for at least thirty days before the date of the sale. The notice shall be given by publication once each week for four successive weeks in some newspaper printed in the county, or if no paper is printed in the county, then in some newspaper of general circulation therein, and by putting up an advertisement on the courthouse door, and in five other public places in the county, two of which shall be in the precinct where such lands and tenements lie. All sales made without such advertisement shall be set aside on motion by the court to which the execution is returnable.

25-1534. **Sale of lands and chattels; printer's fees to be advanced; effect of noncompliance.** The officer who levies upon goods and chattels, or lands and tenements, or who is charged with the duty of selling the same by virtue of any writ or execution, may refuse to publish a notice of the sale thereof by advertisement in a newspaper until the party for whose benefit such execution issued, his agent or attorney, shall advance to such officer so much money as will be sufficient to discharge the fees of the printer for publishing such notice.

**Article 21. Actions and Proceedings in Particular Cases  
(Includes Name Change)**

25-21,106 **Service of process; parties bound by proceedings.** The defendants in a partition action may be served by publication as provided in this code.

25-21,118. **Service or process.** Defendants maybe served as in other civil actions.

25-21,271. **Change of name; persons; procedure.** (2) Notice of the filing of a petition for name change shall be published in a newspaper in the county, and if no such newspaper is printed in the county, then in a newspaper of general circulation therein. The notice shall be published (a) once a week for four consecutive weeks if the petitioner is nineteen years of age or older at the time the action is filed and (b) once a week for two consecutive weeks if the petitioner is under nineteen years of age.

**Article 22. General Provisions**

25-2227. **Legal notices; week, defined.** Wherever the statutes of Nebraska provide for the publication of notices any number of weeks, the term week shall be construed to mean either a period of time known as a calendar week beginning on Sunday and ending within Saturday, or any period of seven consecutive days beginning with the date of the first publication of notice.

25-2228. **Legal notices; how published.** All legal publications and notices of whatever kind or character that may by law be required to be published a certain number of days or a certain number of weeks shall be legally published when they have been published in one issue in each week in a daily, semi-weekly or tri-weekly newspaper, such publication in such daily, semi-weekly or tri-weekly paper or papers to be made upon any one day of the week upon which such paper is published, except Sunday. Nothing in this section shall be construed as preventing the publication of such legal notices and publications in weekly newspapers. Any newspaper publishing such legal notices or publications, as hereinbefore provided, must be otherwise qualified under existing law to publish such notices or publications. All legal publications and all notices of whatever kind or character that may be required by law to be published a certain number of days or a certain number of weeks, shall be and hereby are declared to be legally published when they shall have been published once a week in a weekly, semi-weekly, tri-weekly, or daily newspaper for the number of weeks, covering the period of publication. For the purpose of this section, when

a newspaper is published regularly four or more times each week, it shall be deemed a daily newspaper.

### **Article 25. Uniform Procedure for Acquiring Private Property for Public Use**

25-2504. **Agency; hearing; where held; relocations; notice; hearings.** After giving notice pursuant to Section 25-2503 [delivered personally or by registered or certified mail], the agency shall hold a public hearing on the proposed project and acquisition at least thirty days before beginning negotiations for such acquisition. Notice of such public hearing shall be published at least ten days prior to such hearing in a legal newspaper published in and of general circulation in each county, if such a newspaper exists, or if no such newspaper is published in the county, notice shall be published in a newspaper which has been designated as the official legal notice publication by the counties in which the hearing is to be held. When the proposed acquisition consists of property for more than one county, a hearing shall be held in the county seat of each county. When the proposed acquisition is countywide in scope, the hearing shall be held at the county seat. When the proposed acquisition involved a lesser area, the hearing shall be held in a location convenient to the property to be acquired. When the proposed acquisition involves property located outside this state, the hearing shall be held at the principal office of the agency.

## **CHAPTER 30. DECEDENTS' ESTATES**

### **Article 8. Actions by or Against Executors**

30-810. **Action for wrongful death; limitation; in whose name brought; judgment; disposition of avails; compromise of claim; procedure.** Notice of hearing for settlement stating the time and place thereof shall be published for three successive weeks in a legal newspaper published within the county, or, if no legal newspaper is published within the county, then in a legal newspaper published in an adjoining county.

### **Article 22. Nebraska Probate Code**

30-2220. **Notice of hearing; method and time giving.** If notice of a hearing on any petition is required and except for specific notice requirements as otherwise provided the petitioner shall cause notice of the time and place of hearing of any petition to be given: by publishing at least once a week for three consecutive weeks a copy thereof in a legal newspaper having general circulation in the county where the hearing is to be held.

## **Article 24. Probate of Wills and Administration**

30-2415. **Informal probate; duty of registrar; effect of informal probate.** If a personal representative has not been appointed under section 30-2420 contemporaneously with the issuance of a written statement of informal probate, the clerk shall, within thirty days thereafter, publish notice once a week for three consecutive weeks in a newspaper having general circulation in the county where the written statement of informal probate has been issued. The first publication shall be made within thirty days after the statement of informal probate of a will of the decedent has been issued and shall follow the form prescribed by the Supreme Court. The party instituting or maintaining the proceeding or his attorney is required to mail the published notice and give proof thereof in accordance with section 25-520.01. Defect of notice does not render probate void.

30-2420. **Informal appointment proceedings; delay in order; duty of registrar; effect of appointment.** If at least one hundred twenty hours have elapsed since the decedent's death, the registrar, after making the findings required by section 30-2421 shall appoint the applicant subject to qualification and acceptance.

In addition to the notices required by sections 30-2413 and 30-2466, after a personal representative is appointed pursuant to the provisions of this section, the clerk shall, within thirty days after the appointment, cause notice of the appointment to be published once a week for three consecutive weeks in a newspaper having general circulation in the county where the appointment has been made. The first publication shall be made within thirty days after appointment. The published notice shall be in a form prescribed by the Supreme Court and shall contain the following: (1) notice of the appointment, and (2) notice that a written statement of informal probate of a will of decedent has been issued if such is the case. The party instituting or maintaining the proceeding or his attorney is required to mail the published notice and give proof thereof in accordance with section 25-520.01.

30-2483. **Notice to creditors.** Unless notice has already been given under this article, the clerk of the court upon the appointment of a personal representative shall publish a notice once a week for three successive weeks in a newspaper of general circulation in the county announcing the appointment and the address of the personal representative, and notifying creditors of the estate to present their claims within two months after the date of the first publication of the notice or be forever barred. The first publication shall be made within thirty days after the appointment. The party instituting or maintaining

the proceeding or his attorney is required to mail the published notice and give proof thereof in accordance with section 25-520.01.

## **CHAPTER 31. DRAINAGE**

### **Article 1. Drainage by County Authorities**

31-110. **Drainage improvements; hearing on petition; notice.** The county clerk **shall** notify each non-resident lot or landowner, by publication in a newspaper printed and of general circulation in the county, for at least three consecutive weeks before the day set for the hearing on drainage improvements.

31-118. **Drainage improvements; advertisement for bids; awarding contract; conditions.** The county board shall advertise for sealed bids for the construction. At least twenty days' notice shall be given for the time of the opening of the bids.

31-126. **Drainage improvements; bonds; issuance; notice.** If bonds are to be issued, the county board shall give notice by publication once each week for three weeks of the proposed issue, and the amount thereof, at any time within sixty days after the date of the first publication of such notice.

31-137. **Drainage ditches; petition; hearing; notice.** Upon filing the report of the surveyor, it shall be the duty of the county board to set a day for hearing and give notice thereof by publication thereof for three weeks in some newspaper of general circulation in the county.

31-140. **Drainage ditch; transfer to drainage district; petition.** The county board shall give notice of the hearing by publication thereof for one week in some newspaper of general circulation in the county and the county clerk shall mail a copy of such notice to each of the landowners benefited by such ditch.

### **Article 2. Drainage by Individual Landowner**

31-207. **Drains or ditches; notice of hearing on petition; contents; service.** If the owners of lands or lots are non-residents of the county, then the notice shall be published once each week for three successive weeks in some newspaper published and of general circulation in the county. The notice shall state the time and place of hearing, the land affected thereby, and the time of appointment of appraisers.

31-214. **Drains or ditches; report; assessment roll; notice of objections.** Notice of appraisers' report shall be served on non-residents by publishing in one issue of the official newspaper published and of general circulation in the county, at least ten days prior to the day when the matter will be heard.

### **Article 3. Drainage Districts Organized by Proceedings in District Court**

31-303. **Formation; notice to landowners affected; summons; service by publication.** If any owners of real estate in the district are non-residents, they shall be notified by publication setting forth that the articles of association have been filed and describing the real estate in the district. Publication shall be the same as in civil cases.

31-307. **Supervisors; annual elections; notice.** Notice may be given by publication for two weeks in a newspaper in each county in the district and of general circulation therein. Notice shall be sufficient if it notifies the landowners, without naming them individually, of the time, place and purpose of the meeting.

31-309. **Officers and assistants; reports; compensation.** The board shall publish annually a statement of receipts and expenditures in a legal newspaper printed or of general circulation in the county of the district.

31-324. **Engineer's report; notice of hearing; form; publication.** The board of supervisors shall give notice of the meeting provided for by publication thereof to be made once a week for two consecutive weeks in some newspaper published in each county in the district, the last publication to be at least ten days before the day set for hearing. The notice shall not necessarily name the parties interested, but only describe the land. The following form is sufficient:

Notice is hereby given to all parties interested in the following described lands and property in \_\_\_\_\_ County, Nebraska, (here describe the lands and property) included within (here insert name of drainage district) that the engineer heretofore appointed to make a topographical survey of said drainage district and maps and profiles thereof, and a complete plan for draining, reclaiming, and protecting said drainage district and to classify the same, filed his report with the board of supervisors of (here insert the names of the drainage district) on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, and you and each of you are hereby notified

that you may file objections to said report within the time fixed by law.

Chairman of the board of supervisors of Drainage District  
Number of \_\_\_\_\_ County, Nebraska.

31-332. **Additional assessments; notice of hearing; publication; erroneous assessments; correction.** The board of supervisors shall give notice thereof by causing a publication to be made once a week for two consecutive weeks in some newspaper published in each county in the district, the last publication to be at least ten days before the day set for hearing.

31-347. **Bonds; sale; how made.** Notice of the sale shall be given by publication for twenty days in a daily newspaper published in the city of Lincoln, and in any other newspaper, at its discretion. The notice shall state that sealed proposals will be received, and the day and hour of receiving the same.

31-355. **Bids for construction; award of contract; construction bond; supervision of work.** Notice shall be given publication thereof for twenty days in the newspaper of general circulation in the county or counties in which the drainage district is situated, and in such other newspapers as it may deem advisable. The notice shall call for sealed bids, notify the public of the time and place where such bids will be received and opened.

31-370. **Drainage improvements; election required; when; notice; publication; effect of negative vote; change in plans.** The board shall publish once a week for three consecutive weeks in a newspaper in each county of such district, a notice of an election to vote on the question of proceeding with drainage work.

31-372. **Refunding bonds; issuance; resolution; notice; publication; procedure where no objections filed.** Notice shall be published for four weeks in some newspaper of general circulation in the drainage district and by posting a notice in three of the most public places in the district for at least 30 days. The notice shall contain the amount of indebtedness to be taken up, the date of issue, the rate of interest, and when the installments shall become due.

31-375. **Drainage district; dissolution; procedure; election; notice; effect; funds; distribution.** An election shall be called, and notice of such election given by publication for three successive weeks next preceding the election in a legal newspaper published or of general circulation in the county wherein the district was originally incorporated.



The notice shall specify the day, hour and place where the election shall be held.

#### **Article 4. Drainage Districts Organized by Vote of Landowners**

31-405. **Formation; notice of election; publication; contents; posting.** Notice shall be published once a week for three weeks in a newspaper published in the proposed district and if the district embraces land in more than one county, then in a legal newspaper published in the proposed district in each county. Notice shall state the filing of the petition, the boundaries of the district, time and place of holding said election.

31-409.02. **Annual election; notice; contents.** Notice of an annual election shall be published once each week for two consecutive weeks in a newspaper of general circulation in the district, or the precinct if the district has been divided into voting precincts designated by the district. The last publication shall not be less than thirty days prior to the election. The notice shall include the date of the election, the number of directors to be elected, the names of those whose terms will expire, and the procedure for filing as a candidate.

31-410.01. **Board of directors; plans; notice; hearing.** The board of directors, having first, with the aid of such engineer, surveyor, and other assistants as it may have chosen, made detailed plans of the public works to be done, shall cause a notice to be inserted at least once in a newspaper of general circulation in the district stating the time and place where the directors shall meet for the purpose of conducting a public hearing on the proposed public works and the method of financing such works. The hearing may be continued from time to time upon notice given by publication at least once in a newspaper of general circulation in the district stating the time and place of such continuance.

31-411.01. **Apportionment of benefits; report; filing; notice; publication.** The board of directors shall publish once each week for three consecutive weeks, in a newspaper of general circulation in the district, a copy of the apportionment and a statement of the total number of units of benefit in the district.

31-411.02 **Board of directors; plans; adoption; budget; notice; publication; contents; levy; map; county treasurer; compute tax; additional funds; election.** The board of directors having adopted the plan of public works and the tax levy method of financing shall prepare an itemized budget of funds necessary to carry out the authorities granted under sections 31-401 to 31-450 and transmit such budget to the county board of the county or counties involved. Thereupon, the

board of directors shall cause to be published, once each week for three consecutive weeks in a newspaper of general circulation in the district, a copy of the itemized budget of funds necessary to carry out the authorities granted under such sections and a statement of the total taxable value of the taxable property in the drainage district.

31-418. **Bonds; notice of issuance; publication; contents.** The board of directors shall give notice by publication once each week for three consecutive weeks of the proposed issue of bonds and the amount thereof.

31-436. **Drainage district; dissolution; procedure; distribution of funds; city of the metropolitan or first class; county; assume operation and maintenance; authorization; conditions.** Notice shall be given by publication once each week for three consecutive weeks for dissolution of drainage district.

31-449. **Invalid assessment; reapportionment; relevy; how made.** Notice of invalid assessments and reapportionment hearing shall be published at least ten days before the date of hearing in a newspaper in each county involved.

31-450. **Future districts; election; when held; notice; publication; limit of indebtedness; changing plans; abandonment.** The board of directors shall publish a notice once each week for three consecutive weeks in a newspaper in each county of an election to vote on the question of proceeding with such work.

## **Article 5. Sanitary Drainage Districts in Municipalities**

31-503. **Organization; hearing on petition; notice; publication; boundaries of district.** The county board shall give notice of organization and hearing on petitions in one or more newspapers daily, if there be a daily paper in said county, during twenty days prior to such meeting, of the time and place where the petition will be heard.

31-504. **Organization; election; notice; publication; form of ballot; canvass; returns; vote required.** The notice of election shall be in a daily paper, if there be one, and such notice shall be published twenty days prior thereto.

31-506. **Trustees; general powers; clerk; engineer; publication of proceedings.** Immediately after each regular and special meeting of trustee board it shall publish, in one newspaper of general circulation in the district, a brief statement of its proceedings, including an itemized list of bills and claims allowed, the amount of each, and to

whom paid. No publication shall be required if the expense is over one third of the legal rate for advertising notices.

31-509. **Ditches constructed from cities of 100,000 to 300,000 population; improvement beyond the district; publication of notices; election; vote required; effect of negative vote.** The county clerk shall publish a notice once a week for three weeks in a newspaper published in the county seat of each of the counties having land within said district, which notice shall state the filing of the report [made by the Department of Natural Resources], the boundaries, and that an election will be held on the day named to determine the formation of a drainage district.

31-512. **Contracts for work; how let; notice; rejection of bids.** Contracts for which the expense exceeds fifteen hundred dollars shall be let, upon notice of not less than twenty days, of terms and conditions.

31-516. **Improvements recommended by Department of Natural Resources; board of trustees ass board of equalization; notice of meeting; appeal.** Notice of such meeting of the board of equalization shall be given by publishing a notice thereof in a paper, published in the county seat in each of the counties where any of the land to be assessed is located, once each week for three consecutive weeks.

31-537. **Sanitary district; activities; discontinuance; election; notice; form of ballot.** The county board shall at least twenty days prior to the next state election, either primary or general, submit at such election the proposal to discontinue such district, after having published a notice of such submission.

31-542.01. **Sanitary district; discontinuance; contract with city or village; public hearing; notice.** Notice of such public hearing of the Board of Trustees shall be given by publication in a newspaper of general circulation in said district at least ten days prior to such hearing.

31-552. **Sanitary district; transfer of assets; hearing; notice.** Notice of public hearing of the board to exercise the powers of §31-551 shall be given by publication in a newspaper of general circulation in said district at least ten days prior to such hearing.

## **Article 7. Sanitary and Improvement Districts**

31-727. **Sanitary and improvement district; organized by proceedings in district court; purposes; powers; articles of**

**association; contents; filing; real estate; conditions; terms, defined.**

When a district divests itself of land pursuant to this section, it shall do so by sale at public auction to the highest bidder after notice of such sale has been given by publication at least three times for three consecutive weeks prior to the date of sale in a legal newspaper of general circulation within the area of the district.

31-728. **District; summons; notice to landowners, counties and cities affected; contents.** If any owner of real estate in the proposed district is unknown, or are non-residents, they shall be notified in the same manner as non-residents are notified of actions in the district courts of the state. The notice shall state (1) the articles of association have been filed, (2) the purpose thereof, (3) the real estate of the owner will be affected and rendered liable to taxation of special assessment, (4) the names of proposed trustees, (5) a petition has been made to have the district declared a sanitary and improvement district.

31-740. **Sanitary and improvement district; trustees or administrator; powers; plans or contracts; approval required; hearing; contracts authorized; audit; failure to perform audit; effect; connection with city sewerage system; rental or use charge; levy; special assessment.** Prior to the installation of any of the improvements provided for in this section, the plans or contracts for such improvements or services, other than for public parks, playgrounds and recreational facilities, whether a district acts separately or jointly with other districts as permitted by section 31-727, shall be approved by the public works department of any municipality when such improvements or services or any part thereof are within the area of the zoning jurisdiction of such municipality. If such improvements or services are without the area of zoning jurisdiction of any municipality, plans for such improvements shall be approved by the county board of the county in which such improvements are located. Plans and exact costs for public parks, playgrounds and recreational facilities shall be approved by resolution of the governing body of such municipality or county after a public hearing held not less than five days after notice of the hearing has been published in a newspaper of general circulation in such municipality or county. The board of trustees or administrator shall have power to sell and convey real and personal property of the district on such terms as it or he or she shall determine, except that real estate shall be sold to the highest bidder at public auction after notice of the time and place of the sale has been published for three consecutive weeks prior to the sale in a newspaper of general circulation in the county. The board of trustees or administrator may direct such bids and negotiate a sale at a price higher than the highest bid at the public auction at such terms as may be agreed.

31-740.01. **District; additional powers; amendment to articles of association; notice; objections; determination by district court.** Notice of the time and place when such proposed amendment shall be considered shall be given the same day each week for two consecutive weeks in a newspaper of general circulation published in the county where the district was organized, which publication shall contain the entire wording of the proposed amendment. The last publication shall not be less than five days nor more than two weeks prior to the time set for hearing on objections to the passage of such resolution.

31-741. **Contracts; bidding requirements.** All construction contracts over twenty thousand dollars, shall be left to the lowest responsible bidder, upon notice of not less than twenty days, of the terms and conditions of the contract to be let.

31-745. **Resolution; notice; hearing.** Notice of the time and place where the district is organized shall be given by publication the same day each week for two consecutive weeks in a newspaper of general circulation published in the county, not less than five nor more than twenty days before hearing.

31-748. **Improvements; contract; notice; bids.** No contracts shall be let until notice is published in a newspaper of general circulation in the county in which the district is organized, stating: extent of work, kind of materials, amount of estimate, time when bids will be received and amount of check required with each bid. It shall be published the same day for two consecutive weeks.

31-749. **Improvements; engineer; certificate of acceptance; cost; statement; assessment; notices; hearing; appeal; hearing in district court.** Notice shall be given by publication the same day each week, two consecutive weeks in a newspaper of general circulation published in the county where the district was organized. Such notice shall state the time and place where any objections, shall be considered by the board of trustees or administrator.

31-755. **Improvements; bonds; warrants; procedure; issuance; negotiability; extension of due date; hearing; interest; levy; sinking fund; tax.** Notice of the filing of application to not retire warrants and the time and place of the hearing thereon shall be published in a newspaper of general circulation in the county the same day each week three consecutive weeks.

31-757. **Bonds; petition; notice; hearing.** Notice of bond petition hearing shall state the time and place fixed for the hearing of the petition and prayer of the petition, and that any interested person may,

on or before the day fixed for the hearing of the petition, move to dismiss the petition or answer thereto. The petition may be referred to and described in the notice as the petition of \_\_\_\_\_ (giving its name) praying that the proceedings for the issuance and sale of such bonds of such district may be examined, approved, and confirmed by the court.

31-761. **District; change in boundary; petition; notice; hearing; order; effect.** Trustees of the district shall fix a time and place of hearing on annexation of lands and give notice of said hearing by two weekly publications.

31-767. **Dissolution of districts; resolution; notice; outstanding indebtedness; effect; hearing; filing.** Notice of the time and place when the resolution shall be set for consideration shall be published the same day each week for two consecutive weeks, not less than five days nor more than two weeks prior to hearing, in a newspaper of general circulation published in the county where the district was organized, which publication shall contain the entire wording of the proposed resolution.

31-768. **Dissolution and merger of districts; resolution; hearing; restrictions; filing; effect.** Same as §31-767.

31-769. **District; detachment of property; resolution; notice; hearing; outstanding indebtedness; effect; isolated property; detachment; filing.** Notice of the time and place when such resolution is set for consideration shall be published the same day each week for two consecutive weeks in a newspaper of general circulation published in the county where the district was organized, which publication shall contain the entire wording of the proposed resolution. The last publication shall be not less than five days nor more than two weeks prior to hearing.

#### **Article 7. Administrator of the District**

31-772. **Appointment of an administrator; petition; hearing; notice.** The court shall fix the time for the hearing of the petition and shall order the clerk of the court to give and publish a notice of the filing of the petition. The notice shall be given by publication the same day of the week each week for three consecutive weeks.

#### **Article 9. County Drainage Act of 1959**

31-909. **Proposed drainage improvement plan; file with county clerk; hearing; notice; contents.** Notice of said hearing shall be given by certified mail addressed to the address of each land or lot owner as shown on said plat. 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 improvement is on file and subject to inspection in the office of said clerk. If no address of landowner is ascertainable, the county clerk shall publish a notice of said hearing as to such owner by one publication in a legal newspaper, published or of general circulation in said county.

#### **Article 10. Flood Management, Insurance and Government Duties**

31-1022. **Adoption of regulations; notice; hearing; appeal.** Notice of any hearing to be conducted by the Department of Natural Resources shall be given to the clerk of the local government. Notice shall also be published in a newspaper of general circulation in the area involved at least once each week for three consecutive weeks, the last publication of which shall not be less than five days prior to the date set for the hearing.

### **CHAPTER 32. ELECTIONS**

#### **Article 4. Officers and Issues**

32-569. **Vacancies in city and village elected offices; procedure for filling.** Notice of a vacancy, except a vacancy resulting from the death of the incumbent, shall be in writing and presented to the council or board of trustees at a regular or special meeting and shall appear as a part of the minutes of such meeting. The council or board of trustees shall at once give public notice of the vacancy by causing to be published in a newspaper of general circulation within the city or village or by posting in three public places in the city or village the office vacated and the length of the unexpired term.

#### **Article 6. Filing and Nomination Procedures**

32-601. **Political subdivision; offices to be filled; filing deadlines; notices required.** Each political subdivision shall notify the election commissioner or county clerk of the offices to be filled no later than January 5 of any election year as provided in subsection (2) of section 32-404. The election commissioner or county clerk shall give notice of the offices to be filled by election and the filing deadlines of such offices by publication in at least one newspaper of general circulation in the county once at least fifteen days prior to such deadlines.

#### **Article 7. Political Parties**

32-707. **County post primary conventions; time; place; transaction of business.** The county central committee chairperson

shall cause to be published, at least fifteen days prior to the date of the county post primary convention, an official notice of the date, time, and place of the convention in at least one newspaper of general circulation within the county.

### **Article 8. Notice, Publication and Printing of Ballots**

32-802. **Notice of election; contents.** The notice of election for any election shall state the date on which the election is to be held and the hours the polls will be open and list all offices, candidates, and issues that will appear on the ballots. The notice of election shall be printed in English and in any other language required pursuant to the Voting Rights Act Language Assistance Amendments of 1992. In the case of a primary election, the notice of election shall list all offices and candidates that are being forwarded to the general election. The notice of election shall only state that amendments or referendums will be voted upon and that the Secretary of State will publish a true copy of the title and text of any amendments or referendums once each week for three consecutive weeks preceding the election. Such notice of election shall appear in at least one newspaper designated by the election commissioner, county clerk, city council, or village board no later than forty days prior to the election. The election commissioner or county clerk shall post in his or her office the same notice of election published in the newspaper not later than forty days prior to the election and shall provide a copy of the notice to all candidates and political subdivisions appearing on the ballot. If joint elections are held in conjunction with the statewide primary or general election by a county, city, or village, only one notice of election need be published and signed by the election commissioner or county clerk.

32-803. **Sample of official ballot; publication; requirements; rate; limitation.** A sample of the official ballot shall be printed in one or more newspapers of general circulation in the county, city, or village as designated by the election commissioner, county clerk, city council or village board. The copy shall be printed in English and in any other language required pursuant to the Voting Rights Act Language Assistance Amendments of 1992. Such publication shall be made not more than fifteen nor less than two days before the day of election, and the same shall appear in only one regular issue of each paper. The form of the ballot so published shall conform in all respects to the form prescribed for official ballots as set forth in sections 32-806, 32-809, and 32-812, but larger or smaller type may be used. When paper ballots are not being used, a reduced-size facsimile of the official ballot shall be published as it appears on the voting machine or punch card voting device. The rate charged by the newspapers and paid by the county board for the publication of such sample ballot shall not exceed the rate



regularly charged for display advertising in such newspaper in which the publication is made.

32-805. **Ballots; preparation; contents; posting.** The election commissioner or county clerk shall prepare the necessary ballots for every election in which candidates for elective office are certified to or filed with the election commissioner or county clerk or whenever any question is to be submitted to a vote of the registered voters of any locality and not to the state generally. The ballots shall be printed in English and in any other language required pursuant to the Voting Rights Act Language Assistance Amendments of 1992. If a question is submitted to the registered voters of any city or village alone, the city or village clerk shall provide the necessary ballots. Sample ballots shall be prepared for each precinct and shall be the same as the official ballots for the precinct. The official ballot shall be headed with the words Official Ballot, and the sample ballot shall be headed with the words Sample Ballot. All official and sample ballots shall be in the possession of the election commissioner, county clerk, or city or village clerk at least ten days before the election and subject to inspection by the candidates or their agents. One set of sample ballots shall be posted in the office of the election commissioner or county clerk not later than ten days prior to the election. Two sample ballots shall be posted at each polling place in each precinct on the morning of election day by the judges and clerks of election at or near the polling place. Additional sample ballots may be printed. No person other than an election commissioner, county clerk, or city or village clerk shall print or cause to be printed or distributed any ballot marked Official Ballot.

32-806. **Official Ballots; color; type style and size.** All official ballots prepared pursuant to the Election Act shall be white in Color, except that the election commissioner, county clerk, or city or village clerk may designate a distinctive color of ballot or ink for city, village, or school elections or, when authorized by the Secretary of State, for elections of any other political subdivision. If a distinctive color is designated, the color of the ballot shall not be the same as the sample ballots as provided in section 32-804. The style and size of type on official ballots shall be as close as possible to the style used on the ballots furnished by the Secretary of State.

32-808. **Ballots for early voting and applications; delivery; special ballot; publication of application form.** The election commissioner or county clerk shall publish in a newspaper of general circulation in the county an application form to be used by registered voters in making an application for a ballot for early voting after the ballots become available.

32-809. **Statewide primary election; ballot, form; contents.**

(1) The form of the official ballot at the statewide primary election shall be prescribed by the Secretary of State. At the top of the ballot and over all else shall be printed in boldface type the name of the political party, \_\_\_\_\_ Official Ballot, Primary Election 20\_\_. Each division containing the names of the office and a list of candidates for such office shall be separated from other groups by a bold line. The ballot shall list at-large candidates and sub district candidates under appropriate headings.

32-812. **Statewide general election; official ballot; form.** The form of the official ballot at the statewide general election shall be prescribed by the Secretary of State. At the top of the ballot for general elections and over all else shall be printed in boldface type the words Official Ballot, General Election, November \_\_, 20\_\_. Each division containing the names of the office and a list of candidates nominated for such office shall be separated from other groups by a bold line. The ballot shall list at-large candidates and sub district candidates under appropriate headings.

32-813. **Statewide general election; ballot, contents.** (1) The names of all candidates and all proposals to be voted upon at the general election shall be arranged upon the ballot in parts separated from each other by bold lines in the order the offices and proposals are set forth in this section. If any office is not subject to the upcoming election, the office shall be omitted from the ballot and the remaining offices shall move up so that the same relative order is preserved. The order of any offices may be altered to allow for the best utilization of ballot space in order to avoid printing a second ballot when one ballot would be sufficient if a punch card or optical-scan ballot is used. All proposals on the ballot shall remain separate from the offices, and the proposals shall follow all offices on the ballot.

(2) (a) If the election is in a year in which a President of the United States is to be elected, the names and spaces for voting for candidates for President and Vice President shall be entitled Presidential Ticket in boldface type. (b) The names of candidates for President and Vice President for each political party shall be grouped together, and each group shall be enclosed with brackets with the political party name next to the brackets and one square or oval opposite the names in which the voter indicates his or her choice. (c) The names of candidates for President and Vice President who have successfully petitioned on the ballot for the general election shall be grouped together with the candidates appearing on the same petition being grouped together, and each group shall be enclosed with brackets with the words "By Petition" next to the brackets and one square or oval opposite the names in which

the voter indicates his or her choice. (d) Beneath the names of the candidates for President and Vice President certified by the officers of the national political party conventions pursuant to 32-712 and beneath the names of all candidates for President and Vice President placed on the general election ballot by petition, two write-in lines shall be provided in which the voter may fill in the names of the candidates of his or her choice. The lines shall be enclosed with brackets with one square or oval opposite the names in which the voter indicates his or her choice. The name appearing on the top line shall be considered to be the candidate for President, and the name appearing on the second line shall be considered to be the candidate for Vice President.

(3) The names and spaces for voting for candidates for United States Senator if any are to be elected shall be entitled United States Senatorial Ticket in boldface type.

(4) The names and spaces for voting for candidates for Representatives in Congress shall be entitled Congressional Ticket in boldface type. Above the candidates' names, the office shall be designated for Representative in Congress \_\_\_\_\_ District.

(5) The names and spaces for voting for candidates for the various state officers shall be entitled State Ticket in boldface type. Each set of candidates shall be separated by lines across the column, and above each set of candidates shall be designated the office for which they are candidates, arranged in the order prescribed by the Secretary of State. The candidates for Governor and Lieutenant Governor of each political party receiving the highest number of votes in the primary election shall be grouped together with their respective candidates for Lieutenant Governor. Each group shall be enclosed with brackets with the political party name next to the brackets and one square or oval opposite the names in which the voter indicates his or her choice for governor and Lieutenant Governor jointly. The candidates for Governor and Lieutenant Governor who have successfully petitioned on the general election ballot shall be grouped together with the candidates appearing on the same petition being grouped together. Each group shall be enclosed with brackets with the words "By Petition" next to the brackets and one square or oval opposite the names in which the voter indicates his or her choice for Governor and Lieutenant Governor jointly. Beneath the names of the candidates for Governor nominated at the primary election ballot by petition, one write-in line shall be provided in which the registered voter may fill in the name of the candidate for Governor of his or her choice and one square or oval opposite the line in which the voter indicates his or her choice for Governor.

(6) The names and spaces for voting for nonpartisan candidates shall be entitled Nonpartisan Ticket in boldface type. The names of all nonpartisan candidates shall appear in the order listed in this subsection, except that when using a punch card or optical-scan ballot, the order of offices may be altered to allow for the best utilization of ballot space to avoid printing a second ballot when one ballot would be sufficient:

- (a) Legislature;
- (b) State Board of Education;
- (c) Board of Regents of the University of Nebraska;
- (d) Chief Justice of the Supreme Court;
- (e) Judge of the Supreme Court;
- (f) Judge of the Court of Appeals;
- (g) Judge of the Nebraska Workers' Compensation Court;
- (h) Judge of the District Court;
- (i) Judge of the Separate Juvenile Court;
- (j) Judge of the County Court; and
- (k) County officers in the order prescribed by the election commission or county clerk.

(7) The names and spaces for voting for the various county offices and for measures submitted to the county vote only or in only a part of the county shall be entitled County Ticket in Boldface type.

(8) The candidates for office in the precinct only or in the city or village only shall be printed on the ballot, except that if the election commissioner or county clerk deems it advisable, candidates for these offices may be submitted on a separate ballot if using a paper ballot or on either side of a punch card or optical-scan ballot if the ballot is placed in a ballot envelope, jacket, or sleeve before being deposited in a ballot box.

(9) All proposals submitted by initiative or referendum and proposals for constitutional amendments shall be placed on a separate ballot when a paper ballot is used which requires that the ballot after being voted be folded before being deposited in a ballot box. When an optical-scan ballot issued which requires a ballot envelope or sleeve in which the ballot after being voted is placed before being deposited in a ballot box, shall be separated by a bold line, and shall follow all other offices place on the same side of the ballot. Initiative or referendum proposals and constitutional amendments so arranged shall constitute a separate ballot. Proposals for constitutional amendments proposed by the Legislature shall be placed on the ballot as provided in sections 49-201 to 49-211.

32-817      **Official ballots; printing requirements.** The names of the candidates shall be set in boldface type using capital and lowercase letters. A square or oval shall be printed at the beginning of each line by the name of the candidate. At the general election, the name of the party represented by a candidate for partisan office shall be printed in capital and lowercase letters at the right side of the name. Proposals submitted by initiative or referendum or for constitutional amendments shall be printed in capital and lowercase letters, but the title heading and number thereof shall be in boldface type, and the square or oval for voting thereon shall be printed at the left side of the column. Ballots shall be printed with substantially the same appearance, including type and form, as the sample ballot furnished by the Secretary of State.

### **Article 9. Voting and Election Procedures**

32-902.      **Voting instructions; voting information; posting.** The election commissioner or county clerk shall cause instructions for the guidance of registered voters in preparing their ballots to be printed in large, clear type on cards in English. He or she shall furnish at least five such cards to each polling place in each precinct at the same time and in the same manner as the printed ballots. The judges or clerks of election shall post such cards in each voting booth or compartment on the day of election. The card shall contain full instructions on preparing and casting ballots using a voting machine or punch card voting system if appropriate. The form and contents of the cards shall be approved by the Secretary of State.

### **Article 14. Initiatives, Referendums, and Advisory Votes**

32-1401.      **Initiative petition; form.** The form of a petition for initiating any law or any amendment to the Constitution of Nebraska shall comply with the requirements of sections 32-628 and 32-1403 and shall be substantially as follows:

#### Initiative Petition

The object of this petition is to \_\_\_\_\_ (Print a concise statement in large type of the legal effect of the filing of the petition and the object sought to be secured by submitting the measure to the voters).

To the Honorable \_\_\_\_\_ Secretary of State for the State of Nebraska:

We, the undersigned residents of the State of Nebraska and the County of \_\_\_\_\_, respectfully demand that the

following proposed law (or amendment to the Constitution of Nebraska as the case may be) shall be referred to the registered voters of the state for their approval or rejection at the general election to be held on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, and each for himself or herself says:

I have personally signed this petition on the date opposite my name;

I am a registered voter of the State of Nebraska and county of \_\_\_\_\_ and am qualified to sign this petition or I will be so registered and qualified on or before the date on which this petition is required to be filed with the Secretary of State; and

My printed name, street number or voting precinct, and city, village or post office address are correctly written after my signature.

(Here follow numbered lines for signature, printed name, date, street and number or voting precinct, and city, village, or post office address.)

32-1402. **Referendum petition; form.** The form of a petition for ordering a referendum upon any act or any part of any act passed by the Legislature of the State of Nebraska shall comply with the requirements of sections 32-628 and 32-1403 and shall be substantially as follows:

### **Warning**

It is a felony for anyone to willfully and knowingly sign any referendum petition with any other name than his or her own, to willfully and knowingly sign his or her name more than once for the same measure, to willfully and knowingly sign such petition when he or she is not qualified to sign the petition, or to willfully and knowingly falsely swear to the signature upon any such petition.  
Referendum Petition

The object of this petition is to (Print a concise statement in large type of the legal effect of the filing of the petition and the object sought to be secured by submitting the measure to the voters).

To the Honorable \_\_\_\_\_, Secretary of State for the State of Nebraska;

We, the undersigned residents of the State of Nebraska and the county of \_\_\_\_\_, respectfully order that Legislative Bill No. entitled \_\_\_\_\_ (title of act and, if the petition is against less than the whole act, then set forth here the part or parts on which the referendum is sought), shall be referred to the registered voters of the state for retention or repeal at the general election to be held on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, and each for himself or herself says:

I have personally signed this petition on the date opposite my name;

I am a registered voter of the State of Nebraska and county of \_\_\_\_\_ and am qualified to sign this petition or I will be so registered and qualified on or before the date on which this petition is required to be filed with the Secretary of State; and

My printed name, street and number or voting precinct, and city, village, or post office address are correctly written after my signature.

(Here follow numbered lines for signature, printed name, date, street and number or voting precinct, and city, village or post office address.)

32-1405.02. **Initiative and referendum measures; public hearing; notice.** After the Secretary of State certifies the initiative and referendum measures for the ballot under subsection (3) of section 32-1411, the Secretary of State shall hold one public hearing in each congressional district for the purpose of allowing public comment on the measures. Notice of each hearing shall be published once in such newspapers as are necessary to provide for general circulation within the congressional district in which the meeting will be held not less than five days prior to the hearing. The hearings shall be held not more than eight weeks prior to the election.

32-1413. **Initiative and referendum measures; publication required; rate.** Immediately preceding any general election at which any initiative or referendum measure is to be submitted to the registered voters, the Secretary of State shall cause to be published in all legal newspapers in the state once each week for three consecutive weeks a true copy of the ballot title and text and the number of each measure to be submitted in the form in which the measure will be printed on the official ballot. The publication shall be at a rate charged as provided in section 33-141.

### CHAPTER 33. FEES AND SALARIES

33-140.01. **Unclaimed witness fees; notice by county board; publication.** Notice shall be published in some weekly newspaper of general circulation, published in the county, for at least two consecutive issues of said paper. The notice shall state:

To whom it may concern: Report having been made to the county board of \_\_\_\_\_ County, Nebraska, by the clerk of the district or county court of the county, which report shows that there is now and has been for the last six months remaining in the hands of the clerk certain witness fees which have been uncalled for: If the fees are not called for within six months from (insert the day upon which the first report was made) they will be considered as forfeited and will be paid into the common school fund of said \_\_\_\_\_ County.



(2) Commencing one year after September 9, 1995, the legal rate for the publication of all legal notices other than those exceptional legal notices described in section 33-142 shall be forty-five cents per line, single column, standard newspaper measurements of eight-point type and pica width of eleven for the first insertion and thirty-nine and four-tenths cents per line, single column, standard newspaper measurements of eight-point type and pica width of eleven for each subsequent insertion. Publication of such notices may be in any type selected by the publisher. For the purpose of uniformity, the calculation of fees for such publication shall be based on the official conversion table that follows:

### CONVERSION TABLE

#### Five and One Half Point Type

Pica Width	First Insertion	Subsequent Insertions
9	53.553¢	46.887¢
9 ½	56.528	49.492
10	59.503	52.097
10 ½	62.478	54.702
11	65.453	57.307
11 ½	68.428	59.912
12	71.403	62.517
12 ½	74.378	65.122
13	77.353	67.727
13 ½	80.328	70.332
14	83.303	72.937
14 ½	86.278	75.542
15	89.253	78.147
15 ½	92.228	80.752
16	95.203	83.357

### Six Point Type

Pica Width	First Insertion	Subsequent Insertions
9	49.087 ¢	42.980 ¢
9 ½	51.815	45.368
10	54.543	47.756
10 ½	57.271	50.144
11	59.999	52.532
11 ½	62.727	54.920
12	65.455	57.308
12 ½	68.183	59.696
13	70.911	62.084
13 ½	73.639	64.472
14	76.367	66.860
14 ½	79.095	69.248
15	81.823	71.636
15 ½	84.551	74.024
16	87.279	76.412

### Seven Point Type

Pica Width	First Insertion	Subsequent Insertions
9	42.079 ¢	36.842 ¢
9 ½	44.417	38.889
10	46.755	40.936
10 ½	49.093	42.983
11	51.431	45.030
11 ½	53.769	47.077
12	56.107	49.124
12 ½	58.445	51.171
13	60.783	53.218
13 ½	63.121	55.265
14	65.459	57.312
14 ½	67.797	59.359
15	70.135	61.406
15 ½	72.473	61.453
16	74.811	65.500

### Eight Point Type

Pica Width	First Insertion	Subsequent Insertions
9	36.816 ¢	32.236 ¢
9 ½	38.862	34.027
10	40.908	35.818
10 ½	42.954	39.400
11 ½	47.046	41.191
12	49.092	42.982
12 ½	51.138	44.773
13	53.184	46.564
13 ½	55.230	48.355
14	57.276	50.146
14 ½	59.322	51.937
15	61.368	53.728
15 ½	63.414	55.519
16	65.460	57.310

### Nine Point Type

Pica Width	First Insertion	Subsequent Insertions
9	32.724 ¢	28.655 ¢
9 ½	34.543	30.247
10	36.362	31.839
10 ½	38.181	33.431
11	45.000	35.023
11 ½	41.819	36.615
12	43.638	38.207
12 ½	45.457	39.799
13	47.276	41.391
13 ½	49.095	42.983
14	50.914	44.575
14 ½	52.733	46.167
15	54.552	47.759
15 ½	56.371	49.351
16	58.190	50.943

## Ten Point Type

Pica Width	First Insertion	Subsequent Insertions
9	29.452 ¢	25.788 ¢
9 ½	31.089	27.221
10	32.726	28.654
10 ½	34.363	30.087
11	36.000	31.520
11 ½	37.637	32.953
12	39.274	34.386
12 ½	40.911	35.819
13	42.548	37.252
13 ½	44.185	38.685
14	45.822	40.118
14 ½	47.459	41.551
15	49.096	42.984
15 ½	50.733	44.417
16	52.370	45.850

**33-142. Legal notices; separate contract rate; authorized.**

A public official or other legal notice purchaser who determines it is necessary or for the purposes of public information desirable to publish a legal notice using (1) a type size larger than shown in the conversion table, (2) placement of the legal notice in a place more prominent than the regular legal notice portion of the legal newspaper, or (3) a legal newspaper with a paid statewide circulation in excess of one hundred thousand may negotiate with any legal newspaper for a separate contract rate different from the rates set forth in 33-141 but no higher than the newspaper's lowest scheduled rate for classified advertisements of the type sought to be purchased.

**33-143. Legal notice; substitute notice; authorized.** If a legal notice required by any statute of this state cannot be purchased at the rate set forth in section 33-141 or at the fraction of the rate specified by the particular statute requiring the legal notice, the legal notice purchaser may substitute for published legal notice a form of legal notice which includes, but is not limited to, posting the notice for the full period specified in the statute at the place or places specified in the statute. If no place is specified in the statute. If no place is specified, then the posting shall be in full public view at the regular meeting place or office of any public entity involved, at the place where the particular meeting, act, or event described by the notice is to occur, and on a public bulletin

board in the municipal office building and the county office building of the municipality and county nearest to the place of the meeting, act, or event described in the notice.

## **CHAPTER 34. FENCES, BOUNDARIES AND LANDMARKS**

### **Article 3. Court Action for Settling Disputed Corners**

34-301. **Disputed corners and boundaries; court action to settle; procedure.** Notice to non-residents may be served by publication as provided by law.

## **CHAPTER 35. FIRE COMPANIES AND FIREFIGHTERS**

### **Article 5. Rural Fire Protection Districts**

35-507. **District; meeting; when held.** A regular meeting of the registered voters who are residing within the boundaries of a [fire protection] district shall be held at the time of the budget hearing as provided by the Nebraska Budget Act, and special meetings may be called by the board of directors at any time. Notice of a meeting shall be given by the secretary-treasurer by one publication in a legal newspaper of general circulation in each county in which such district is situated. Notice of the place and time of a meeting shall be published at least five days prior to the date set for meeting.

35-514. **District; annexation of territory; procedure.** Notice of such hearing shall be given by publication for two weeks in a newspaper of general circulation in the county, the last publication appearing at least seven days prior to the hearing. The notice shall be addressed to “all registered voters residing in the following boundaries” and shall include a description of the proposed boundaries as set forth in the petition or resolutions.

35-519. **Rural fire protection district; conversion to suburban fire protection district; procedure; effect.** Notice of meeting for the purpose of approving resolution to convert to suburban fire district shall be given as provided in § 35-507. Notice of hearing on the proposal for conversion shall be given by publication two weeks in a newspaper of general circulation within each county in which the district is located, the last publication appearing at least seven days prior to the hearing.

## CHAPTER 39. HIGHWAYS, BRIDGES AND FERRIES

### Article 8. Bridges

39-817. **Bridge construction contracts; advertisement for bids; contents; bids; certified checks or cash deposits required.** The County Board shall cause to be published for three consecutive weeks in a newspaper printed and of general circulation in the county or if there be no newspaper printed in the county, in a newspaper of general circulation in the county, an advertisement inviting contractors to compete for such work. Such notice shall state the general character of the work, the number and kind of bridges required to be built, their proposed location, the time within which and the place where such bids must be presented, and opened.

39-838. **Boundary bridge; bonds; special election; notice; conduct.** Notice of such election shall be published for at least thirty days prior to such election in some newspaper published in such county, township, precinct, city or village if any newspaper is published therein; if not, such notice shall be published by posting notice at the courthouse door in the county and in every voting precinct in the county. In case of a township, precinct, city or village election, such notice, where there is no newspaper published therein, shall be published by posting the notice in at least four public places in each township, precinct, city or village for at least thirty days next preceding the day of the election.

### Article 13. State Highways

39-1348. **Construction; plans and specifications; advertisement for bids; failure of publication; effect.** Before letting contracts, the Department shall advertise for sealed bids for not less than twenty days by publication of a notice thereof once a week for three consecutive weeks in the official county newspaper designated by the County Board in the county where the work is to be done, and in such additional newspapers as may appear necessary to the department. Such advertisement shall state the place where the plans and specifications for the work may be inspected and shall designate the time when the bids shall be filed and opened.

### Article 15. County Roads. Organization and Administration

39-1502. **Highway superintendent; optional appointment in certain commissioner counties; protests; election.** 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 the county, or if none is published, then in a legal newspaper of general circulation in the county.

39-1503. **Highway superintendent or road unit system counties; county boards; duties.** 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 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 the county, or if none is published, then in a newspaper of general circulation in the county. The notice shall state clearly the purpose, time and place of said public hearings.

39-1513. **County road unit system; optional for township counties; procedure for adoption.** In the event of the filing with the county clerk of a petition signed by ten percent 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 the board. 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 the county. The 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 percent of the qualified electors in the county protesting such adoption. In that event, the board of county supervisors shall submit the question of a county road unit system to the electors of the respective counties.

#### **Article 16. County Roads. Road Improvement Districts**

39-1604. **No temporary board; petition; notice; hearing; order.** If no temporary board of trustees is appointed, then not later than four weeks after the filing of such petition in the office of the County Board of the county wherein the greater portion of the area of the proposed district is located, such county board shall give notice by publication, in one or more newspapers having a general circulation in the proposed district, or once each week during the two weeks prior to such meeting of the time and place where the petition will be heard.

39-1609. **Trustees; clerk; engineer; rules and regulations; publication of proceedings.** Immediately after each regular and special

meeting of the Board, it shall cause to be published in one newspaper of general circulation in the district, a brief statement of its proceedings including an itemized list of bills and claims allowed, specifying the amount of each, to whom paid, and for what purpose, provided no publication shall be required unless the same can be done at an expense not exceeding one third of the rate of the publication of legal notices.

39-1612. **Trustees; improvements without petition; notice; protests.** The Board shall publish a notice of the improvements to be made in one or more newspapers having a general circulation in the district once each week during two consecutive weeks.

39-1623. **Improvements; plat; benefits; schedule of proposed assessments; notice; hearing.** Schedule of proposed assessments notice shall be given by publication once each week during two consecutive weeks, in a newspaper of general circulation in the district and whenever possible, by giving notice in writing by either registered or certified mail to the owner of each separate piece of property against which an assessment is proposed. The notice shall state time and place objections are to be filed.

39-1641. **Petition; hearing; notice.** The Board shall set a time and place for hearing on the proposed resolution and give notice thereof by publication in a newspaper of general circulation in the county on the same day each week during two successive weeks immediately prior to such meeting and posting such notice in three conspicuous places in the proposed district.

39-1647. **Assessments; equalization; hearing; notice; publication; lien; interest.** Notice of sitting of Board of Adjustment and Equalization by publication shall be given on the same day of each week for two consecutive weeks immediately prior to the meeting in a newspaper of general circulation in the county and by mailing a copy of the notice to each record owner of property proposed to be specially assessed.

#### **Article 17. County Roads, Land Acquisition, Establishment, Etc.**

39-1724. **County Board resolution ordering public hearing; publication; service of notice on adjacent landowners and municipality.** The County Board shall cause such resolution to be published once a week for three consecutive weeks in a legal newspaper of the county, or if none is published, then in a legal newspaper of general circulation in the county.

#### **Article 20. County Road Classification**



39-2001. **Designation of primary and secondary county roads by county board; procedure; determination by Department of Roads; when; certification; record.** Notice of the filing of the map, showing primary and secondary county roads, with the county clerk shall be published prior to the hearing on the map in one issue of each newspaper published in the English language in the county. The date of the hearing shall be included in such notice.

## **CHAPTER 43. INFANTS**

### **Article 1. Adoption of Children**

43-103. **Petition; hearing; notice.** If the judge directs notice by publication, such notice shall be published three successive weeks in a legal newspaper of general circulation in said county.

### **Article 26. Juvenile Detention**

43-268. **Summons, notice, subpoena; manner given; time.** Any published notice shall simply state that a proceeding concerning the juvenile is pending in the court and that an order making an adjudication and disposition will be entered therein. If the names of one or both parents or the guardian are unknown, he, she or they may be notified as the parent or parents, or guardian of (name or describing the juvenile) found (stating address or place where the juvenile was found). Such notice shall be published once each week for three weeks, the last publication of which shall be at least five days before the time of hearing.

### **Article 14. Parental Support and Paternity**

43-1413. **Child born out of wedlock; term substituted for other terms.** In any local law, ordinance or resolution, or in any public or judicial proceeding, or in any process, notice, order, decree, judgment, record or other public document or paper, the terms bastard or illegitimate child shall not be used but the term child born out of wedlock shall be used in substitution therefore and with the same force and effect.

## **CHAPTER 44. INSURANCE**

### **Article 2. Kinds of Insurance; Organization of Companies**

44-206. **Insurance companies; formation; notice; publication.** Within the earlier of thirty days after receiving the

certificate of authority to transact business or four months after filing its articles of incorporation, such corporation shall publish a notice in some legal newspaper, which notice shall contain the same information, as far as practicable, as that required under the Business Corporation Act.

## **CHAPTER 45. INTEREST**

### **Article 9. Delayed Deposit Services**

45-907. **Application; notice of filing; publication; hearing; investigation; costs.** (1) When an application for a delayed deposit services business license has been accepted by the director as substantially complete, notice of the filing of the application shall be published by the director for three successive weeks in a legal newspaper published in or of general circulation in the county where the applicant proposes to operate the delayed deposit services business. (2)(b) No written protest against the issuance of the license has been filed with the department within fifteen days after publication of a notice of the filing of the application one time in a newspaper of general circulation in the county where the applicant proposes to operate the delayed deposit service business. The expense of any publication made pursuant to this section shall be paid by the applicant.

### **Article 10. Installment Loans**

45-1006. **Installment loans; application hearing; protest; procedure.** No written protest against the issuance of the license has been filed with the department within fifteen days after publication of a notice of the filing of the application one time in a newspaper of general circulation in the county where applicant proposes to operate the business of lending money.

## **CHAPTER 46. IRRIGATION**

### **Article 1. Irrigation Districts**

46-106. **Petition; notice of hearing; report by Director of Natural Resources.** Such petition shall be published for at least two weeks before the time at which the same is to be presented, in some newspaper printed and published in the county where the petition is presented, together with a notice stating the time and place of such meeting.

46-110. **District; organization and officers; election; notice; voters; eligibility.** Notice shall be published for at least three weeks prior to such election in a newspaper in the county; and if any portion of such proposed district lies within another county or counties, then the notice shall be published in a newspaper published within each of such counties.

46-124. **Board of directors; meetings; quorum; open records.** The board shall cause to be published at the close of each regular or special meeting a brief statement of the proceedings thereof in one newspaper in general circulation in the district, if the same can be done at an expense not exceeding one third of the legal rate for advertising notices.

46-129. **District property; title; conveyance in trust; procedure; election.** Notice of such election shall be given by posting notice thereof in three public places in each of the election precincts in the district for at least twenty days and also by publication of such notice in some newspaper published in the county where the office of the board of directors is kept, once each week for three successive weeks. Such notice shall specify the time and place of holding the election and shall contain a brief summary of the proposition involving the proposed conveyance.

46-132. **Assessments; equalization; notice.** Notice of the board of equalization meeting shall be given by publication of such notice published in each of the counties comprising the district.

46-142. **District bonds; payment by county treasurer; redemption; investment of funds.** Advertisement for bids of redemption of bonds shall be made for three weeks in some daily newspaper in each of the forenamed cities and in any newspaper which the board may deem advisable.

46-145. **Construction of works; notice; bond of contractor; bids; letting.** After adopting plans, the board of directors shall give notice by publication thereof not less than twenty days in one newspaper published in each of the counties composing the district, and in such other newspapers as it may deem advisable. The notice shall contain request for bids, the work to be done, where the specifications can be seen, that the contract will be left to the lowest bidder, and that bids will be opened at a specified time and place.

46-162. **Inclusion of lands; notice; advance cost of proceeding, by whom paid.** Secretary of board shall cause notice to be given and published in the same manner required for special elections,

§46-194. Notice shall state names of petitioners, notify all persons interested, prayer of the petition and the time set for hearing.

46-167. **Inclusion of lands; objection made; election required; notice; assent of Secretary of the Interior; when required.** Notice shall be given as provided for in special elections, §46-194.

46-175. **Exclusion of lands; notice; form; contents.** The secretary of the board shall cause a notice of the filing of the petition to be published for at least two weeks in some newspaper published in the county where the office of the board is located, and if any portion of the land to be excluded lies within another county, then the notice shall be published in a newspaper published within such county.

46-179. **Exclusion of lands; objection made; action of board; election required; notice; procedure.** Notice of such election shall describe the boundaries, and be published for at least two weeks prior to such election in a newspaper published within the county where the office of the board of directors is situated, and if any portion lies within any other county, then such notice shall be so published in a newspaper published in each of such counties.

46-185. **Discontinuance of district; petition; special election; notice; procedure.** Notice of discontinuance of district election to be published in some newspaper in each of the counties in which the district is located, and in which a newspaper is published, for a period of thirty days prior to such election, setting forth the time and place for holding of such election, and shall also cause a written or printed notice to be posted in some conspicuous place in each of the voting precincts.

46-194. **Plan of operation; construction work; bonds; issuance; special election; notice; procedure.** Notice must be given by publication in some newspaper published in the county where the office of the board of directors is located, once a week for three successive weeks. Notice must specify the time of holding the election and the amount of the bonds proposed. Notice must also be given by posting notice in three public places in each election precinct in the district for at least twenty days.

46-1,100. **Bonds; sale; notice; procedure.** Notice of the sale to be given by publication thereof at least twenty days in a daily newspaper published in each of the cities of Omaha and Lincoln, and in any other newspaper at its discretion. Notice shall state that sealed proposals shall be received for the purchase of bonds, until the day and hour named in the resolution.

46-1,104. **Bonds; judicial approval; hearing; notice; form; contents.** The notice shall be given and published in the same manner and for the same length of time that the notice of the special election is given. The notice shall state the time and place fixed for hearing, and the prayer of the petition and that of any person may move to dismiss or answer the petition before the hearing date. The notice may refer to the petition as the petition of (giving its name), praying that the proceedings for the issue and sale of such bonds of such district may be examined, approved, and confirmed by the court.

46-1,109. **Bonds; refunding; conditions for issuance; procedure; notice; form; contents; action of board when no objections filed.** Such notice shall be signed by the president and secretary of the irrigation district and shall be published for two weeks of place and time of objection, and by posting.

46-1,113. **Bonds; extension of maturity; refunding; election required, when; procedure; laws applicable.** No bonds shall be issued unless submitted to an election. Notice is to be given according to the law governing issue of bonds in irrigation districts.

46-1,122. **Bonds issued to discharge judgments or procure surrender of bonds, notes, and warrants; special election required; notice; form and contents; effect of affirmative vote.** Notice of such election shall be given by posting notice in three public places in each auction precinct in the district for at least 20 days and also by publication of such notice in some newspaper published in the county where the office of the board of directors is located, once a week for at least three successive weeks. Notice must specify the time of holding the election and the purpose of the election. Notice shall also be given by posting in three public places in each election precinct in the district for at least twenty days.

46-1,128. **Irrigation or drainage districts; sale of real estate; procedure.** Notice of sale by auction shall be given by publication three consecutive weeks in a legal newspaper in county where real estate is located.

46-1,129. **Sale of real estate; election; notice; form; contents.** Notice of such election shall be given by posting notice 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 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.

46-1,131. **Sale of real estate; notice.** At least thirty days' notice of the terms of sale, with description of property to be sold, shall be given by publication in some newspaper published in the county in which the office of the board is located. If no newspaper is published in the county, then by posting in at least four public places within such district.

46-1,145. **Contract for water supply; election required, when; notice; procedure; effect of affirmative vote.** Notice of election given as in cases of special elections. The notice need not state the entire contract but sufficient to state substance of contract.

46-1,158. **Merger of districts; special election; notice.** Proposed plan of merger shall be submitted by the boards of directors at a special election to all the electors of the irrigation districts which will be affected by the merger plan. Notice of such election shall be given by posting a notice in three public places in each election precinct in each district affected by the merger for at least twenty days, and also by publication of such notice in a newspaper of general circulation in the county where the office of the board of directors of each district affected by the merger is required to be kept once a week for three successive weeks.

46-1,159. **Merger of districts; election; notice; contents.**  
The election notice shall:

- (1) State that the election has been called for the purpose of affording the electors an opportunity to approve or reject the plan of merger;
- (2) Contain a description of the boundary of the proposed district;
- (3) Contain a statement giving a summary of the reason for the proposed merger including a summary of the terms on which the merger is to be made, and the amount of outstanding indebtedness of each district;
- (4) State the equitable adjustments of all property, debts and liabilities among the districts involved;
- (5) State the name of the proposed district;
- (6) Contain such other matters as are set out in the merger plan;
- (7) Specify the time of holding the election; and
- (8) Name the directors of the districts to be merged who shall constitute the first board of directors of the new district

## **Article 2. General Provisions Regulating Irrigation**

46-229.03. **Appropriations; preliminary determination of nonuse; notice; contents; service.** For any owner whose name and address are not known to the department and cannot reasonably be obtained by the department, such notice shall be served by publication in a legal newspaper published or of general circulation in any county in which the place of diversion is located and in a legal newspaper published or of general circulation in each county containing land for which the right to use water under the appropriation is subject to cancellation. Each publication shall be once each week for three consecutive weeks.

Landowners whose property under such appropriation is located within the corporate limits of a city or village shall be served by the publication of such notice in a legal newspaper published or of general circulation in the county in which the city or village is located. The notice shall be published once each week for three consecutive weeks.

46-233. **Application to appropriate water; time of making; contents; procedure; priority date; notice; hearing; temporary permit; emergency use.** Prior to taking action on an application for induced ground water recharge, the director shall publish notice of such application at the applicants' expense at least once each week for three consecutive weeks in a newspaper of general circulation in the area of the stream segment and also in a newspaper of statewide circulation. The notice shall state that any person having an interest may, in writing, object to the application. Any such objection shall be filed with the department within two weeks after the final publication of the notice.

46-271. **Corporations or associations; construction or operation of canals or reservoirs; assessments of stock; when authorized; how enforced.** Notice of the sale of shares of stock are to be published three consecutive weeks prior to sale in some newspaper published and of general circulation in the county where the office of the company is located.

46-291. **Application; review; notice; contents; comments.** If after reviewing an application, the director determines that it cannot be approved, he or she shall cause a notice of such application to be posted on the department's web site... and to be published at the applicant's expense at least once each week for three consecutive weeks in at least one newspaper of general circulation in each county containing lands in which the appropriation is appurtenant, and if applicable, in at least one newspaper of general circulation in each county containing lands in which the appropriation is proposed to be transferred. The notice shall contain:

- (a) A description of the appropriation

- (b) The number assigned to the appropriation in the records of the department
- (c) The date of priority
- (d) If applicable, a description of the land or stream reach to which such water appropriation is proposed to be transferred
- (e) If applicable, the type of appropriation to which the appropriation is proposed to be changed
- (f) If applicable, the proposed change in the purpose of use
- (g) Whether the proposed transfer or change is to be permanent or temporary and, if temporary, the duration of the proposed transfer or change
- (h) Any other information the director deems relevant and essential to provide the interested public with adequate notice of the proposed transfer or change.

The notice shall state that any interested person may object to and request a hearing on the application by filing such objections in writing specifically stating the grounds for each objection and that any such objection and request shall be filed in the office of the department within two weeks after the date of final publication of the notice.

46-2,112. **Permit to appropriate water for instream flows; hearing; when; notice; director; powers.** A permit to appropriate water for instream flows shall be subject to review every fifteen years after it is granted. Notice of a pending review shall be published in a newspaper published or of general circulation in the area involved at least once each week for three consecutive weeks. The notice shall state that any interested person may file comments relating to the review of the instream appropriation or may request a hearing to present evidence relevant to such review.

46-2,114. **Proposed instream appropriation; additional studies; notice of application.** Prior to taking action on an application for an instream appropriation, the director shall conduct any studies he or she deems necessary to evaluate the application and shall publish notice of such application at the applicant's expense at least once a week for three consecutive weeks in a newspaper of general circulation in the area of the stream segment and also in a newspaper of statewide circulation. The notice shall state that any person having an interest may in writing object to and request a hearing on the application. Any such objection and request for hearing shall be filed with the department within two weeks of final publication of the notice.

46-2,128. **District or company; transfer of appropriation for agricultural purposes; published notice; contents.** Commence at least six weeks but not more than twelve weeks before transferring any water appropriations, the district or company shall cause notice of the



proposed transfer to be published at least once a week for three consecutive weeks in at least one newspaper of general circulation in each county containing lands on which the water appropriation is or is proposed to be applied. The district or company shall also provide the notice to the department. The notice shall contain:

- (1) A description of the water appropriation to be transferred
- (2) The number assigned the water appropriation permit in the records of the department under sections 46-233 to 46-235
- (3) The priority date of the water appropriation
- (4) A description of the land in which the water appropriation is proposed to be applied
- (5) A statement that any owner of land within the district or served by the canal company may object to and request a hearing on the proposed transfer within seven calendar days after the final publication; and
- (6) Any other relevant information

46-2,129. **District or company; transfer of appropriation for agricultural purposes; hearing; notice; powers and duties; priority date.** The board of directors of the district or company may hold a hearing on a proposed transfer and shall hold a hearing if requested by any owner of land within the district or served by the canal company. Notice of a hearing shall be published at least seven calendar days prior to the hearing in at least one newspaper of general circulation in each county containing lands upon which the water appropriation is or is proposed to be applied.

### **Article 3. Generation of Electric Light and Power in Connection with Water Appropriation**

46-305. **Electric light and power system; construction or acquisition; election required; procedure; vote required; effect of affirmative vote.** The submission of the proposition and all matters pertaining to such election to conform, including notice of election shall comply with the provisions on elections upon propositions of bond issuance.

### **Article 5. Reclamation Districts**

46-504. **Publication defined.** Whenever the term publication is used in sections 46-501 to 46-573 and no manner specified therefore, it shall be taken to mean once a week for three consecutive weeks in at least one newspaper of general circulation in each county wherein such publication is to be made. It shall not be necessary that publication be made on the same day of the week in each of the three weeks, but not less than fourteen days shall intervene between the first publication and

the last publication, and publication shall be complete on the date of the last publication.

46-518. **Petition; notice of hearing.** Immediately after the filing of such petition, the department shall cause notice by publication to be made of the pendency of the petition and of the time and place of hearing thereon and cause a copy of said notice to be mailed by registered or certified mail to the county boards of each of the several counties having territory within the proposed district.

46-546. **Water service; petition; notice.** Secretary of the Board shall cause notice of the filing of such petition to be given and published once each week two successive weeks in a newspaper published in the county in which said municipality is situated, which notice shall state the filing of such petition and give notice to all persons interested to appear at the office of the board, at a time named in said notice and show cause in writing, if any they have, why the petition should not be granted.

46-549. **Water service; petition; notice; hearing; order; assessment; collection.** Secretary of the Board shall cause notice of the filing of such petition to be given and published, which notice shall state the filing of such petition and give notice to all persons interested to appear at the office of the Board at a time named in the notice and show cause in writing, if any they have, why the petition should not be granted.

46-554. **Annual assessments; levy; objections; hearing; order; appeal.** Notice shall be by publication in two issues a week apart, in some newspaper of general circulation published in each county. Said notice shall: notify owners of amount of assessment, time and place for hearing and objection. Notice need not give specific description of lots but shall be detailed enough that owners will know their real estate is or is not covered.

46-561. **District; boundaries; change.** Notice to be given by publication in the county in which the lands are situated. Such notice shall state the filing of petitions, names of petitioners, description of lands mentioned and the prayer of the petitioners.

46-562. **District; petition to exclude land; contents; notice; objections; hearing; order; appeal.** Same as § 46-561.

46-565. **Bonded indebtedness; election; notice.** The resolution shall be published once a week two consecutive weeks, the last publication of which shall be at least ten days prior to the date set

for said election, in a newspaper of general circulation printed and published within the district.

46-568. **Directors; petition for determination of power; notice; hearing; order; appeal.** Notice shall be served by publication in at least three consecutive issues of a weekly newspaper of general circulation published in the county in which the principal office of the district is located, and by posting the same in the office of the district at least thirty days prior to the date fixed in the notice for the hearing on the petition.

46-576. **Boundaries; change; petition; board of directors; fix time and place of hearing.** Immediately after the filing of the petition the Board of Directors shall by order fix a place and time, not less than ninety days nor more than one hundred twenty days after the petition is filed, for hearing thereon, and cause notice by publication to be made of the pendency of the petition and of the time and place of the hearing.

#### **Article 6. Ground Water**

46-640. **Notice of application; publication; objections; hearing.** The director shall cause notice to be published, at the applicant's expense, once a week for three consecutive weeks in a legal newspaper published or of general circulation in each county containing lands on which the well field or any part thereof is or is proposed be located. The notice shall contain a description of the lands upon which such well field is or is proposed to be located, the amount of water requested, the number of wells constructed or proposed, and any other relevant information. The notice shall state that any interested person may object to and request a hearing on the application by filing written objections specifically stating the grounds for each objection within two weeks after the date of final publication in the office of the Director of Water Resources.

46-678.01. **Withdrawal and transfer of less than 150 acre-feet; notice; metering.** Any person who desires to withdraw and transfer a total of less than one hundred fifty acre-feet of ground water per year from aquifers located in the Nebraska for industrial purposes to other property within the state which is owned or leased by such person shall provide written notice. Such notice shall include the amount of the proposed transfer, the point of withdrawal, and the point of delivery and shall be published once each week for three consecutive weeks in a newspaper of general circulation in the county or counties in which the point of withdrawal is located.

#### **Article 7. Ground Water Management and Protection**

46-708. **Action to control or prevent runoff.** Each natural resources district shall adopt, following public hearing, notice of which shall be given in the manner provided in section 46-743, rules and regulations necessary to control or prohibit surface runoff of water derived from ground water irrigation.

46-712. **Management area; establishment; when; hearing.** If a hearing is necessary to establish a ground water management area plan, notice of the hearing shall be given as provided in section 46-743.

46-724. **Contamination; not point source; hearing.** If the Director of Environmental Control determines that ground water contamination is caused by a non-point source, and if such contamination does not occur in an area subject to a groundwater area management plan, the NRD must hold a hearing to determine whether a management area should be designated. Notice of such hearing must be given in accordance with section 46-743.

46-726. **Management area; contamination; action plan; hearing; notice; publication.** Whenever a NRD prepares an action plan designed to stabilize or reduce the level and prevent the increase or spread of ground water contamination, it must hold a public hearing on such plan within 30 days. Notice of the hearing shall be given as provided by section 46-743.

46-729. **Management area; contamination; action plan; district publish order adopted.** Following approval of an action plan by the Director of Environmental Quality, the NRD shall cause a copy of the order adopting the plan to be published as provided by section 46-744.

46-743. **Public hearing; requirements.** Any hearing required under the Nebraska Ground Water management and Protection Act shall comply with the following requirements:

(2) Notice of the hearing shall be published in a newspaper published or of general circulation in the affected area at least once each week for three consecutive weeks, the last public action of which shall be not less than seven days prior to the hearing.

46-744. **Order; publication; effective; when.** Any order adopted pursuant to section 46-712, 46-718, 46-719, 46-725, or 46-726 shall be published once each week for three consecutive weeks in a local newspaper published or of general circulation in the area involved, the last publication of which shall be not less than seven days prior to the

date set for the effective date of the order. The publication shall provide a general description of the text of all controls adopted or amended and shall identify all locations where a copy of the full text of the proposed controls may be obtained. The full text of all controls adopted shall be available to the public upon request a least thirty days prior to the effective date of the controls. Such order shall become effective on the date specified by the adopting district, department, or board, as applicable.

## **Article 10. Rural Water District**

46-1004. **District; petition; county clerk; notice; contents.** The County Clerk shall, at least seven days before the date fixed for the hearing, cause to be published in a newspaper of general circulation in the county a notice of the hearing. The published notice shall state: (1) the boundaries of the proposed district, (2) the time and place of hearing, (3) that all owners of land within such boundaries may appear and be heard, and (4) that a rural water district, if incorporated, shall have no power or authority to levy any taxes whatsoever.

46-1016. **Board; members; term; election.** The Board of Directors shall cause notice of the time and place of each annual meeting and the purpose thereof to be mailed to each of its participating members or shall cause such notice to be published in a newspaper of general circulation within the district.

46-1023. **Consolidation of districts; petition; filing; notice; contents; hearing.** The county clerk shall at least seven days before the date fixed for such hearing, cause a notice of the hearing to be published in a newspaper of general circulation in the county. The published notice shall (1) identify by name the districts seeking consolidation; (2) state the time and place of the hearing; (3) state that all interested persons may appear and be heard; and (4) state that a consolidated water district shall have no power or authority to levy any taxes whatsoever.

## **CHAPTER 49. LAW**

### **Article 2. Adoption of Constitutional Amendments**

49-202. **Amendments proposed by Legislature; publication.** Such proposed amendment or amendments shall be published by the Secretary of State once each week for three weeks in at least one newspaper, to be designated by the Governor, in each county where a newspaper is published, immediately preceding the next election of the members of the legislature, with notice prefixed thereto that at such

election such proposed amendment or amendments will be submitted to the electors of this state for approval or rejection.

49-208. **Amendments; official and sample ballots; printing.** The ballots shall be printed, both official and sample, in conformity with the provisions of the Election Act (See 32-101) regulating ballots at a general election.

49-221. **Constitutional convention; primary election; proclamation; notice; returns.** Primary elections shall be proclaimed and notice given by the same persons and in the same manner as provided by law in the case of a regular state primary or general election. Returns shall be made, the results certified, and the elections otherwise conducted as provided by law in the case of primary and general elections in the selection of candidates for members to the Legislature, insofar as such laws are applicable unless otherwise provided.

## **Nebraska Constitution**

Article XVI, Sec. 1. **How proposed.** Amendments to State Constitution shall be published once each week for three weeks in at least one newspaper in each county where a newspaper is published, immediately preceding the next election of members of the Legislature.

## **CHAPTER 51. LIBRARIES AND MUSEUMS**

### **Article 2. Municipal Libraries**

51-216. **Real estate; sale and conveyance; conditions; remonstrance; procedure.** Before any such sale is made, the Library Board shall advertise such sale once each week for three consecutive weeks in a legal newspaper published, or if none, a newspaper 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.

## **CHAPTER 52. LIENS**

### **Article 8. Sale of Goods to Pay for Services Rendered Thereon or for Storage**

52-806. **Sale; where; when; notice by publication; notice by posting; contents.** Notice of such sale shall be given by publication two

successive weeks in a legal newspaper, of general circulation in the community in which the sale is to be held, or by posting.

### CHAPTER 53. LIQUORS

53-122. **Sale of liquor by drink; election, submission; procedure; when not required.** The Municipal Clerk shall cause to be published one time in a legal newspaper published in or of general circulation in the city or village a notice of a special election to be held not less than ten days nor more than twenty days from the date of such publication. The notice shall state the proposition to be submitted at such special election.

Upon the ballot either at the special election or at any general municipal election, the proposition or propositions shall be stated as follows:

Shall the sale of alcoholic liquor, except beer, by the drink be licensed in (here insert the name of the city or village)?

- For license to sell by drink.
- Against license to sell by drink.

Shall the sale of alcoholic liquor, except beer, by the package be licensed in (herein insert the name of the city or village)?

- For license to sell by the package.
- Against license to sell by the package.

53-134. **Retail, craft brewery, and microdistillery licenses; city and village governing bodies; county boards; powers, functions, and duties.** Notice of the time and place of hearing on application shall be published in a legal newspaper in or of general circulation in such city, village or county one time not less than seven nor more than fourteen days before the time of the hearing. Notice shall include, but not be limited to, a statement that all persons desiring to give evidence before the governing body in support of or protest against the issuance of such license may do so at the time of the hearing. The clerk shall mail to the commission a copy of the resolution.

53-135.01 **Retail license; renewal; notice.** The city or village clerk or the county clerk shall cause to be published in a legal newspaper in or of general circulation in such city, village, or county, one time between January 10 and January 30 of each year, individual notice of

the right of automatic renewal of each retail liquor and beer license, except that notice of the right to automatic renewal of Class C licenses shall be published between the dates of July 10 and July 30 of each year within such city, village or county, in substantially the following form:

#### Notice of Renewal of Retail Liquor License

Notice is hereby given pursuant to section 53-135.01 that a liquor license may be automatically renewed for one year from May 1, 20\_\_ or November 1, 20\_\_, for the following retail liquor licensee: (Name of licensee) (Address of licensed premises) Notice is hereby given that written protests to the issuance of automatic renewal of license may be filed by any resident of the city (village or county) on or before February 10, 20\_\_, or August 10, 20\_\_, in the Office of the city (village or county) clerk and that in the event protests are filed by three or more such persons, hearing will be had to determine whether continuation of the license should be allowed.

(Name)

city (village or county) clerk

Upon the conclusion of any hearing required by this section, the local governing body may request a licensee to submit an application as provided in section 53-135.

## **CHAPTER 54. LIVESTOCK**

### **Article 3. Herd Laws**

54-304. **Male animal running at large; liability of owner.** Notice of sale of male animal running at large and time and place shall be given by posting such notice in three public places in the township or precinct in which such animal was found at large.

### **Article 11. Livestock Auction Market Act**

54-1162. **Hearing; notice.** The director shall give further notice of such hearing by publication of the notice thereof once a daily or weekly newspaper circulated in the city or village where such hearing is to be held, as in the opinion of the director will give reasonable public notice of such time and place of hearing to persons interested therein.



## **CHAPTER 57. MINERALS, OIL AND GAS**

### **Article 2. Oil, Gas and Mineral Interests**

57-202. **Forfeited lease; failure to surrender; notice by landowner; form.** Service may be had on lessee forfeiting lease, by publication for one week in a newspaper of general circulation in the county where the land is situated. Notice shall state:

To \_\_\_\_\_: I, the undersigned, owner of the following described land situated in \_\_\_\_\_ County, Nebraska, to-wit: (description of land), upon which a lease, dated \_\_ day of \_\_\_\_\_, 20\_\_, was given to \_\_\_\_\_ do hereby notify you that the terms of said lease have been broken by the owner thereof; that I hereby elect to declare and do declare the said lease forfeited and void and that, unless you do, within ten days from this date, notify the register of deeds of said county as provided by law that said lease has not been forfeited, I will file with the said register of deeds an affidavit of forfeiture as provided by law; and I hereby demand that you execute or have executed a proper surrender of said lease and that you cause the same to be recorded in the office of the register of deeds of said county, within ten days from this date. Dated this \_\_ day of \_\_\_\_\_, 20\_\_.

57-220. **Oil and gas leases; sale at public auction; notice.** No such lease shall be sold except at public auction and after notice of the time and place of such sale, by publication two consecutive weeks in a legal newspaper published in the county where the land to be leased is situated and such other notice, if any, as the governing board may require. If no legal newspaper is published in the county where the land is situated said notice shall be published in a newspaper of general circulation therein. The purchaser of any such lease shall pay the cost of publishing any notice required hereunder.

### **Article 4. Easements for Oil and Gas Pipe Lines**

57-402. **Easement; authority of executor, administrator, guardian, trustee, or conservator to execute; petition; notice; hearing; order.** The District Court or any Judge thereof in chambers, shall set the application for hearing and direct to what persons and in what manner notice of such hearing shall be given.

### **Article 9. Oil and Gas Conservation**

57-911. **Commission; rules and regulations; filing fee.** Any notice required by the provisions of §§ 57-901 to 57-921, except in proceedings involving a direct complaint by the Commission, shall be given at the election of the Commission either by personal service, registered or certified mail, or one publication in a newspaper of general circulation in the county where the land affected, or some part thereof, is situated. The notice shall be issued in the name of the State, shall be signed by a member of the Commission or its secretary, and shall specify the style and number of the proceedings, the time and place of the hearing, and the purpose of the proceeding.

## **CHAPTER 66. OILS, FUELS, AND ENERGY**

### **Article 5. Transportation of Fuels**

66-529. **Unlawful transportation; conviction; sale of vehicle.** 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 or the vehicle may be put to official use by the confiscating agency for a period of not more than two years. The officer making the sale, after deducting the expenses of keeping the vehicle, the fee for the seizure, 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 fuel or diesel fuel 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 the county or, if such 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.

66-530. **Unlawful transportation; no arrest; sale of fuel and vehicle; procedure.** If the person operating the vehicle used for the unlawful transportation of motor vehicle fuel or diesel fuel is not apprehended or arrested, the officer or agent shall take the vehicle and fuel into custody, a complaint shall be filed charging that the vehicle was so unlawfully used, and the court shall 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 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 fuel or diesel fuel, 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 remaining proceeds, after the state motor vehicle fuel or diesel fuel tax and cost of collection have been remitted to the appropriate fund or person, 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 66-529 where the person in charge is arrested and convicted.

## **CHAPTER 68. PAUPERS AND PUBLIC ASSISTANCE**

### **Article 1. County Board**

68-135. **Standards; hearing and notice.** No county shall adopt standards or amendments to such standards without first holding a public hearing to permit discussion and the presentation of testimony or evidence by interested persons. Notice of such hearing shall be published not more than twenty days nor less than ten days prior to the hearing in a newspaper in general circulation throughout the county.

## **CHAPTER 69. PERSONAL PROPERTY**

### **Article 13. Disposition of Unclaimed Property**

69-1311. **Report or property presumed abandoned; notices; time; contents; exceptions.** (a) Between March 1 and March 10 of each year the State Treasurer shall cause notice to be published once in an English language legal newspaper of general circulation in the county in this state in which is located the last-known address of any person to be named in the notice. If no address is known, then the notice shall be published in a legal newspaper having statewide circulation.

(b) The published notice shall be entitled Notice of Names of Persons Appearing to be Owners of Abandoned Property, and shall contain:

(1) The names in alphabetical order and last-known addresses, if any, of persons listed in the report and entitled to notice within the county as hereinbefore specified.

(2) A statement that information concerning the amount or description of the property and the name and address of the holder may be obtained by any person possessing an interest in the property by addressing an inquiry to the State Treasurer.

(c) The State Treasurer is not required to publish in such notice any item of less than twenty-five dollars unless he deems such publication to be in the public interest.

d) Within one hundred twenty days from the receipt of the report required by section 69-1310, the State Treasurer shall mail a notice to each person having an address listed therein who appears to be entitled to property of the value of twenty-five dollars or more presumed abandoned under sections 69-1301 to 69-1329.

(e) The mailed notice shall contain:

(1) A statement that, according to a report filed with the State Treasurer, property is being held to which the addressee appears entitled.

(2) The name and address of the person holding the property and any necessary information regarding changes of name and address of the holder.

(3) A statement that, if satisfactory proof of claim is presented by the owner to the State Treasurer, arrangements will be made to transfer the property to the owner as provided by law.

(f) This section is not applicable to sums payable on traveler's checks or money orders presumed abandoned under section 69-1302.

69-1316. **Abandoned property; State Treasurer; sell; when; notice; title.** Any sale held under this section shall be preceded by a single publication of notice thereof, at least three weeks in advance of sale in an English language newspaper of general circulation in the county where the property is to be sold.

### **Article 23. Disposition of Personal Property Landlord and Tenant Act.**

69-2308. **Sale of personal property; when required; notice of sale; requirements; disposition of proceeds.** Notice of the time and place of the public sale shall be given by advertisement of the sale published once a week for two consecutive weeks in a newspaper of general circulation in the county here the sale is to be held. If there is no

newspaper of general circulation in the county where the sale is to be held, the advertisement shall be posted no fewer than ten days before the sale in not less than six conspicuous places in the neighborhood of the proposed sale. The advertisement shall include a description of the goods, the name of the former tenant, and the time and place of the sale. Notice of sale may be published before the last of the dates specified for taking possession of the property in any notice given. The notice of the sale shall describe the property to be sold in a manner reasonably adequate to permit the owner of the property to identify it. The notice may describe all or a portion of the property, but the limitation of liability provided shall not release the landlord from any liability arising from the disposition of the property not described in the notice.

## **CHAPTER 70. POWER DISTRICTS AND CORPORATIONS**

### **Article 3. Right of Way for Pole Lines**

70-301. **Right-of-way; acquisition; procedure; approval.** Such district, corporation, or municipality shall give public notice of the proposed location of such pole lines or underground lines with a voltage capacity of thirty-four thousand five hundred volts or more by causing to be published a map showing the proposed line route in a legal newspaper of general circulation within the county where such line is to be constructed at least thirty days before negotiating with any person, firm or corporation to acquire easements or property for such purposes.

### **Article 5. Public Electric Companies, Extension**

70-504. **Public electric plant; sale, lease, transfer; election required; exceptions; procedure.** Three weeks' notice of the submission of the proposition shall be given by publication in some legal newspaper published and of general circulation in such city, village or public electric district, or by posting. Such transaction by a city or village shall not be consummated or become effective until thirty days' notice of the transaction has been given by publication one each week for three consecutive weeks in such city or village, or if no newspaper, by posting.

### **Article 6. Public Power and Irrigation Districts**

70-611. **Board of directors; election; certified notice; publication.** Not later than February 1 in each even-numbered year, the secretary of the district in districts grossing forty million dollars or more annually shall certify to the Secretary of State on forms prescribed the names of the counties in which all registered voters are eligible to vote for public power district candidates, and for other counties the names of the election precincts within each county, excluding the municipalities in

which voters are not eligible to vote on public power district candidates. At the same time the secretary shall also certify the number of directors to be elected and the length of terms for which each is to be elected.

Those districts grossing less than forty million dollars annually shall prepare the same type of certification as districts grossing over forty million dollars annually and file such certification with the Secretary of State not later than July 1 of each even-numbered year.

The secretary of each district shall, at the time of filing the certification, cause to be published once in a newspaper or newspapers of general circulation within the district a list of the incumbent directors, naming the counties or election precincts, excluding those municipalities in which voters are not eligible to vote for public power district candidates, in the same general form as the certification filed with the Secretary of State. A certified copy of the published notice shall be filed with the Secretary of State within ten days after such publication.

70-615. **Board of directors; vacancy; how filled.** At any time a vacancy is to be filled by election the secretary of the district shall give notice to the public by publishing the notice of vacancy, length of term, and the deadline for filing, once in a newspaper or newspapers of general circulation within the district.

70-624. **Officers; compensation; approval; publication; violation; penalty.** The current salaries of any general manager or president or assistant general manager or vice president and all officers of the district shall be published once each year in three legal newspapers of general circulation in the district in which such general manager or president, or assistant general manager or vice president, or officers are employed. The chief executive officer shall be responsible for publishing the current salaries as required by this subsection.

70-637. **Construction, repairs, and improvements; contracts; sealed bids; exceptions; notice; when.** Any contract for which the board has approved an engineer's certificate shall be advertised in three issues not less than seven days between issues in one or more newspapers of general circulation in the district and in such additional newspapers or trade or technical periodicals as may be selected by the board in order to give proper notice of its intention to enter into such contract and any such contract shall not be entered into prior to twenty days after the last advertisement. A district may, without advertising or sealed bidding, purchase replacement parts or services relating to such replacement parts for any generating unit, transformer, or other transmission and distribution equipment from the original manufacturer of such equipment upon certification by an engineer that

such manufacturer is the only available source of supply for such replacement parts or services and that such purchase is in compliance with standards established by the board. After the certification, but not necessarily before the board review, notice of any such purchase shall be published once a week for at least three consecutive weeks in one or more newspapers of general circulation in the district and published in such additional newspapers or trade or technical periodicals as may be selected by the board in order to give proper notice of such purchase.

70-638. **Contracts; sealed bids; advertisement.** Such advertisement shall be made in three issues not less than seven days between issues in one or more newspapers of general circulation in the district and in such additional newspapers, trade or technical periodicals as may be selected by the board. Shall state: nature of work or materials, plans may be inspected at the office, time and place bids shall be filed, and date, hour and place bids shall be opened.

70-650.01. **Electric distribution system; city or village; conveyed on request; when; notice required; referendum.** The resolution shall not become effective until thirty days' notice of the adoption thereof shall have been given by the governing body by publication once each week for three successive weeks in some legal newspaper published and of general circulation in such city or village, or if no such newspaper is published, then by posting in five or more public places therein.

70-663. **Amendment; approval procedure.** Time and place of hearing shall be given by publication for three consecutive weeks in two legal newspapers of general circulation within the district. Notice shall set out the proposed amendment in full.

70-666. **Dissolution; procedure.** The department shall publish a notice for three consecutive weeks in the legal newspaper published in the district which has the largest circulation therein, or if no newspaper published there, in a legal newspaper widely circulated therein, setting forth in substance the nature and prayer of the petition, and time and place for public hearing.

## **Article 8. Rural Power Districts**

70-804. **Petition; investigation; hearing; notice.** The department shall also conduct a public hearing upon formation petition after publishing a notice of the time and place of the hearing for three consecutive weeks in any legal newspaper having a wide circulation in the territory comprising the proposed district.

## **Article 14. Joint Public Power Authority Act.**

70-1405. **Creation of joint authority; procedure; resolution; membership; considerations; notice; challenge.** If the proposed creation of a joint authority is found to be in the best interests of two or more public power districts, the governing body of each public power district shall cause notice of its action to be published once a week for two consecutive weeks in a newspaper of general circulation within the operating areas of each public power district.

## **CHAPTER 71. PUBLIC HEALTH AND WELFARE**

### **Article 15. Housing**

71-1507. **State Public Body; powers; how exercised; election; when not required.** Authority to enter into housing projects shall be submitted to electors, after notice given once each week for three consecutive weeks in some legal newspaper.

71-1544. **Bonds; issuance; procedure; validity.** Bonds may be sold at not less than par to the federal government at private sale without public advertisement.

### **Article 16. Health Districts and Local Health Departments**

71-1605. **Health district; election; laws applicable.** Election shall be called as provided for vote for or against proposed health district. Notice of election shall contain a brief description, in not more than two hundred words, of the proposed changes, specifying that the existing property be turned over to the health district.

71-1631. **Boards of health; meetings; duties; rules and regulations; pension and retirement plans.** The board of health of each county, district, or city-county health department organized under sections 71-1626 to 71-1636 shall, with the approval of the board of county commissioners and the municipality: publish, on or soon after the second Tuesday in July of each year, in pamphlet form for free distribution, an annual report showing (a) the condition of its trust for each year, (b) the sums of money received from all sources, giving the name of any donor, (c) how all money has been expended and for what purpose, and (d) such other statistics and information with regard to the work of such health department as maybe of general interest; enact rules and regulations, subsequent to public hearing held after due public notice of such hearing by publication at least once in a newspaper having general circulation in the county or district at least ten days prior to



such hearing, and enforce the same for the protection of public health and the prevention of communicable diseases within its jurisdiction, subject to the review and approval of such rules and regulations by the Department of Health; in counties having a population of more than three hundred thousand inhabitants, enact rules and regulations for the protection of public health and the prevention of communicable diseases within the district, except that such rules and regulations shall have no application within the jurisdictional limit of any city of the metropolitan class and shall not be in effect until thirty days after the completion of a three-week publication in a legal newspaper.

71-1638. **Political subdivision; tax levy; election; procedure.** The question of a tax to provide salary and expenses of a community nurse, home health nurse, or a home health agency shall be submitted at a regular or special election. Notice shall be published in some newspaper of general circulation for three consecutive weeks if the election is in a city or village or, if in a village where no newspaper is published, by posting, if the election is a special election.

#### **Article 20. Hospitals**

71-2010. **State plan; notice; hearing; submission to Surgeon General of United States; hearing; approval of plans; review of program.** The director shall, prior to submission of hospital construction plan to Surgeon General, give adequate publicity to a general description of all provisions proposed, and hold a public hearing.

71-20,105. **Application; department; Attorney General; duties; single unified review process; when.** Within five working days after receipt of an application to purchase a hospital owned by a nonprofit corporation, the Department of Health shall publish notice of the application in a newspaper of general circulation in the county or counties where the hospital is located and shall notify by first-class United States mail, any person who has requested notice of the filing of such applications. The notice shall state that an application has been received, state the names of the parties to the agreement, describe the contents of the application, and state the date by which a person may submit written comments about the application to the department.

#### **Article 53. Nebraska Safe Drinking Water Act**

71-5310. **Director; authorized variances or exemptions to standards; procedure.** Prior to granting a variance or an exemption [from the drinking water standards issued pursuant to Section 71-5302],

the director shall provide notice, in a newspaper of general circulation serving the area served by the public water supply system, of the proposed exemption or variance and that interested persons may request a public hearing on the proposed exemption or variance. The director may require the system to provide other appropriate notice as he or she deems necessary to provide adequate notice to persons served by the system.

## **CHAPTER 72. PUBLIC LANDS, BUILDINGS, AND FUNDS**

### **Article 2. School Lands and Funds**

72-205.01. **School lands; schedule of valuation; semiannual rental; file in office of county treasurer; notice of filing.** After the adoption of a new schedule of valuations, such schedule shall be filed in the office of the County Treasurer of such county. Notice of such filing shall be given by one publication in a newspaper of general circulation within the county or, if more than one newspaper of general circulation is published in the county, then in two of such newspapers. If no newspaper is published in the county, then it shall be so published in a newspaper of general circulation therein.

72-205.03. **School lands; schedule of valuation; objections; petition; hearing; notice of time and place; examiner; evidence.** Notice of time and place of hearing to fix valuation shall be given by publication in a legal newspaper once each week for two weeks beginning at least 20 days prior to the date of public hearing. In case no legal newspaper is published in the county, then the notice shall be published in a legal newspaper of general circulation in the county.

72-233. **School lands; application for lease; manner of leasing; bidding; conditions of lease.** Notice shall be by publication for three weeks preceding lease by auction, in one or more of the legal newspapers published or of general circulation in the county where the unleased land is located.

72-236. **School lands; lease; notice of delinquency; how given.** Notice required by §72-235 may be by publication for three weeks in a newspaper published or of general circulation in the county.

72-240.21. **Permitted improvements and growing crops of lessee; value; announcement; sale price in addition; deposit required of purchaser; lien; unpaid rent and interest.** In making the publications required by §§ 72-233 or 72-258, the board shall include in those publications the determined value to the land of the improvements and growing crops owned by the lessee of the land and shall clearly

indicate that this amount is to be paid in addition the price paid for the land or the lease.

72-242. **School lands; publication of notice; fees.** The publisher of any advertisement in connection with the forfeiture, leasing or sale of any educational lands shall be allowed the fees fixed by law for publishing legal notices, or standard commercial rates when the board elects to use commercial advertising.

72-244. **School lands; adjoining cities or villages; subdivisions; leasing; amount; procedure.** Thirty days' notice shall be given of letting of subdivisions by publication in a newspaper published or generally circulated in one or more counties where lots are situated.

72-258. **School lands; sale; notice; terms; partition; settlement; forfeiture of deposit; when.** Notice of sale of small tracts and the time and place where the same will be held shall be given by publication three consecutive weeks in some legal newspaper published in the county where the land is located, and if no legal newspaper published in the county, then in some legal newspaper of general circulation.

#### **Article 4. State Parks**

72-410. **Board; office; records; organization; officers; meetings.** The notice of the time and place of 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, or if none, then in a newspaper of general circulation in the county not less than ten days before the date of the meeting.

#### **Article 9. School lands; oil and gas leases**

72-907. **Lease; sale; public auction required; notice; publication costs; payment.** Notice of the time and place of sale of oil and gas leases given by publication two consecutive weeks in a newspaper of general circulation in the State of Nebraska.

#### **Article 23. Public Facilities construction and Finance Act**

72-2304. **Bonds authorized; public hearing; notice; election, when required; remonstrance petition.** Notice of the public hearing shall be given by publication in a newspaper of general circulation within the territory of the qualified public agency by at least on publication occurring not less than ten days prior to the time of the hearing.

Notice of any bond measure shall be given by publication of notice of intention to issue bonds in a newspaper of general circulation within the territory of the qualified public agency at least twice after the adoption of the bond measure. Such publication shall be at least three weeks. The notice shall state:

- (a) The name of the qualified public agency;
- (b) The purpose of the issue
- (c) The principal amount of the issue
- (d) The amount of annual debt service payment anticipated for the bonds, which may be stated as an approximation or estimate, and the anticipated duration for such debt service payments; and
- (e) The time and place where a copy of the form of the bond measure may be examined for a period of at least thirty days.

## **CHAPTER 75. PUBLIC SERVICE COMMISSION**

### **Article 75. Water Service Regulation Act.**

75.1007. **Change to rates or charges; petition; hearing; notice; procedure.** Notice of a hearing shall be served on customers by the commission at least fifteen days prior to the day of the hearing. Notice of the hearing shall also be published by the commission at least once a week for two successive weeks in a newspaper of general circulation in each service area affected by or to be affected by the proposition rates or charges with the date of last publication at least ten days prior to the hearing.

## **CHAPTER 76. REAL PROPERTY**

### **Article 10. Nebraska Trust Deeds Act**

76-1006. **Sale of trust property; notice of default.** After the lapse of not less than one month, or two months if the trust property is used in farming operations carried on by the trustor, not in any incorporated city or village, the trustee or the attorney for the trustee shall give written notice as designated in 76-1007.

76-1007. **Sale of trust property; notice; contents; time; place of sale.** (1) The trustee shall give written notice of the time and place of sale particularly describing the property to be sold by publication of such notice, at least five times, once a week for five consecutive weeks, the last publication to be at least ten days but not more than thirty days prior to the sale, in some newspaper having a general circulation in each county in which the property to be sold, or some part thereof, is situated.

(2) The sale shall be held at the time and place designated in the notice of sale which shall be between the hours of nine a.m. and five p.m. and at the premises or at the courthouse of the county in which the property to be sold, or some part thereof, is situated.

(3) The notice of sale shall be sufficient if made in substantially the following form:

#### Notice of Trustee's Sale

The following described property will be sold at public auction to the highest bidder at the \_\_\_\_\_ door of the county courthouse in \_\_\_\_\_ County, \_\_\_\_\_, Nebraska, on \_\_\_\_, 20\_\_.

(Name of Trustee)

76-1008. **Notice of default and sale; request for copies; mailing of notice; publication of notice of default; when.** If no address of the trustor is set forth in the trust deed and if no request for notice by such trustor has been recorded as provided in this section, a copy of the notice of default shall be published at least three times, once a week for three consecutive weeks, in a newspaper of general circulation in each county in which the trust property, or some part thereof is situated, such publication to commence not later than ten days after the filing for record of the notice of default.

## CHAPTER 77. REVENUE AND TAXATION

### Article 16. Levy and Tax List

77-1601.02 **County tax levy; final rate; how; school systems; hearing; notice.** Such resolution or ordinance shall only be passed after a special public hearing called for such purpose is held and after notice is published in a newspaper of general circulation in the area of the political subdivision at least five days prior to the hearing. The hearing notice shall contain: the dollar amount of the prior year's tax request and the property tax rate that was necessary to fund the tax request; the property tax rate that would be necessary to fund last year's tax request if applied to the current year's valuation; and the proposed dollar amount of the tax request for the current year and the property tax rate that will be necessary to fund that tax request. Any resolution setting a tax request under this section shall be certified and forwarded to the

county clerk on or before Oct. 13 of the year for which the tax request is to apply.

### **Article 17. Collection of Taxes**

77-1715. **Collection of taxes; personal tax roll; publication fees.** Payment for publication of the personal tax roll shall be made in the same manner as the publication of the commissioners proceedings; provided total charge shall not exceed the rate paid for publishing commissioners' proceedings.

77-1724. **Collection of taxes, personal; return of property to owner upon payment; sale; notice.** The officer distraining goods shall keep them at the expense of the owner and shall give notice of the time and place of their sale not less than twice prior to the date of the sale. The notice shall be given by publication once in each week for four successive weeks in some newspaper printed in the county, or in the case no newspaper be printed therein, by posting notice in five public places in the county, two in the precinct where the sale is to be held.

### **Article 18. Collection of Delinquent Real Estate Taxes by Sale of Real Estate**

77-1802. **Real estate taxes; delinquent tax list; notice of sale.** The county treasurer shall, not less than four nor more than six weeks prior to the first Monday of March in each year, make out a list of all real property subject to sale and the amount of all delinquent taxes against each item, describing the property as it is described on the tax list, with an accompanying notice stating that so much of such property described in the list as may be necessary for that purpose will, on the first Monday of March next thereafter, be sold by such county treasurer at public auction at his or her office for the taxes, interest, and costs thereon.

77-1803. **Real estate taxes; notice of sale; sufficiency of description.** In describing real property in the notice required by section 77-1802 and advertising the property for taxes, it shall be sufficient to designate the township, range, sections, or part of section, and also the number of lots and blocks, by initial letters, abbreviations and figures.

77-1804. **Real estate taxes; delinquent tax list; publication and posting of notice; publication charges.** The county treasurer shall cause the list of real property subject to sale and accompanying notice to be published once a week for three consecutive weeks prior to the date of sale, commencing the first week in February, in a legal newspaper, and, in counties having more than two hundred fifty thousand inhabitants, in

a daily legal newspaper of general circulation, published in the English language in said county, and designated by the county board. The county treasurer shall also cause to be posted in some conspicuous place in his or her office a copy of such notice. The treasurer shall assess against each description the sum of five dollars to defray the expenses of advertising, which sum shall be added to the total amount due on such real property and be collected in the same manner as taxes are collected.

77-1805. **Real property taxes; affidavits of publication; by whom made.** Every printer who shall publish such list and notice shall immediately after the last publication thereof, furnish to the treasurer of the proper county an affidavit of publication made by the publisher, manager or foreman of such newspaper to whom the facts of publication are known. No printer shall be paid for such publication who shall fail to furnish such affidavit within ten days after the last publication.

77-1834. **Real property taxes; issuance of treasurer's tax deed; notice to owner or encumbrancer by publication.** If record title holder is unknown, notice shall be published in some newspaper published in the county and having a general circulation therein, or if no newspaper is printed in the county, then in a newspaper published in this state nearest to the county in which the real property is situated.

77-1835. **Real estate taxes; issuance of treasurer's tax deed; manner and proof of publication.** Notice provided by section 77-1834 shall be inserted three consecutive weeks, the first time not more than five months and the last time not less than three months before the time of redemption shall expire. Proof of publication shall be made by filing in the county treasurer's office the affidavit of the publisher, manager or foreman of such newspaper that to his personal knowledge, said notice was published for the time and in the manner provided herein, setting out a copy of the notice and the date upon which the same was published.

## **Article 20. Inheritance Tax**

77-2018.02. **Inheritance tax; procedure for determination in absence of probate of estate; petition; notice; waiver of notice; hearing.** (1) In the absence of any proceeding brought under Chapter 30, Article 24 or 25, in this state, proceedings for the determination of the tax may be instituted in the county court of the county where the property or any part thereof which might be subject to tax is situated.

(2) Upon the filing of the petition referred to in subsection (1) of this section, the county court shall order the petition set for hearing and shall cause notice thereof to be given to all persons interested in the

estate of the deceased and the property described in the petition in the manner provided for in subsection (3) of this section.

(3) The notice, provided for by subsection (2) of this section, shall be given by one publication in a legal newspaper of the county or, in the absence of such legal newspaper, then in a legal newspaper of some adjoining county of general circulation in the county. In addition to such publication of notice, personal service of notice of said hearing shall be had upon the county attorney of each county in which the property described in the petition is located, at least one week prior to the hearing.

## **Article 22. Warrants**

77-2206. **Warrants; registration; order of payment; notice to holder; exception.** The treasurer shall give notice to holders of registered warrants to be paid by causing one publication to be made in a legal newspaper, or if none is available, then in a legal newspaper of general circulation published in the county where his office is located.

## **Article 28. Property Owned by State or any Governmental Subdivision**

77-2804. **Property; unpaid taxes; sale; notice; procedure if no bid is made.** Prior to sale, the county treasurer shall cause an advertisement to be printed in a legal newspaper published in the English language in such county, or if none, in a legal newspaper of general circulation in the county, at least once a week for three consecutive weeks. The advertisement shall state who the owner is and state that the property, described by its legal description and by its street address, will be sold to the highest bidder on the date set. It shall also state that the title is clear of all liens for taxes or special assessments and interest, penalties, or costs thereon will be conveyed.

## **Article 34. Local Option Tax Control**

77-3402. **Political subdivision; budget limitation; petition; election; procedure.** If the voters of any political subdivision of the state authorized to levy a tax or cause a tax to be levied determine that a limitation of the budget of the political subdivision funded by property taxes is needed, they may call for an election for that purpose.

77-3406. **Election; notice; ballot; form.** Notice of an election pursuant to 77-3402 and 77-3410 shall state the date on which the election is to be held and the hours the polls will be open. Such notice shall be published in a newspaper that is published in or of general



circulation in the political subdivision at least fifteen days prior to such election. If no newspaper is published in or of general circulation in the political subdivision, notice shall be posted in each of three public places therein.

77-3410. **Budget limitation; duration; termination; procedure.** Any limitation placed on budgets shall remain in effect for only the ensuing two fiscal years, except that the governing body of a political subdivision may, during the first year of a two-year budget limitation, by a majority vote place the issue of terminating the limitation after the first year on the ballot at a general, primary or special election.

## **CHAPTER 79. SCHOOLS**

### **Article 1. Definitions and Classifications**

#### **79-102. School districts; classification.**

Class I	Only Elementary Grades
Class II	any school district in a territory of 1,000 persons or less (maintaining elementary and high school)
Class III	1,001 to 49,999 population territory (elementary and high school)
Class IV	50,000 to 199,999 population territory (elementary and high school)
Class V	200,000 or over (elementary and high school)
Class VI	Only high school or a high school and grades seven and eight or six through eight as provided in 79-411

### **Article 4. General Provisions**

79-421. **Territory not included in organized district; county clerk; notice; hearing.** When it comes to the attention of the county clerk that any territory located wholly within his or her county is not included in any organized district, he or she shall notify the State Committee for the Reorganization of School Districts and a hearing should be set. Notice of the hearing shall be given by publication once each week for two weeks in a newspaper of general circulation in the county.

79-442. **State committee; plan of reorganization; public hearings; notice.** Before any plan of reorganization is completed by the county committee, or by a special committee established under section

79-441, the county committee or special committee shall hold one or more public hearings. Notice of such public hearing of the county committee shall be given by publication in a legal newspaper of general circulation in the county at least ten days prior to such hearing.

79-447. **Plan of reorganization; special election; notice; contents; conduct; separate voting units; approval of plan.** The proposition of the adoption or rejection of the proposed plan of reorganization shall be submitted at a special election to all the electors of districts within the county whose boundaries are in any manner changed by the plan of reorganization.

Notice of the special election shall be given by the county clerk or election commissioner and shall be published in a legal newspaper of general circulation in the county at least ten days prior to the election. The election notice shall (a) state that the election has been called for the purpose of affording the electors an opportunity to approve or reject the plan of reorganization, (b) contain a description of the boundaries of the proposed district, and (c) contain a statement of the terms of the adjustment of property, debts, and liabilities applicable thereto.

Where the proposed plan of reorganization involves a district under the jurisdiction of another county committee, the county clerk or election commissioner of the county which has the largest number of pupils residing in the proposed joint district shall give the notice in a newspaper of general circulation in the territory of the proposed district.

79-454. **Proposal; state committee; approve; election; notice.** If the proposal provided for in section 79-452 has been approved by the county committee or the state committee, or both, the school board shall, within 15 days of notice from county superintendent set a date for a special election for the purpose of submitting the proposal to the legal voters of the district. At least twenty days' notice of such election shall be given by publication twice in a newspaper of general circulation in the district, the latest publication to be not more than one week before the election. If there be no such newspaper, notice shall be given by posting it on the door of the schoolhouse and at least four other public places throughout the district.

79-498. **Depopulated districts; annexation to adjoining districts; notice; when authorized; waiver of requirements; findings; appeal; distribution of assets.** Notification of annexation to adjoining district shall be made by mail or by publication in a newspaper of general circulation in the area.

79-4,122. **Public hearings; record; notice.** The state committee shall keep a record of all hearings in the formulation or approval of plans for the reorganization of school districts. Notice of such public hearings of the state committee shall be given by publication in a legal newspaper of general circulation in the county or counties in which the affected districts are located at least ten days prior to such hearing.

## **Article 5. School Boards**

79-557. **Class I school districts; special school meetings; how called; notice; limitation upon transaction of business.** Special meetings of Class I school districts may be called by the school board by majority vote, or by any one of the members of such board, on the written request of legal voters of the district equal in number to at least ten percent of those voting at the later general election or Governor in the district by giving the notice required in section 79-558.

79-558. **Class I school districts; annual or special meetings; notice; change of schoolhouse site; building, purchase or lease of schoolhouse.** All notices of annual or special meetings of Class I school districts shall state the day, hour, and place of meeting, which place shall be within the district, and shall be given at least five days previous to such meeting by posting copies of the notice in three public places within the district. No annual meeting shall be deemed illegal for want of such notice.

79-574. **Class V school district; school elections; notice; duty of president to give.** For at least ten days prior to an election in a Class V school district, the president of the board of education shall publish his or her proclamation to the legal voters of the school district in at least one daily newspaper of general circulation in the school district, setting forth the time when and place or places where such election will be held and a full and complete statement of the officers, bond proposition, or question of expenditure to be voted on at the election.

79-580. **Board of Education; claims against; record of proceedings; secretary; duty to publish.** The secretary of the school board or board of education of each Class I, II, III, and VI school district having an annual budget of one hundred thousand dollars or more shall, within ten days after any regular or special meeting of the board publish one time in a legal newspaper published in or of general circulation in such district a list of the claims, arising on contract or tort, allowed at

the meeting. The list shall set forth the name of the claimant and the amount and nature of the claim allowed, to consist of not more than ten words in stating the nature of each such claim. The secretary shall likewise cause to be published a concise summary of all other proceedings of such meetings. Publication of such claims or proceedings in a legal newspaper shall not be required unless the publication can be done at an expense not exceeding the rates provided by law for the publication of proceedings of county boards.

## **Article 10. School Taxation, Finance and Facility**

79-1029. **Basic allowable growth rate; additional limits; Class II, III, IV, V or VI district may exceed; procedure.** The vote shall be taken at a public meeting of the board following a special public hearing called for the purpose of receiving testimony on such proposed increase. The board shall give at least five calendar days' notice of such public hearing and shall publish such notice at least once in a newspaper of general circulation in the district.

79-1084. **Class III school district; school board; budget; tax; levy; publication of expenditures; violation; penalty; duty of county board.** The secretary shall publish within ten days after filing of budget, a copy 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, in a legal newspaper of general circulation in the city or village.

79-1096. **Eminent domain; amount and character of land authorized to be taken; public hearing; notice.** Not more than fifty acres for a school site may be taken. A public hearing shall be held in question of such taking. Notice of such public hearing shall be given once each week for three successive weeks prior to the hearing in a legal newspaper published in or of general circulation in the county. Such notice shall include the purpose and location of the hearing.

79-10,110. **Health and safety modifications, qualified zone academy, or American Recovery and Reinvestment Act of 2009 purpose; school board; powers and duties; hearing; tax levy authorized; issuance of bonds authorized.** The school board shall conduct a public hearing on the itemized estimate [of monies needed to abate environmental hazards or accessibility barrier, elimination in its school buildings or grounds] prior to presenting such estimate to the county clerk. Notice of the place and time of such hearing shall be published for three consecutive weeks prior to the hearing in a legal newspaper published or of general circulation in the school district.

79-10,132. **Class V school district; sale of site; appraisers; compensation; sheriff; notice of sale; publication; fees.** Notice of such sale and the time and place where the sale 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, 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.

## **Article 12. Educational Service Units**

79-1227. **Budget; publication required.** A summary of the prepared yearly budget of an educational service unit shall be published one time in a legal newspaper published in or of general circulation in each county in the unit at least five days before a meeting at which such budget shall be considered for adoption by the board. Such publication shall also specify the date, time, and place of the public hearing at which the budget will be considered and a tax levy made.

79-1228. **Board; report of yearly activities; publication and distribution required.** The board of an educational service unit shall cause to be published by November 1 of each year a brief report of the yearly activities of the board, which shall include the amount of revenue received and expenditures itemized by categories. This publication shall be for one time in a newspaper of general circulation distributed in each county in the unit. A copy of the report shall be furnished to each school district in the unit by November 1 of each year.

## **Article 13. Educational Technology and Telecommunications**

79-1316. **Educational telecommunications; commission; powers; duties.** The commission shall publish such informational material as it deems necessary, and it may, at its discretion, charge appropriate fees therefore. The proceeds shall be deposited in the State Educational Television Fund and shall be used by the commission solely for publishing such informational material. The commission shall provide to newspapers, radio stations, and other news media program schedules informing the public of programs approved by the commission.

## **CHAPTER 81. STATE ADMINISTRATIVE DEPARTMENTS**

### **Article 5. State Fire Marshal**

81-516. **Buildings; condemnation or repair orders; service upon owner and tenant.** Service shall be made upon owner and tenant, if one, in the manner provided for service of a summons in a civil action.

## **Article 15. Environmental Protection Act**

81-1513. **Variations from rules or regulations; notice; conditions for granting; appeal.** Before any variance is granted, the director shall give public notice of an application for such variance immediately upon receipt of such application and in accordance with the rules and regulations of the department. The notice shall be published in a newspaper of general circulation in the county in which the plant, building structure, process, or equipment on which the proposed variance is located.

81-1521.17. **Commercial hazardous waste management facility; notice of hearing; decision by local governing body.** Before the county board, city council, or board of trustees approves or disapproves a proposed commercial hazardous waste management facility, notice shall be given by publication of a notice in a newspaper either published in or having general circulation in the county, city or village where the proposed facility is to be located and shall state the time and place of hearing, the name of the applicant for a permit, and the exact location of the proposed facility.

81-1521.20. **Commercial hazardous waste management facility; publication of notice; additional hearing; permit; issuance; conditions.** The department shall public notice of an application for a permit for a commercial hazardous waste management facility, together with the action taken by the local governing body, the director's decision, and whether the permit will be granted or denied, in a legal newspaper either published in or having general circulation in the vicinity affected.

81-15,185.01. **Remedial action plan; notice; hearing.** The Department of Environmental Quality shall issue public notice of its intent to approve a voluntary remedial action plan pursuant to section 81-15,185, in a local newspaper of general circulation in the area affected and make the remedial action plan available to the public.

81-15,229. **Inspection of information; publication of notice.** Each local emergency planning committee shall annually publish a notice in local newspapers that the emergency plan, material safety data sheets, and inventory forms have been submitted under this section. The

notice shall state that follow up emergency notices may subsequently be issued. Such notice shall announce the members of the public who wish to review any such plan, sheet, form, or follow up notice may do so at the location designated under subsection (1) of this section.

81-2512. **State assistance to political subdivision; commission; public hearing; notice.** The commission shall give notice of the time, place, and purpose of the public hearing by publication three times in a newspaper of statewide circulation. Such publication shall be not less than ten days prior to the hearing. The notice shall describe generally the use for which state assistances has been requested. The applicant shall pay the cost of the notice.

## **CHAPTER 84. STATE OFFICERS**

### **Article 9. Rules of Administrative Agencies**

84-903. **Agency; rules and regulations; publish.** Each agency shall cause its rules and regulations to be published in such manner as the agency shall determine to bring, as far as practicable, the existence and scope of the rules and regulations to the attention of all persons affected thereby.

84-907. **Rule or regulation; adoption; amendment; repeal; hearing; notice; procedure.** No rule or regulation shall be adopted, amended or repealed by any agency except after public hearing on such question. Notice of such hearing shall be given at least thirty days prior thereto to the Secretary of State and by publication in a newspaper having general circulation in the state. The notice shall include: (1) a declaration of availability of such draft or work copies for public examination; (2) a short explanation of the purpose of the proposed rule or regulation or the reason for the amendment or repeal of the rule or regulation; and (3) a description but not necessarily a quantification of the fiscal impact on state agencies, political subdivisions, and persons being regulated or an explanation of where the description of the fiscal impact may be inspected and obtained. Any agency may make a written application to the Governor who may waive the notice of public hearing. Whenever public notice is waived, the agency shall, so far as practicable, give notice to the public of the proposed rule or regulation change and of the rule or regulation as finally adopted.

84-927. **Negotiated rulemaking committee; establishment; notice of decision; agency support; termination.** The agency shall

notify the persons who commented on or applied for membership on the negotiated rulemaking committee of the reasons for the decision. The agency shall also publish a notice of the decision not to establish rulemaking committee in a newspaper having general circulation in the state and, as appropriate, in other newspapers and publications.

## **CHAPTER 85. STATE UNIVERSITY AND STATE COLLEGES**

### **Article 11. Higher Education**

85-1107. **Petition; hearing; publication of notice.** Upon receipt of petition, the Coordinating Commission for Postsecondary Education shall set a time and a place for a public hearing thereon and shall cause notice thereof to be published in one or more newspapers of general circulation not less than thirty nor more than sixty days prior to the date set for the hearing.

### **Article 15. Community Colleges**

85-1517. **Board; power to certify tax levy; limit; purpose; approval required to raise levy over limit; how collected.** The board shall give at least seven days notice of such public hearing and shall publish such notice once in a newspaper of general circulation in the area to be affected by the increase.

## **CHAPTER 86. TELECOMMUNICATIONS AND EXPRESS COMPANIES**

### **Article 1. Telecommunications and Regulation**

86-165. **Sale of exchange; application; notice; commission; considerations; order.** A telecommunications company that proposes to sell any exchange owned by the company shall submit an application to the commission on a form provided by the commission for approval of the sale. Within twenty days after receipt of the application, the commission shall publish notice of the proposed sale in a newspaper of general circulation in each county in which an exchange proposed for sale provides basic local exchange service. The notice shall inform the residents of this state of their right to file a petition of intervention or submit a comment.

### **Article 3. Nebraska Telecommunication Universal Service Fund**

86-328. **Annual public hearing; notice; fund level.** The commission shall publish notice of the hearing in at least one newspaper of general circulation in the state at least once each week for two consecutive weeks before the hearing.



## **Article 4. County Telephone System**

86-404. **County telephone system; construction; bids.**  
[Repealed]

86-407. **Division, defined.**  
[no longer relevant]

## **CHAPTER 87. TRADE PRACTICES**

### **Article 2. Trade Names**

87-219. **Trade name; publication; file; failure; effect.** Every duplicate of the registration of a trade name shall be published by the applicant once in a newspaper of general circulation published in the city or village where the business is to be located, or, if there is no newspaper in the city or village, in some newspaper of general circulation in the county.

## **CONSTITUTION OF THE STATE OF NEBRASKA**

### **Article III. Legislative Power**

Article III, Sec. 2. **First power reserved; initiative.** Secretary of State shall submit proposed measure to electors of state at the first general election held not less than four months after such petition shall have been filed. Petition requirements set out in this section.

Article III, Sec. 3. **Second power reserved; referendum.** Secretary of State shall submit proposed referendum to electors of state at first general election held not less than thirty days after petitions filed.

Article III, Sec. 4. **Initiative or referendum; signatures required; veto; election returns; constitutional amendments; non-partisan ballot.** Only title or proper descriptive words of measures shall be printed on the ballot and when two or more measures have the same title they shall be numbered consecutively in order of filing.

Article III, Sec. 7. **Legislators; terms; effect of redistricting; election; salary; expenses; mileage.** Legislators shall be nominated and elected in non-partisan manner and without any indication on ballot that they are affiliated with or endorsed by any political party or organization.

Article III, Sec. 11. **Legislative journal; vote viva voce; open doors committee votes.** The Legislature shall keep a journal of its proceedings and publish them, except such parts as may require secrecy, and the yeas and nays of the members on any question, shall at the desire of any one of them be entered on the journal.

Article III, Sec. 14. **Bills and resolutions read by title; printing; bills to contain one subject; amended section to be set forth; signing of bills.** Bills and resolutions shall be printed and amendments shall also be printed.

Article III, Sec. 27. **Acts take effect after three months; emergency bills; session laws.** All laws shall be published in book form within sixty days after adjournment of each session and distributed among the several counties in such manner as the Legislature may provide.

### **Article XI. Municipal Corporation**

Article XI, Sec. 2 **City of 5,000 may frame charter; procedure.** Charter shall be submitted to be published in full, with official certification of clerk of city, in official paper of the city, or if there be no official paper, then in at least one newspaper published and in general circulation in the city, three times, a week apart, and within not less than thirty days after such publication the charter shall be submitted to vote of electors.

Article XI, Sec. 3. **Rejection of charter; effect; procedures to frame new charter.** Resubmission of charter for cities over 5,000 shall follow same formalities of publication as in Sec. 2.

Article XI, Sec. 4. **Charter; amendment; charter convention.** City clerk shall publish with his official certification, the amendment for three times, a week apart, in the official paper of the city, or if there be no official paper, then in at least one newspaper, published and in general circulation in the city, the full text of the charter or amendment to be, voted upon.

### **Article XVII. Schedule**

Article XVII, Sec. 4. **General election of state.** General election of state shall be held on the Tuesday succeeding the first Monday of November in the year 1914 and every two years thereafter.

### III. ADVERTISING

- A. False Advertising
- B. Political
- C. Lottery
- D. Discriminatory Advertising
- E. Labor
- F. Motor Vehicle

#### A. False Advertising

28-1476. **Advertisement; untrue, deceptive, or misleading; unlawful.** It shall be unlawful for any person, firm, corporation, or association, with intent to sell or in any way dispose of merchandise, securities, service, or anything offered by such person, firm, corporation, or association, directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or an interest therein, to make, publish, disseminate, circulate or place before the public, or cause, directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in this state, in a newspaper or other publication, or in the form of a book, notice, handbill, poster, bill, circular, pamphlet or letter, or in any other way, an advertisement of any sort regarding merchandise, securities, service, or anything so offered to the public, containing any assertion, representation, or statement of fact which is known to be untrue, deceptive, or misleading.

28-1477. **Deceptive or misleading advertising; unlawful acts; enumerated.** For the purpose of section 28-1476 any person, firm, corporation, or association shall be deemed guilty of deceptive or misleading advertising that makes, publishes, disseminates, circulates, or places before the public, or causes, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public in this state, in a newspaper or other publication, or in the form of a book, notice, handbill, poster, bill, circular, pamphlet, or letter, or in any other way, an advertisement of any merchandise for sale at retail at less than original actual cost or less than original replacement cost, whichever is lower, if the merchant does not have a sufficient quantity of merchandise to meet the reasonable expected demand, or the advertisement either (1) fails to state in such advertisement the quantity of merchandise available for sale, or (2) fails to state that the advertiser is discontinuing the item.

28-1478. **Deceptive or misleading advertising; violation; penalty.** Any person, firm, corporation or association violating the

provisions of section 28-1476 shall be deemed guilty of a Class III misdemeanor.

## **B. Political**

49-1474. **Political newsletter or mass mailing; not to be sent at public expense; violation; penalty.** No political newsletter or other campaign mass mailing shall be sent at public expense by or on behalf of any elected official after that person has announced his or her candidacy for any office. An elected official violating the provisions of this section shall be guilty of a Class III misdemeanor.

49-1474.01. **Political material; disclaimer requirements; violation; penalty.** (1) The person except, an individual or individuals acting independently utilizing their own personal resources, who pays for the production, distribution, or posting of a billboard, placard, poster, pamphlet, or other printed matter relating to a candidate or ballot question shall cause a disclaimer containing the name and street address of the person to appear on such matter. The person who pays for a radio or television advertisement relating to a candidate or ballot question shall cause a disclaimer containing the name of such person to be included in the advertisement, and the radio or television station shall, for a period of at least six months, keep the street address of such person on file and divulge it to any person upon request.

(2) The size and placement of the disclaimer shall be determined by rules and regulations adopted and promulgated by the commission. The rules and regulations shall exempt from the disclaimer required by this section windshield stickers, yard signs, bumper stickers, campaign buttons, and balloons and may also exempt other items relating to a candidate or committee which are printed or reproduced at the request of such candidate or committee.

(3) Any person who knowingly violates the provisions of this section shall be guilty of a Class IV misdemeanor.

## **C. Lottery**

This section of the notebook outlines the federal and state laws dealing with lottery advertisements, and provides some guidance on commonly encountered problems.

### **1. The federal statutory scheme.**

Since 1934, federal law (see 18 U.S.C. § 1301-1307) has made it a crime, punishable by a fine at the discretion of the court and up to two years in prison, to mail:

Any newspaper, circular, pamphlet, or publication of any kind containing any advertisement of any lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or containing any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes.

Over the years, the federal statutes have made various exceptions to this basic prohibition. The current exception, Section 1307 reads:

- (a) The provisions of Sections 1301, 1302, 1303, and 1304 shall not apply to -
  - (1) an advertisement, list of prizes, or other information concerning a lottery conducted by a State acting under the authority of State law which is -
    - (A) contained in a publication published in that State or in a State which conducts such a lottery; or
    - (B) broadcast by a radio or television station licensed to a location in that State or a State which conducts such a lottery; or
  - (2) an advertisement, list of prizes, or other information concerning a lottery, gift enterprise, or similar scheme, other than one described in paragraph (1), that is authorized or not otherwise prohibited by the State in which it is conducted and which is -
    - (A) conducted by a not-for-profit organization or a governmental organization; or
    - (B) conducted as a promotional activity by a commercial organization and is clearly occasional and ancillary to the primary business of that organization.

The first part of the exception applies only to states that have an official state lottery. The second part deals with other legal lotteries, and will be the primary focus of this memo.

Basically, under the second subsection of the new exception, certain types of lotteries, i.e., lotteries "authorized or not otherwise prohibited by the State in which it is conducted," run by certain types of entities, i.e. "not-for-profit or "governmental" organizations, may be advertised by newspapers which are delivered through the mail." Also, the

amendment allows advertisements for certain types of lotteries conducted by for-profit businesses.

## **2. Nebraska lottery laws.**

Because the federal law relies on state law in defining which lotteries can be advertised, we have to take a look at the Nebraska lottery statutes.

Nebraska law "authorizes" several different types of operations which satisfy the federal definition of "lottery." For example, the Nebraska Bingo Act allows certain types of nonprofit organizations to obtain licenses to conduct bingo games. The Nebraska Pickle Card Lottery Act allows nonprofit organizations to obtain licenses to sell pickle cards, or to retain agents to sell such cards for them. The Nebraska Lottery and Raffle Act allows nonprofit organizations to obtain licenses to conduct lotteries and raffles, as defined by the Act. The Nebraska Small Lottery and Raffle Act allows nonprofit organizations to conduct "small" lotteries (less than \$1,000 gross proceeds) or "small" raffles (less than \$5,000 gross proceeds) without first obtaining a license. Finally, the Nebraska County and City Lottery Act allows counties, cities, or villages to obtain a license to conduct a raffle, pull-tab, or keno lottery game.

There is one situation under Nebraska law in which a commercial enterprise can legally operate a game of chance requiring consideration for participation (other than horse-racing, of course). Under Neb. Rev. Stat. § 9-701 (Reissue 1987), a person engaged in a business in Nebraska may conduct a "gift enterprise" as a promotional device. The gift enterprise cannot independently generate a profit for the business. While the business cannot charge a payment for participation, it can condition participation upon the purchase of a product.

One additional Nebraska statute requires consideration. While the Nebraska Bingo Act provides sufficient state authorization under the federal law to advertise bingo games, the Nebraska Act itself provides some restrictions on the publicity given to bingo games. Section 9-241.07 provides:

**Advertising; limitations; exception.** Only a licensed organization or a qualifying nonprofit organization may advertise a bingo occasion, a limited period bingo, or a special event bingo. No advertising for any bingo occasion or occasions conducted by any organization shall include any reference to an aggregate value of bingo prizes exceeding four thousand dollars.

### **3. The mesh between federal and state laws.**

Based on the interplay between the federal and state lottery statutes, we have advised many of you that you may legally advertise Nebraska lotteries, so long as the following conditions exist:

- (1) The lottery is conducted by a valid, nonprofit organization, that is tax exempt under Section 501 of the Internal Revenue Code, or a governmental entity; and
- (2) The nonprofit or governmental entity conducting the game has obtained a license for the game from the Nebraska Department of Revenue.

With regard to a commercial business conducting a gift enterprise, we have advised you that the promotional activity may be advertised so long as no monetary consideration other than a product purchase is required for participation, and so long as the business running the promotion does not generate an independent profit from the promotion itself.

While we remain convinced that our legal analysis makes sense, a ruling by the FCC some years ago under a related federal statute calls some of that advice into question.

Under the Nebraska statutes, both pickle card games licensed on behalf of a nonprofit organization and keno games licensed on behalf of a city or county may be marketed through private, for-profit companies. Typically, those for-profit organizations (bars, restaurants, pickle or keno "parlors", etc.) sell game pieces to the public, collect the money, and give the proceeds to the nonprofit organization, less a commission charged by the operator.

The same federal statutory scheme described earlier also applies to broadcasters. The Nebraska Department of Revenue asked the Federal Communications Commission for an opinion about whether pickle card or keno games that are marketed through a for-profit business qualify for advertising under the federal statute. In an opinion dated January 31, 1991, the FCC responded to the Department of Revenue's request.

The FCC said that pickle card games marketed by the nonprofit organization itself may be advertised. Thus, for example, if the Elks or Legion Club has a licensed pickle card game and the cards are sold at the Elks or Legion Club itself, that pickle card game can be advertised.

However, according to the FCC, if the pickle card game or keno game is operated by a private business on behalf of a nonprofit organization, or city or county, the game is not truly "conducted by" the nonprofit or governmental organization. Therefore, the FCC opined that such games may not be legally advertised.

The FCC opinion relies heavily on the "legislative history" underlying a 1990 change to the federal statute. We think the FCC's legal analysis is questionable. Nevertheless, it is the federal government's opinion in this area which counts, not ours. Moreover, while the post office has not rendered a similar opinion, and the FCC's opinion does not apply to newspapers, the postal statutes are identical to the statutes covered by the FCC opinion. It is therefore clear that a Nebraska newspaper runs at least some risk if it advertises pickle card or keno games that are marketed by a for-profit business, even if those games are licensed to a charity or city by the Nebraska Department of Revenue. To our knowledge, no Nebraska newspaper has been charged with a federal crime, or otherwise been bothered by a federal agency or prosecutor, about an advertisement for a charitable game marketed by a for-profit entity since the FCC opinion was issued over 20 years ago.

#### **4. Now to the heart of the matter - What does all of this mean?**

With the exception of bingo games, a Nebraska newspaper can advertise any lottery that is licensed by the Nebraska Department of Revenue, so long as the lottery is not actually marketed or operated by a for-profit business on behalf of the licensee.

With regard to bingo games, while the federal laws would allow advertising, the Nebraska bingo statute itself allows bingo to be advertised only if the advertising does not reference aggregate prize values exceeding \$4,000.

Based on the FCC opinion mentioned earlier, Nebraska newspapers are taking some risk if they advertise pickle card or keno games, even if licensed, where the actual game pieces are sold through for-profit businesses.

Finally, under the Nebraska Small Lottery and Raffle Act, Nebraska newspapers can advertise lotteries with gross proceeds less than \$1,000 or raffles with gross proceeds less than \$5,000, even where no DOR license is issued, so long as the small lottery or raffle is conducted by a nonprofit organization and so long as the proceeds of the raffle or lottery go to "charity or community betterment purposes" (that language comes from the statute). Only one small lottery per month can be held by the non-profit organization, and one or more raffles can be held in a calendar



month provided that total combined gross proceeds cannot exceed \$5,000.

## **5. Examples of common questions.**

The following questions are all hypothetical, but are based on common inquiries made by newspapers.

- a. The Knights of Columbus has a bingo license and conducts a bingo game every Friday evening. Can you run an ad promoting the bingo game?  
Yes. As long as the ad does not reference any aggregate value of prizes exceeding \$4,000.
- b. The Knights of Columbus also has a pickle card license and sells pickle cards at its bingo games. Can you run an ad for the pickle card sales?  
Yes.
- c. The Legion Club has a pickle card license, and sells its cards both on its own premises and through various other for-profit businesses. Can you advertise the pickle card game?  
Yes and maybe. You can legally advertise the sale of the pickle cards at the Legion Hall, but due to the FCC opinion, you take at least some risk if you advertise the sale of pickle cards through the for-profit business.
- d. The local high school athletics booster club is raffling off a car donated by the local Chevy dealer, in order to raise funds for new uniforms. Can you advertise the raffle?  
Probably not. Even if the raffle will gross less than \$5,000, only nonprofit organizations incorporated under Section 501 of the Internal Revenue Code are eligible under the Small Lottery and Raffle Act. Most high school booster clubs are not so incorporated. If the club has a certificate under Section 501 of the IRC and if the club has a DOR license or will generate less than \$5,000 on the raffle, the raffle can be advertised.
- e. The city where your paper is located has recently obtained a keno license. The city has contracted with a for-profit business to market the keno game. Can you advertise the game?  
There is some risk here. This is the topic of the FCC ruling.

- f. A new furniture store is holding a grand opening, at which it will raffle off a new sofa. In order to win the sofa, a raffle participant must be present, but need not purchase anything. Can the grand opening raffle be advertised?  
Yes. this is a gift enterprise.
- g. Same as (f) except raffle participants must purchase an item worth \$25 or more to be eligible to win the raffle. May this raffle be advertised?  
Yes. The Nebraska gift enterprise statute allows conditioning participation on purchase of a product. The federal statute requires only that the lottery be "occasional and ancillary to the primary business of [the] organization."
- h. The Village of Las Vegas (the name has been changed to protect the guilty) wants to raise money for new playground equipment for the village park by holding a "Bossie Bingo" game. In "Bossie Bingo," a pasture is marked off in squares and chances for the squares are sold. A cow (usually stoked full of feed) is then turned loose in the pasture. The person who purchased the square in which nature moves Bossie to leave her mark wins a prize. Can "Bossie Bingo" be advertised?  
No. The only lotteries which can legally be conducted by a village are ones in which a winning opportunity is represented by a ticket. Winning tickets may only be determined by a random drawing, pull-tab device, or keno mechanism.

## **BINGO**

Prior to the 1994 legislative session, Nebraska Statutes limited advertisements for licensed bingo games to "flyers" distributed by the charitable organization and signs (of specified size) located on the premises where the bingo game was conducted. Beginning October 1, 1993, that statute was repealed and was replaced by a law which allows newspaper advertising of bingo games by a licensed organization or qualifying nonprofit organization with only the following exception (9-124.07):

"No advertising for any bingo occasion or occasions conducted by any organization shall include any reference to an aggregate value of bingo prizes exceeding four thousand dollars."

The organizations eligible for a bingo license from the Nebraska Department of Revenue are all nonprofit organizations. Thus, the federal law allows advertising of bingo games licensed by DOR, and the only state restriction is noted above: you can't refer to aggregate prizes exceeding \$4,000.

## **STATE LOTTERIES**

Nebraska has implemented a state lottery, and also participates in a combined multi-state lottery (Powerball). Under both state and federal law, you can advertise both. You can also advertise state lotteries operated in other states. You should note however, that casino gambling (for example, on riverboats, at Bluff's Run, or in Deadwood, S.D.) is not considered a state lottery, and cannot be legally advertised.

## **ON THE RESERVATIONS**

Yes, you can advertise gambling that takes place on Native American reservations or land.

## **OTHER**

Colorado, South Dakota and Iowa (riverboats) now have a form of legalized gambling. May you advertise it? No. That's a federal law, not state. You could advertise only if the gambling operations were operated by the state, another form of government or a charity.

## **SALES AND USE TAX ON ADVERTISING SUPPLEMENTS**

Since the passage of LB345 in 1993, codified as section 77-2704.07, sales and use taxes are not imposed on advertising supplements distributed with any newspaper that is regularly issued at average intervals not exceeding one week, regardless of whether or not the retailer takes possession of the supplement from the printer before delivery of the supplement is made to the newspaper.

### **D. Discriminatory Advertising**

20-318. **Unlawful acts enumerated.** Except as exempted by section 20-322, it shall be unlawful to:

\* \* \*

(3) Make, print, publish, or cause to be made, printed, or published any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, national origin, handicap, familial status, or sex or any intention to make any such preference, limitation or discrimination.

## **E. Labor**

48-1115. **Notice of employment; preference or discrimination; race, color, religion, sex, disability, marital status, national origin; unlawful; exception.** It shall be an unlawful employment practice for an employer, labor organization, or employment agency to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification, or discrimination based on race, color, religion, sex, disability, marital status or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification or discrimination based on religion, sex, disability, marital status, or national origin when religion, sex, disability, marital status, or national origin is a bona fide occupational qualification for employment.

## **F. Motor Vehicle**

60-1411.03. **Unauthorized acts.** It shall be unlawful for any licensee or motor vehicle dealer to engage, directly or indirectly, in the following acts:

(1) To advertise and offer any year, make, engine size, model, type, equipment, price, trade-in allowance, terms, or make other claims or conditions pertaining to the sale, leasing, or rental of motor vehicles, motorcycles, and trailers which are not truthful and clearly set forth;

(2) To advertise for sale, lease, or rental a specific motor vehicle, motorcycle, or trailer which is not in the possession of the dealer, owner, or advertiser and willingly shown and sold, as advertised, illustrated, or described, at the advertised price and terms, at the advertised address. Unless otherwise specified, a motor vehicle, motorcycle, or trailer advertised for sale shall be in operable condition and, on request, the advertiser thereof shall show records to substantiate an advertised offer;

(3) To advertise a new motor vehicle, motorcycle, or trailer at a price which does not include standard equipment with which it is fitted or is ordinarily fitted, without disclosing such fact, or eliminating any such equipment for the purpose of advertising a low price;

(4) To advertise (a) that the advertiser's prices are always or generally lower than competitive prices and not met or equaled by others or that the advertiser always or generally undersells competitors; (b) that the advertiser's prices are always or generally the lowest or that no other dealer has lower prices; (c) that the advertiser is never undersold; or (d) that no other advertiser or dealer will have a lower price;

(5) To advertise and make statements such as, Write Your Own Deal, Name Your Own Price, Name Your Own Monthly Payments, and other statements of a similar nature;

(6) To advertise by making disparaging comparisons with competitors' services, quality, price, products, or business methods;

(7) To advertise by making the layout, headlines, illustrations, and type size of an advertisement so as to convey or permit an erroneous impression as to which motor vehicle, motorcycle, or trailer or motor vehicles, motorcycles, or trailers are offered at featured prices. No advertised offer, expression, or display of price, terms, down payment, trade-in allowance, cash difference, or savings shall be misleading by itself, and any qualification to such offer, expression or display shall be clearly and conspicuously set forth in comparative type size and style, location, and layout to prevent deception;

(8) To advertise the price of a motor vehicle, motorcycle, or trailer without including all charges which the customer must pay for the motor vehicle, motorcycle, or trailer, excepting state and local tax and license and title fees. It shall be unlawful to advertise prices described as unpaid balance, unless they are the full cash selling price and to advertise price which is not the full selling price even though qualified with expressions such as with trade, with acceptable trade, or other similar words;

(9) To advertise as at cost, below cost, below invoice, or wholesale, unless the term used shall be strictly construed that the word cost, as used in this subdivision or in a similar meaning is the actual price paid by the advertiser to the manufacturer for the motor vehicle, motorcycle, or trailer so advertised;

(10) To advertise claims that Everybody Financed, No Credit Rejected, We Finance Anyone, and other similar affirmative statements;

(11) To advertise a specific trade-in amount, or range of amounts;

(12) To advertise the words Finance, Loan, Discounts, or others of similar import, in the firm name or trade style of a person offering motor vehicles, motorcycles, and trailers for sale, unless such person is actually engaged in the finance business and offering only bona fide repossessed motor vehicles, motorcycles, and trailers. It shall be unlawful to use the word Repossessed in the name or trade style of a firm in the advertising of motor vehicles, motorcycles, and trailers sold by such a company unless they are bona fide repossessions sold for unpaid balances due only. Advertisers offering repossessed automobiles for sale shall be able to offer proof of repossession;

(13) To advertise the term Authorized Dealer in any way as to mislead as to the make or makes of motor vehicles, motorcycles, or trailers for which a dealer is franchised to sell at retail;

(14) To advertise or sell new motor vehicles, motorcycles, and trailers by any person not enfranchised by the manufacturer of the motor vehicle, motorcycle, or trailer offered without disclosing the fact in each advertisement which includes the motor vehicle, motorcycle, or trailer and in writing in the lease or purchase agreement that the licensee or motor vehicle dealer is not enfranchised by the manufacturer for service under factory warranty provisions. No person shall transfer ownership of a motor vehicle by reassignment on a manufacturer's statement of origin unless the person is enfranchised to do so by the manufacturer of the motor vehicle;

(15) To advertise used motor vehicles, motorcycles, or trailers so as to create the impression that they are new. Used motor vehicles, motorcycles, and trailers of the current and preceding model year shall be clearly identified as Used, Executive Driven, Demonstrator, or Driver Training, and lease cars, taxicabs, fleet vehicles, police motor vehicles, or motorcycles as may be the case and descriptions such as Low Mileage, Slightly Driven may also be applied only when correct. The terms demonstrator's, executive's, and official's motor vehicles, motorcycles, or trailers shall not be used unless (a) they have never been sold to a member of the public, (b) such terms describe motor vehicles, motorcycles, or trailers used by new motor vehicle, motorcycle, or trailer dealers or their employees for demonstrating performance ability, and (c) such vehicles are advertised for sale as such only by an authorized dealer in the same make of motor vehicle, motorcycle, or trailer. Phrases such as Last of the Remaining, Closeout, Final Clearance, and others of similar import shall not be used in advertising used motor vehicles, motorcycles, and trailers so as to convey the impression that the motor

vehicles, motorcycles, and trailers offered are holdover new motor vehicles, motorcycles, and trailers. When new and used motor vehicles, motorcycles, and trailers of the current and preceding model year are offered in the same advertisement, such offers shall be clearly separated by description, layout, and art treatment;

(16) To advertise executives' or officials' motor vehicles, motorcycles, or trailers unless they have been used exclusively by the personnel or executive of the motor vehicle, motorcycle, or trailer manufacturer or by an executive of any authorized dealer of the same make thereof and such motor vehicles, motorcycles, and trailers have not been sold to a member of the public prior to the appearance of the advertisement;

(17) To advertise motor vehicles, motorcycles, and trailers, owned by or in the possession of dealers, without the name of the dealership or in any other manner so as to convey the impression that they are being offered by private parties;

(18) To advertise the term wholesale in connection with the retail offering of used motor vehicles, motorcycles, and trailers;

(19) To advertise the terms auction or auction special and other terms of similar import unless such terms shall be used in connection with motor vehicles, motorcycles, and trailers offered or sold at a bona fide auction to the highest bidder and under such other specific conditions as may be required in Chapter 60, Article 14;

(20) To advertise free driving trial, unless it means a trial without obligation of any kind and that the motor vehicle, motorcycle, or trailer may be returned in the period specified, without obligation or cost. A driving trial advertised on a money back basis or with privilege of exchange or applying money paid on another motor vehicle, motorcycle, or trailer shall be so explained. Terms and conditions of driving trials, free or otherwise, shall be set forth in writing for the customer;

(21) To advertise (a) the term Manufacturer's Warranty, unless it is used in advertising only in reference to cars covered by a bona fide factory warranty for that particular make of motor vehicle, motorcycle, or trailer. In the event only a portion of such warranty is remaining, then reference to a warranty may be used only if stated that unused portion of the warranty is still in effect; (b) the term New Car Guarantee, except in connection with new motor vehicles, motorcycles, and trailers; and (c) the terms Ninety-day Warranty, Fifty-fifty Guarantee, Three-hundred-mile Guarantee; and Six-month Warranty, unless the major terms and exclusions are sufficiently described in the advertisement;

(22) To advertise representations inconsistent with or contrary to the fact that a motor vehicle, motorcycle, or trailer is sold as is and without a guarantee. The customer contract shall clearly indicate when a car will be sold with a guarantee and what that guarantee is, and similarly shall clearly indicate when a car is sold as is and without a guarantee; and

(23) To advertise or to make any statement, declaration, or representation in any advertisement that cannot be substantiated in fact, and the burden of proof of the factual basis for such statement, declaration, or representation shall be on the licensee or motor vehicle dealer and not on the board.



#### **IV. LEGAL: NEWS MEDIA LIABILITY**

- A. Libel Law - A Summary
- B. Retractions
- C. Nebraska Privacy Act
- D. Newsroom Search
- E. Obscenity
- F. Newspaper - Subscriptions and Printing

##### **A. SUMMARY OF LIBEL LAW**

**1. Introductory.** Nebraska Libel Law derives from court cases decided in this state and in the United States Supreme Court, from statutes found at Neb. Rev. Stat. §§ 25-839, 25-840 and 25-840.01, and from the First Amendment to the United States Constitution, Free Speech and Free Press clauses. Basically, libel law is a series of checks and balances between the concept of free speech and the concept of the right to personal reputation.

The technical definition of "libel" is a publication of language, the obvious meaning of which imputes to a person a criminal act, or subjects the person to ridicule or disgrace, public hatred or contempt, and which in essence detracts from the person's reputation in a substantial way. To be actionable, a libel must be a false statement, and in most cases it must be a statement of fact, not a statement of opinion. Some case law does say that opinions are not automatically and absolutely protected, unfortunately. If an opinion strongly implies the existence of false factual underpinnings, then it still has some potential for libel. Truth is a

"defense", but actually the burden of proving falsity is usually on the plaintiff or complaining party, rather than on the defendant to prove the truth. That applies in public figure cases and in private figure plaintiff cases, at least to the extent that the publication was on a topic of public concern.

In cases where a person is (1) a public official and acting in an official capacity, or (2) a public figure known to the general public, or (3) a private person who on some controversy has voluntarily put himself in the spotlight, then almost all of the applicable law derives from United States Supreme Court decisions and the First Amendment to the Constitution. In those situations, *New York Times v. Sullivan*, (1964), and the many court cases which have explained that case, such a complaining party is required to prove that the defendant not only published a false, defamatory fact, but that the defendant actually knew of the falsity or at least had very strong doubts of the truth of what was being published. That is the concept of "actual malice." It essentially means "lying."

In private figure cases, where a person who is neither a public official nor a public figure complains of libel, the burden is still on the plaintiff to show not only that a false defamatory fact was published of him which would damage his reputation, but also that it was a result of at least some degree of fault, although not fault so extreme as "lying." In most states, it is necessary for the plaintiff still to prove that negligence

on the part of the publisher resulted in that publication of the falsehood. In some states the plaintiff must prove gross negligence or something like that which is a higher degree of fault. The Nebraska Supreme Court has not yet defined completely what standard will apply here but one should assume it will be "negligence." If it can be proved that your reporters, editors and/or publisher made a false statement about someone and breached the normal professional standard of care in gathering, editing and publishing a news or informational item, then a private figure who is damaged thereby might succeed in a libel case. In other words, assume that mere negligence may well become the standard of fault required to be proved in Nebraska, unless and until the Nebraska Supreme Court decides otherwise.

Nevertheless, it should be understood that a totally innocent error where due care was used and yet the error still occurred, is not actionable in libel. Some fault has to be proved.

**2. Prevention of Libel.** In preventing the publication of libels, attention should be given to at least the following matters which are particularly sensitive.

a. Sources. If you have only a single source and that source insists on confidentiality, then you are in a dangerous situation if you print reputation-injuring material. If you are sued for libel, you may face the moral and possibly legal choice of either disclosing your source contrary to your promise, or losing the libel case because you are unable

to satisfy the judge and jury that you used due care to find the truth. If at all possible, it is best to find a source who will back you up, and better yet find two sources, at least one of which is unimpeachable, for highly damaging material which must be printed. The quality of sources is also important, which means that their reputation, background, previous dependability, likelihood to have true information, and similar factors ought to be taken into account in evaluating material which is reputation-injuring.

b. Care with Headlines, Syntax and Captions. It is quite possible to have a perfectly good story turned in and then have it made libelous accidentally by a careless headline, by an editing error whereby the words are turned around or even typographically changed, or where the caption of a photograph, for example, is switched or inaccurately placed or worded. There should be extreme care used especially with headlines, because even though you are entitled to the context of the whole story, a highly-libelous headline sometimes will be so damaging that even the context will not cure the problem.

c. Letters to the Editor. The publisher is liable for libel in letters to the editor, and therefore care especially must be taken with letters to the editor on emotional subjects, customer complaint or "action line" stories and the like. If highly damaging statements of fact are in a letter to the editor about some person or company, it is wise to treat it with care. Either find an independent means to verify the truth of the

statement, force the writer of the letter to the editor to supply sufficient proof, or edit out the libelous material, normally after consultation with the writer of the letter. Many newspapers use letters to the editor which were signed, but the signature was withheld. The Nebraska Shield Law permits you to withhold that name. But withholding the name of the author simply means that the newspaper itself will take all the "heat", in the event there is a libel or breach of privacy case. Letters to the editors have furnished the material for numerous libel cases all around the country and while they are an extremely important and necessary part of a newspaper, in most people's view, nevertheless they require special attention and "libel proofing."

d. Jokes and Cartoons. Sometimes the law of libel has little sense of humor. A highly satirical joke or cartoon has occasionally been made the subject of a successful libel lawsuit. There is a great deal of defense allowed to newspapers and cartoonists on the basis that they are writing only satirically and expressing an opinion, but nevertheless it is not impossible to make a libel case out of a cartoon or other humorous material, if in fact it does contain a false statement of fact injuring reputation. A picture could imply a false statement of fact even though it be a mere cartoon. While there is great protection for political criticism and public issue humorous comment, nevertheless this is an area where the libel-conscious editor needs to do some good preventive work.

e. Balancing News Stories. It is important where a reputation-damaging story is about to be run to try to obtain a comment from the subject. If the answer is no comment, print that. If the subject denies the material, print that. If the subject threatens a lawsuit, make very sure your sources are verifiable and that the truth is with you. If you can't be confident of that, either get legal help or work some more on the story before it runs. By balancing news stories, one should not necessarily attempt a balance in the terms of space given to each side. It is simply a matter of trying to get the other side of the story if there is one and giving it fair play where available.

f. Editing. On stories which appear to injure the reputation of a person or business enterprise, one extra editing even at the page proof stage may knock out a dangerous typographical error or something that simply missed being caught on the first rewrite. That extra editing also would be evidence of due care and would help avoid a claim of negligence.

g. Proper Use of Retraction Statute. Under Nebraska law, even if a publisher prints a libel, the publisher will be subject only to actual or "special" damages, if a retraction is timely printed. Do not, however, retract and admit fault if in fact you are not satisfied that there was genuine error. If the complaining party tries to prove "actual malice" against you, the retraction statute is nullified, and your having admitted fault may work against you in those cases. Nevertheless, in any case

where an actual error is pointed out, whether it be for libel, or simply for newspaper integrity purposes, the retraction statute is extremely useful both in defusing the situation and in limiting damages in many cases. It is a highly valuable tool in libel prevention.

h. Settlement by Apology. Closely related to the retraction statute is a settlement done by personal apology where an error has been made. It is important in such cases to try to bring the matter to a close at the time the apology is rendered; that is, try to get an agreement by letter or by witnessed conversation at the very least, that the matter is deemed to be at a close. It is not wise, in the author's opinion, to offer "nuisance settlements" on any libel cases. Those encourage additional claims and also encourage lawyers to start filing more cases. If cash settlement is ever considered, it should only be after extremely close scrutiny of the liability and damages issues with the assistance of your insurer, if any, and counsel. Genuine out-of-pocket losses, clearly caused by the libel, may be worth considering. Even then, we would normally counsel against a monetary offer of settlement.

i. Libel Insurance. Libel insurance may well be a wise move for most publications in view of the extremely high cost of defending a libel case even successfully. Using a fairly high deductible can help keep the premium within reason;

### **3. Defenses After Litigation is Filed.**

a. The Story Was Substantially True.

- b. The Publisher Used Due Care to Avoid the Error but it Inadvertently Occurred Anyway.
- c. The Story was Essentially Opinion, not Assertions of Fact.
- d. Absolute or Qualified Privilege. Newspapers are rarely absolutely privileged to libel someone. Rather, a newspaper may have a "qualified" privilege to report statements made at a public meeting or in an official government document, even if the statements are false, so long as the newspaper does not act with common law malice, i.e., hatred, spite, ill-will. Senators have an absolute privilege when they are on the floor of the Unicameral, and persons reporting alleged wrongs to professional supervisory bodies such as the bar association, etc., have an absolute privilege. Lawyers and witnesses have a privilege also during the course of legal proceedings to make statements that might otherwise be libelous.
- e. Retraction. This defense is a partial defense, limiting damages to special or out-of-pocket losses except where malice is proved against the publisher.
- f. No Actual Damage to Reputation Proved. Plaintiffs frequently, indeed almost uniformly, exaggerate their loss of reputation for strategic, litigation-aimed reasons.
- g. If the Plaintiff is a Public Figure or Public Official, the Lack of Knowledge of Falsity, or Lack of "Malice" in the Constitutional Sense, is a Defense. Burden of proving such malice is always on the plaintiff.



h. Neutral Report Privilege. (Correct quotation from a reliable source). In this regard, attribution is extremely important both as a matter of a preventive action and in some cases as a defense to a libel suit after filed. In other words, it may be defensible to quote a highly reputable source of information, even if later on that information turns out to be false and libelous. This defense is not commonly honored but has been used successfully on a few occasions. It is akin to a "privilege" to trust such a source.

#### **4. Closing Comment on Libel.**

The danger of libel is a real one, even in Nebraska where we do not allow "punitive" damages to be collected by anyone, but it is at least as dangerous to allow concern over libel to shut off necessary news, information and opinion. The Nebraska Supreme Court has been relatively favorable to libel defendants and there are very few successful libel awards against Nebraska newspapers. We know of no recent such cases at all. Attention to detail, special care for stories which obviously injure reputation, and a general sensitivity to the potential defenses and to writing courteous, prompt retractions will continue to defuse the vast majority of all libel problems in this state. Where a particular story is troublesome but it is nevertheless highly important that it be printed, there is almost always a way. The extra work to come up with an additional source, careful use of language to create a "libel-proof" way to

say the truth, and an honest attempt to balance out the story by getting the adversely affected side's viewpoint will permit the newspaper to do its job without libel jeopardy. Use your local counsel or the Nebraska Press Association's Hotline legal service for preventive "libel-proofing."

## **B. RETRACTIONS**

25-839. **Libel or slander; how sufficiently pleaded; burden of proof.** In an action for a libel or slander it shall be sufficient to state generally that the defamatory matter was published or spoken of the plaintiff, and if the allegation be denied, the plaintiff must prove on the trial the facts showing that the defamatory matter was published or spoken of him.

25-840. **Libel or slander; truth as defense; effect of actual malice.** In the actions mentioned in section 25-839, the defendant may allege the truth of the matter charged as defamatory, prove the same and any mitigating circumstances to reduce the amount of damages, or prove either. The truth in itself and alone shall be a complete defense unless it shall be proved by the plaintiff that the publication was made with actual malice. Actual malice shall not be inferred or presumed from publication.

25-840.01. **Libel; invasion of privacy; damages; retraction; effect.** (1) In an action for damages for the publication of a libel or for invasion of privacy as provided by section 20-204 by any medium, the plaintiff shall recover no more than special damages, unless correction was requested, as herein provided, and was not published. Within twenty days after knowledge of the publication, plaintiff shall have given each defendant a notice by registered mail specifying the statements claimed to be libelous or to have invaded privacy as provided by section 20-204 and specifically requesting correction. Publication of a correction shall be made within three weeks after receipt of the request. It shall be made in substantially as conspicuous a manner as the original publication about which complaint was made. A correction, published prior to receipt of a request therefore, shall have the same force and effect as if published after such request. The term special damages, as used in this section, shall include only such damages as plaintiff alleges and proves were suffered in respect to his or her property, business, trade, profession or occupation as the direct and proximate result of the defendant's publication.

(2) This section shall not apply if it is alleged and proved that the publication was prompted by actual malice, and actual malice shall not be inferred or presumed from the publication.

### **C. NEBRASKA PRIVACY ACT**

20-201. **Right of privacy; legislative intent.** It is the intention of the Legislature to provide a right of privacy as described and limited by sections 20-201 to 20-211 and 25-840.01, and give to any natural person a legal remedy in the event of violation of the right.

20-202. **Invasion of privacy; exploitation of a person for advertising or commercial purposes; situations; not applicable.** Any person, firm, or corporation that exploits a natural person, name, picture, portrait, or personality for advertising or commercial purposes shall be liable for invasion of privacy. The provisions of this section shall not apply to:

(1) The publication, printing, display, or use of the name or likeness of any person in any printed, broadcast, telecast, or other news medium or publication as part of any bona fide news report or presentation or noncommercial advertisement having a current or historical public interest and when such name or likeness is not used for commercial advertising purposes;

(2) The use of such name, portrait, photograph, or other likeness in connection with the resale or other distribution of literary, musical, or artistic productions or other articles of merchandise or property when such person has consented to the use of his or her name, portrait, photograph, or likeness on or in connection with the initial sale or distribution thereof so long as such use does not differ materially in kind, extent, or duration from that authorized by the consent as fairly construed; or

(3) Any photograph of a person solely as a member of the public when such person is not named or otherwise identified in or in connection with the use of such photograph.

20-203. **Invasion of privacy; trespass or intrude upon a person's solitude.** Any person, firm, or corporation that trespasses or intrudes upon any natural person in his or her place of solitude or seclusion, if the intrusion would be highly offensive to a reasonable person, shall be liable for invasion of privacy.

20-204. **Invasion of privacy; place person before public in false light.** Any person, firm, or corporation which gives publicity to a matter concerning a natural person that places that person before the public in a false light is subject to liability for invasion of privacy, if:

(1) The false light in which the other was placed would be highly offensive to a reasonable person; and

(2) The actor had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and the false light in which the other would be placed.

20-205. **Publication or intrusion; not actionable; when.** Any publication or intrusion otherwise actionable under section 20-202, 20-203, or 20-204 shall be justified and not actionable under sections 20-201 to 20-211 and 25-840.01 if the subject of such publication or intrusion expressly or by implication consents to the publicity or intrusion so long as such publication or intrusion does not differ materially in kind, extent, or duration from that implicitly or expressly authorized by the consent as fairly construed. If such person is a minor, such consent may be given by a parent or guardian. If the subject of the alleged invasion of privacy is deceased, such consent may be given by the surviving spouse, if any, or by the personal representative.

20-206. **Right of privacy; defenses and privileges.** In addition to any defenses and privileges created in sections 20-201 to 20-211 and 25-840.01, the statutory right of privacy created in sections 20-201 to 20-211 and 25-840.01 shall be subject to the following defenses and privileges:

(1) All applicable federal and Nebraska statutory and constitutional defenses;

(2) As to communications alleged to constitute an invasion of privacy, the defense that the communication was made under circumstances that would give rise to an applicable qualified or absolute privilege according to the law of defamation; and

(3) All applicable, qualified, and absolute privileges and defenses in the common law of privacy in this state and other states.

20-207. **Invasion of privacy; action; nonassignable.** The action for invasion of privacy created by sections 20-201 to 20-211 and

25-840.01 shall be personal to the subject of the invasion and shall in no case be assignable.

20-208. **Invasion of privacy; death of subject; effect.** The right of action for invasion of privacy created by sections 20-201 to 20-211 and 25-840.01, with the single exception of the action arising out of exploitation of a person's name or likeness in section 20-202, shall not be deemed to survive the death of the subject of any such invasion of privacy.

20-209. **Libel, slander, or invasion of privacy; one cause of action.** No person shall have more than one cause of action for damages for libel or slander or invasion of privacy or any other tort founded upon any single publication, exhibition, or utterance, such as any one issue of a newspaper or book or magazine or any one presentation to an audience or any one broadcast over radio or television or any one exhibition of a motion picture. Recovery in any action shall include all damages for any such tort suffered by the plaintiff in all jurisdictions.

20-210. **Judgment; bar against other actions.** A judgment in any jurisdiction for or against the plaintiff upon the substantive merits of any action for damages founded upon a single publication, exhibition, or utterance as described in section 20-209 shall bar any other action for damages by the same plaintiff against the same defendant founded upon the same publication, exhibition, or utterance.

20-211. **Invasion of privacy; statute of limitations.** An action for invasion of privacy must be brought within one year of the date the cause of action arose.

28-311.08. **Unlawful intrusion; penalty.** (1) it shall be unlawful for any person to knowingly intrude upon any other person without his or her consent or knowledge in a place of solitude or seclusion. (2) For purposes of this section: (a) intrude means the viewing or recording, either by video, audio, or other electronic means, of a person in a state of undress; and (b) place of solitude or seclusion means a place where a person would intend to be in a state of undress and have reasonable expectation of privacy, including, but not limited to, any facility, public or private, used as a restroom, tanning booth, locker room, shower room, fitting room or dressing room. (3) Violation of this section is a Class III misdemeanor unless the victim is under the age of eighteen in which case a violation is a class II misdemeanor. Lack of knowledge as to the victim's age is not a defense to be enhanced penalty under this section.

#### **D. NEWSROOM SEARCH**

29-813. **Search warrant; issuance; limitation; terms; defined.** (1) A warrant may be issued under sections 29-812 to 29-821 to search for and seize any property (a) stolen, embezzled, or obtained under false pretenses in violation of the laws of the State of Nebraska, (b) designed or intended for use or which is or has been used as the means of committing a criminal offense, (c) possessed, controlled, designed, or intended for use or which is or has been possessed, controlled, designed, or used in violation of any law of the State of Nebraska making such possession, control, design, or use, or intent to use, a criminal offense, or (d) which constitutes evidence that a criminal offense has been committed or that a particular person has committed a criminal offense.

(2) Notwithstanding subsection (1) of this section, no warrant shall be issued to search any place or seize anything in the possession, custody, or control of any person engaged in procuring, gathering, writing, editing, or disseminating news or other information for distribution to the public through a medium of communication unless probable cause is shown that such person has committed or is committing a criminal offense. For purposes of this subsection, the terms person, information, and medium of communication shall be defined as provided in section 20-145.

## **E. OBSCENITY**

28-807(10). **Terms, defined.** Obscene shall mean (a) that an average person applying contemporary community standards would find that the work, material, conduct or live performance taken as a whole predominantly appeals to the prurient interest or a shameful or morbid interest in nudity, sex or excretion, (b) the work, material, conduct or live performance depicts or describes in a patently offensive way sexual conduct specifically set out in sections 28-807 to 28-829, and (c) the work, conduct, material or live performance taken as a whole lacks serious literary, artistic, political, or scientific value.

28-813. **Obscene literature or material; prepares; distributes; promotes; penalty.** (1) Any person who knowingly (a) prints, copies, manufactures, prepares, produces, or reproduces obscene material for purpose of sale or distribution, (b) publishes, circulates, sells, rents, lends, transports in intrastate commerce, or distributes or exhibits any obscene material, (c) has in his possession with intent to sell, rent, lend, transport, or distribute any obscene material, or (d) promotes any obscene material or performance shall be guilty of a Class I misdemeanor.

(2) Every person who places an order for any advertising promoting the sale or distribution of material represented or held out to

be obscene, whether or not such material exists in fact or is obscene, shall be guilty of a Class I misdemeanor. In all cases in which a charge or violation of this section is brought against a person who cannot be found in this state, the executive authority of this state may demand extradition of such person from the executive authority of the state in which such person may be found.

(3) A person commits an offense of promoting obscene material if knowing its content and character he: (a) Disseminates for monetary consideration any obscene material; (b) produces, presents, or directs obscene performances for monetary consideration; or (c) participates for monetary consideration in that part of a performance which makes it obscene.

(4) Any person who violates this section shall be guilty of a class I misdemeanor.

#### **F. NEWSPAPER - SUBSCRIPTIONS AND PRINTING**

63-101. **Newspapers; magazines, periodicals; recipient, when not liable for subscription price.** No person in this state shall be compelled to pay for any newspaper, magazine or other publication which shall be mailed or sent to him without his having subscribed for or ordered it, or which shall be mailed or sent to him after the time of his subscription or order therefore has expired, notwithstanding that he may have received it.

63-102. **Books, pamphlets; printing copies in excess of contract prohibited.** It shall be unlawful for any person, firm or corporation who shall enter into a contract for the printing, stereotyping, binding or publication of any book, pamphlet, circular or other publication of any character or description, for any author, compiler or publisher, to print any greater number of copies of such book, pamphlet, circular, or other publication, than the number designated by the contract for such publication.

63-103. **Violations; penalty.** Any person, firm or corporation violating any of the provisions of section 63-102 shall upon conviction thereof be guilty of a Class IV misdemeanor and in addition thereto shall be liable to the author, compiler or publisher with whom such contract was made, for all damages which may accrue by reason of such unlawful publication.

## V. COPYRIGHT

### COPYRIGHTS--A SUMMARY

Copyright protection as a subject of federal jurisdiction is embodied in Article I, Section 8, Clause 8, of the United States Constitution. Congress has enacted the Copyright Act, 17 U.S.C. §101 et seq. The term "copyright" has been defined as "an exclusive privilege, by force of statute, of author or proprietor, to print or otherwise multiply, publish and then copy his literary, artistic, or intellectual productions, and to license their production and sale by others during the term of its existence."

The press is faced with three fairly common copyright issues. **The first** is the basic issue of copyright protection for its editions of the news. **The second** is raised in connection with protection for ads. **The final** issue is the extent to which a newspaper can fairly use the words of other authors.

#### Obtaining Copyright Protection.

Copyright protection under the Act is permissive and flexible. Registration of the copyright is not a prerequisite to protection; however, it is a prerequisite to obtaining federal jurisdiction over the copyright claim and enforcing the copyright against an infringer. Thus, while the Copyright Act provides that the author of a work has a copyright whether or not he publishes a notice with his work, such a notice provides advantages. **The first** step in obtaining basic copyright protection is to



claim ownership of the copyright by publishing notice on the material. To publish the appropriate notice, one must either imprint the symbol "c" in a circle, or the word "Copyright" or the abbreviation "Copr.", with the year and date of the publication, and the name of the owner of the copyright on the work. The copyright notice must be placed on the material in such a manner and location as to give reasonable notice to the claim of the copyright. Most newspapers find room for it on the masthead.

**The next step** entails registration. In order to enforce the copyright against a potential infringer, the copyright registration application must be submitted with the appropriate number of copies of the work and registration fee of \$20. You may obtain the registration applications by calling a forms hotline number-202/707-3000, or by visiting the copyright office's website, [www.copyright.gov](http://www.copyright.gov).

Registration is permissive. It is not a requirement for copyright protection, but if a claim of infringement is to be pursued, registration must occur. Registration is encouraged. If registration does not occur within three months of first publication, the copyright owner loses his right to statutory damages. Statutory damages for copyright infringement is an election on the part of the copyright owner in a copyright infringement action. If elected, statutory damages entitle the owner to a sum not less than \$500 or more than \$30,000 if infringement is proven. Additionally, the court could award up to \$150,000 if it finds that infringement was committed willfully. Attorney's fees can also be

awarded. Statutory damages essentially allow a copyright owner to forego proving actual damages and profits. Failure to file the registration of the copyright within three months of its publication generally precludes a copyright owner from recovering statutory damages or attorney's fees but does not eliminate the owner's right to prove actual damages in profits or obtain injunctive relief.

Newspapers may register every edition for which a copyright is claimed, or may more selectively register those particular editions in which something is especially worthy of protection. Many newspapers register only if they become aware of an actual infringement and wish to preserve their right to legal recourse.

A practical question related to registration of newspaper editions: What copies are required to be deposited and when? Obviously, each edition of the newspaper could be forwarded and registered one by one. However, the cost and awkwardness of such a procedure renders this option impractical. By use of Form SE, a newspaper can blanket its copyright protection for a group of editions. This allows the newspaper to register by period covering all issues in the period. Furthermore, by special request, newspapers can request the copies be filed on microfilm, thereby eliminating costly shipping charges and allowing newspapers to accumulate issues for submittal.

Advertising.

Advertising presents a special problem for newspapers in copyright law. Generally, if an advertising department creates an ad for a customer, the customer traditionally has been regarded as the owner of the copyright, absent an agreement to the contrary. This principle has been referred to as the "work for hire" doctrine and is embodied in Section 201(b) of the Act. Nevertheless, in the case of newspapers who prepare advertisements for customers without customer assistance and where the customer pays only for the advertising space, it can be argued that the newspaper owns the copyright. In the grey area where newspaper and the customer collaborate on the ad, the copyright may be owned by the parties as tenants in common, with each co-owner having a right to license the use of the work subject to a duty to account to the other co-owner for any profit earned. Consequently, **newspapers should specify the ownership** right to any advertisement in agreements with all customers who will rely on the newspaper for their advertising copy and design.

#### Fair Use.

Another area of some confusion in copyright law is the doctrine of fair use embodied in Section 107 of the Act. As indicated previously, an author of original work has an exclusive right to reproduce the copyrighted work in copies and to distribute copies to the public by sale or the transfer of ownership. The fair use doctrine embodied in Section 107 allows a party to use a copyrighted work of another, including use by

reproduction and copies or by other means, for purposes such as criticism, comment, news reporting, teaching, scholarship, or research. The fair use doctrine however is a slippery standard and must be used to analyze whether the use is indeed fair.

**The first** factor examines purpose and character of the use and specifically focuses upon whether the use is of a commercial nature or for nonprofit educational purposes. **A second** factor examines the nature of the copyrighted work, that is whether the work itself has a utilitarian purpose and is not something that has an immediate commercial value and is of great public interest. **The third** factor examines the amount and substantiality of the portion of the work used in relation to the copyrighted work as a whole. Obviously, the more verbatim copying of a work that is used the greater the chance that the use is not fair. Finally, the **fourth factor** looks at the effect of the use upon the potential market or value of the copyrighted work. The case law on the fair use doctrine is diverse and sometimes comes to inconsistent conclusions. If a use of someone's copyrighted work is contemplated, careful consideration as to how it will be used must be analyzed.

The question of how much verbatim copying of a particular work can be used and still come within the fair use exception is a primary concern. One cannot place exact parameters upon the verbatim copying of work. However, in a recent case involving a newspaper's use of the fair use defense on the basis that their copying was for news reporting, the

court held that although news reporting is one of the purposes enumerated in Section 107, the defendant's use was not fair use insofar as they had reprinted approximately 92% of the plaintiff's article. Furthermore, even though news reporting is in itself a worthy endeavor, the fact that the use was for a commercial rather than an educational purpose practically eliminated the possibility that plaintiff could sell his article. In these circumstance, courts will find that the use was not fair, and the newspaper's use violated the author's copyright. Print medium is of such nature as to generally deny an author his right to commercially utilize his copyrighted work if a substantial portion of the work is published.

## **VI. ACCESS TO NEWS**

- A. Open Judicial Proceedings
- B. Open Court Guidelines
- C. Nebraska Bar-Press Guidelines
- D. Open Meetings
- E. Public Records
- F. Shield Law

### **A. Open Judicial Proceedings**

24-1001. **Proceedings to be public.** All judicial proceedings of all courts established in this state must be open to the attendance of the public unless otherwise specially provided by statute.

### **B. Open Court Guidelines**

Under the First Amendment right to access cases and under Nebraska's Supreme Court Guidelines, courts can almost never legally be closed to the public and press. Under Nebraska law, in only two kinds of situations is a defendant even allowed to request a closed court, and those are (1) where there is a confession whose admissibility is in dispute and (2) where the defendant will be trying to suppress other evidence which he claims was obtained illegally.

In those cases only can there be a motion to close under the Court rules. Then, besides proving that eligibility, the defendant has to produce evidence to prove:

- (1) that an open court is substantially likely to damage the fair trial Sixth Amendment rights;
- (2) that there are no other reasonable alternatives to avoid damage to the fair
- (3) that the closing would in fact cure or prevent that possible damage.

The procedures for such hearings are set forth in the Guidelines, and require actual evidence, not just arguments, by the defendant. They allow the news media to set forth its own arguments why the court should be kept open, by intervening in the case.

Over the last two decades, there have been no more than one or two successful court closing motions in our state, and by no means

should it be assumed that courts freely can close their doors to the public and press. All such motions should be opposed.

The Guidelines are outlined in **Chapter 6, Article 2 of the Nebraska Court Rules**.

6-201. **Purpose.** (a) The purpose of these guidelines is to aid judges of the courts of Nebraska in determining whether a proceeding may be closed from the general public, in whole or in part. In formulating such guidelines it must be kept in mind that as a general principle it is the view of the judiciary of the State of Nebraska that proceedings should be open to the public at all times and only closed, in whole or in part, where evidence presented to the court establishes that by permitting all or part of the proceeding to remain open to the public, a party's right to a fair trial will be substantially and adversely affected and there are no other reasonable alternatives available to protect against such substantial and adverse effect. We therefore establish the following guidelines to aid judges of the courts of the State of Nebraska in determining whether a judicial proceeding of any type should be closed, in whole or in part. (b) Except as otherwise specifically provided by law or by these guidelines, the general public should not be excluded from a legal proceeding of any type or nature, including a pretrial criminal hearing, suppression hearing, or trial on the merits.

6-202. **Grounds for closure; waiver.** Except as otherwise provided herein, upon motion of the defendant or one standing in the position of a defendant, even if known by another name and hereinafter called defendant, the court may consider excluding the general public from all or a portion of a proceeding at which:

(a) The voluntariness of a confession may be seriously disputed and the admissibility of the confession will be a material issue either at the preliminary proceeding then before the court, or at a subsequent hearing, including the trial on the merits, and the court finds based upon evidence adduced that permitting the general public to be present during such proceeding is likely to result in substantially injuring or damaging the accused's right to a fair proceeding and that no other reasonable alternative exists to assure the defendant of a fair trial, or

(b) The defendant is seeking to suppress evidence allegedly obtained illegally and the court finds based upon evidence adduced that permitting the general public to be present during such proceeding is likely to result in substantially injuring or damaging the accused's right to a fair proceeding and that no other reasonable alternative exists to assure the defendant of a fair trial.

(c) If the court believes that by permitting the general public to be present at either of the hearings noted in § 6-202(A) or (B), the defendant may be denied a fair trial, and the defendant has not moved for closure, the court shall inquire of the defendant, on the record, whether the defendant desires to hold all or a part of such proceeding with the public present. If the defendant elects to hold such hearing with the public present, the court shall so proceed after noting the defendant's election on the record. If the defendant, however, elects to close all or a portion of such proceeding and so advises the court, it shall be as if the defendant has so moved and all of the provisions of these guidelines shall apply.

6-203. **Hearing for closure.** Before determining to close such proceedings, in whole or in part, the court shall give reasonable notice to all parties to the proceedings and such other persons who have advised the clerk of the court in writing, in advance of a specific trial, of their desire to be notified if such a motion is presented and is to be considered by the court. In giving such notice, the court will advise all such persons of the time and place when hearing on the motion shall be heard and shall afford all interested persons, including the general public, a reasonable opportunity to be present and prepare for such hearing.

6-204. **Closure; findings required; record required.** If the trial court determines after hearing that permitting the general public to hear such matters under consideration will result in a substantial likelihood of injury or damage to the accused's right to a fair trial and no other reasonable alternative for assuring a fair trial exists, the trial court may exclude the general public from such proceeding. To the extent that the trial court can isolate the testimony concerning such matter from other matters presented to the court at the same time, the general public should be excluded only from that portion of the hearings in which such matter is being considered or evidence taken.

Except as otherwise provided by law, all matters heard by the court after the general public has been excluded shall nevertheless be on the record and shall be made available for public inspection within a reasonable time after a final judgment or verdict in the case has been rendered.

6-205. **In camera proceeding; record required.** The court may receive preliminary evidence concerning the matters noted in § 6-204 in camera, in the presence of counsel for the parties and such other members of the public who have required the right to be present. A record shall be made of the hearing in camera. The trial



court may order such proceedings sealed until after a final judgment or verdict in the trial court has been rendered. The fact that the case in chief is pending on appeal before the Supreme Court of Nebraska shall not prevent the previously sealed tape from being made available to the public upon request. The sealed record, however, shall be made available for purposes of review by the Supreme Court or other court of competent jurisdiction pertaining to the decision to close the proceedings, in whole or in part.

6-206. **Maintain decorum; general considerations.** Nothing in these guidelines shall be construed, however, to limit the powers of the courts to maintain decorum by ordering unruly spectators removed from the courtroom, or by reasonably limiting the number of spectators, or by exercising similar powers of judges at common law, nor shall anything in these guidelines require a judge to exclude the general public from any such proceedings if, after considering such matter the trial court concludes that permitting the general public to be present will not create a substantial likelihood of injury or damage to the accused's right to a fair hearing. The fact that an accused or other witness may be embarrassed or be subject to public ridicule by reason of the public being present shall not be grounds upon which to close such matters, it being the intention of these guidelines to prescribe extremely limited situations under which courts shall be closed to the general public and otherwise establish a general policy of permitting courts to be open to the general public, consistent with the accused's constitution rights to a fair hearing.

### **C. Nebraska Bar-Press Guidelines**

#### **1. For Disclosure and Reporting of Information Relating to Imminent or Pending Criminal Litigation.**

These voluntary guidelines reflect standards which bar and news media representatives believe are a reasonable means of accommodating, on a voluntary basis, the correlative constitutional rights of free speech and free press with the right of an accused to a fair trial. They are not intended to prevent the news media from inquiring into and reporting on the integrity, fairness, efficiency and effectiveness of law enforcement, the administration of justice, or political or governmental questions whenever involved in the judicial process.

As a voluntary code, these guidelines do not necessarily reflect in all respects what the members of the bar or the news media believe would be permitted or required by law.

## **2. Information Generally Appropriate for Disclosure, Reporting.**

Generally, it is appropriate to disclose and report the following information:

- a. The arrested person's name, age, residence, employment, marital status and similar biographical information.
- b. The charge, its test, any amendments thereto, and, if applicable, the identity of the complainant,
- c. The amount or conditions of bail.
- d. The identity of and biographical information concerning the complaining party and victim, and if a death is involved, the apparent cause of death unless it appears that the cause of death may be a contested issue.
- e. The identity of the investigating and arresting agencies and the length of the investigation.
- f. The circumstances of arrest, including time, place, resistance, pursuit, possession of and all weapons used, and a description of the items seized at the time of arrest. It is appropriate to disclose and report at the time of seizure the description of physical evidence subsequently seized other than a confession, admission or statement. It is appropriate to disclose and report the subsequent finding of weapons, bodies, contraband, stolen property and similar physical items if, in view of the time and other circumstances, such disclosure and reporting are not likely to interfere with a fair trial.
- g. Information disclosed by the public records, including all testimony and other evidence adduced at the trial.

## **3. Information Generally Not Appropriate for Disclosure, Reporting.**

Generally, it is not appropriate to disclose or report the following information because of the risk of prejudice to the right of an accused to a fair trial:

1. The existence or contents of any confession, admission or statement given by the accused, except it may be stated that the accused denies the charges made against him. This paragraph is not intended to

apply to statements made by the accused to representatives of the news media or to the public.

2. Opinions concerning the guilt, the innocence or the character of the accused.
3. Statements predicting or influencing the outcome of the trial.
4. Results of any examination or tests or the accused's refusal or failure to submit to an examination or test.
5. Statements or opinions concerning the credibility or anticipated testimony of prospective witnesses.
6. Statements made in the judicial proceedings outside the presence of the jury relating to confessions or other matters which, if reported, would likely interfere with a fair trial.

#### **4. Prior Criminal Records.**

Lawyers and law enforcement personnel should not volunteer their prior criminal records of an accused except to aid in his apprehension or to warn the public of any dangers he presents. The news media can obtain prior criminal records from the public records of the courts, police agencies and other governmental agencies and from their own files. The news media acknowledge, however, that publication or broadcast of an individual's criminal record can be prejudicial, and its publication or broadcast should be considered very carefully, particularly after the filing of faunal charges and as the time of the trial approaches, and such publication or broadcast should generally be avoided because readers, viewers and listeners are potential jurors and an accused is presumed innocent until proven guilty.

#### **5. Continuing Committee for Cooperation.**

The members of the bar and the news media recognize the desirability of continued joint efforts in attempting to resolve any areas of differences that may arise in their mutual objective of assuring to all Americans both the correlative constitutional rights to freedom of speech and press and to a fair trial. The bar and the news media, through their respective associations, have determined to establish a permanent committee to revise these guidelines whenever this appears necessary or appropriate, to issue opinions as to their application to specific

situations, to receive, evaluate and make recommendations with respect to complaints and to seek to effect through educational and other voluntary means a proper accommodation of the constitutional correlative rights of free speech, free press and fair trial.

#### **D. Open Meetings**

##### **79-317. State Board of Education; meetings; open to public; exceptions; compensation and expenses.**

(1) The State Board of Education shall meet regularly and periodically in the office of the State Department of Education at least four times annually and at such other times and places as it may determine necessary for the proper and efficient conduct of its duties. All meetings shall be called in accordance with this section and the Open Meetings Act. Five members of the board shall constitute a quorum.

(2) The public shall be admitted to all meetings of the State Board of Education except to such closed sessions as the board may direct in accordance with the Open Meetings Act. The board shall cause to be kept a record of all public meetings and proceedings of the board. The commissioner, or his or her designated representative, shall be present at all meetings except when the order of business for the board is the selection of a Commission of Education.

(3) The members of the State Board of Education shall receive no compensation for their services but shall be reimbursed for actual and essential expenses incurred in attending meetings or incurred in the performance of duties as directed by the board as provided in sections 81-1174 to 81-1177.

## **CHAPTER 84. STATE OFFICERS**

### **Article 14. Open Meetings**

84-1407. Act, how cited.

Sections 84-1407 to 84-1414 shall be known and may be cited as the Open Meetings Act.

84-1408. **Declaration of intent; meetings open to public.** It is hereby declared to be the policy of this state that the formation of public policy is public business and may not be conducted in secret.

Every meeting of a public body shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of public bodies, except as otherwise provided by the Constitution of Nebraska, federal statutes, and the Open Meetings Act.

84-1409. **Terms, defined.** For purposes of the Open Meetings Act, unless the context otherwise requires:

(1) (a) Public body means (i) governing bodies of all political subdivisions of the State of Nebraska, (ii) governing bodies of all agencies, created by the Constitution of Nebraska, statute, or otherwise pursuant to law, of the executive department of the State of Nebraska, (iii) all independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies created by the Constitution of Nebraska, statute, or otherwise pursuant to law, (iv) all study or advisory committees of the executive department of the State of Nebraska whether having continuing existence or appointed as special committees with limited existence, (v) advisory committees of the bodies referred to in subdivisions (i), (ii), and (iii) of this subdivision, and (vi) instrumentalities exercising essentially public functions; and

(b) Public body does not include (i) subcommittees of such bodies unless a quorum of the public body attends a subcommittee meetings or unless such subcommittees are holding hearings, making policy, or taking formal action on behalf of their parent body, and (ii) entities conducting judicial proceedings unless a court or other judicial body is exercising rulemaking authority, deliberating, or deciding upon the issuance of administrative orders;

(2) Meeting shall mean all regular, special or called meetings, formal or informal, of any public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action of the public body; and

(3) Videoconferencing means conducting a meeting involving participants at two or more locations through the use of audio-video equipment which allows participants at each location to hear and see each meeting participant at each other location, including public input. Interaction between meeting participants shall be possible at all meeting locations.

84-1410. **Closed session; when; purpose; reasons listed; procedure; right to challenge; prohibited acts; chance meetings, conventions, workshops.**

(1) Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close. Closed sessions may be held for, but shall not be limited to, such reasons as:

(a) Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;

(b) Discussion regarding deployment of security personnel or devices;

(c) Investigative proceedings regarding allegations of criminal misconduct; or

(d) Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting; or

(e) For the Community Trust created under section 81-1801.02, discussion regarding the amounts to be paid to individuals who have suffered from a tragedy of violence or natural disaster.

Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

(2) The vote to hold a closed session shall be taken in open session. The entire motion, the vote of each member on the question of holding a closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. The public body holding such a closed session shall restrict its consideration of matters during the closed portions to only those purposes set forth in the motion to close as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, formal action shall mean a collective decision or a collective commitment or promise to make a decision on any question, motion,

proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiations in closed sessions authorized under subdivision (1)(a) of this section.

(3) Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (a) the protection of the public interest or (b) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

(4) Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting, and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing the Open Meetings Act. No closed session, informal meeting, chance meeting, social gathering, email, fax, or other electronic communication shall be used for the purpose of circumventing the requirements of the act.

(5) The act does not apply to chance meetings or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened, if there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction or advisory power.

**84-1411. Meetings of public body; notice; contents; when available; right to modify; duties concerning notice; videoconferencing or telephone conferencing authorized; emergency meeting without notice; appearance before public body.** (1) Each public body shall give reasonable advance publicized notice of the time and place of each meeting by a method designated by each public body and recorded in its minutes. Such notice shall be transmitted to all members of the public body and to the public. Such notice shall contain an agenda of subjects known at the time of the publicized notice, or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be altered later than (a) twenty-four hours before the scheduled commencement of the meeting, or (b) forty-eight

hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(2) A meeting of a state agency, state board, state commission, state council, or state committee, of an advisory committee of any such state entity, of an organization created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing body of a public power district having a chartered territory of more than fifty counties in this state, of a board of an educational service unit, or of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act may be held by means of videoconferencing or, in the case of the Judicial Resources Commission in those cases specified in section 24-1204, by telephone conference, if:

(a) Reasonable advance publicized notice is given;

(b) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio or visual recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if videoconferencing or telephone conferencing was not used;

(c) At least one copy of all documents being considered is available to the public at each site of the videoconference or telephone conference;

(d) At least one member of the state entity, advisory committee, board, or governing body is present at each site of the videoconference or telephone conference; and

(e) No more than one-half of the state entity's, advisory committee's, or governing body's meetings in a calendar year are held by videoconference or telephone conference.

Videoconferencing, telephone conferencing, or conferencing by other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(3) A meeting of a board of an educational service unit, of the governing body of an entity formed under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, or of the governing body of a risk management pool or its advisory



committees organized in accordance with the Intergovernmental Risk Management Act may be held by telephone conference call if:

- (a) The territory represented by the educational service unit or member public agencies of the entity or pool covers more than one county;
- (b) Reasonable advance publicized notice is given which identifies each telephone conference location at which an educational service unit board member or a member of the entity's or pool's governing body will be present;
- (c) All telephone conference meeting sites identified in the notice are located within public buildings used by members of the educational service unit board or entity or pool or at a place which will accommodate the anticipated audience;
- (d) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if a telephone conference call was not used;
- (e) At least one copy of all documents being considered is available to the public at each site of the telephone conference call;
- (f) At least one member of the educational service unit board or governing body of the entity or pool is present at each site of the telephone conference call identified in the public notice;
- (g) The telephone conference call lasts no more than one hour; and
- (h) No more than one-half of the board's, entity's, or pool's meetings in a calendar year are held by telephone conference call, except that a governing body of a risk management pool that meets at least quarterly and the advisory committees of the governing body may each hold more than one-half of its meetings by telephone conference call if the governing body's quarterly meetings are not held by telephone conference call or videoconferencing.

Nothing in this subsection shall prevent the participation of consultants, members of the press, and other nonmembers of the governing body at sites not identified in the public notice.

Telephone conference calls, emails, faxes, or other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(4) The secretary or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting.

(5) When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunications equipment. The provisions of subsection (4) of this section shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.

(6) A public body may allow a member of the public or any other witness other than a member of the public body to appear before the public body by means of video or telecommunications equipment.

84-1412. **Meetings of public body; rights of public; public body; powers and duties.** (1) Subject to the Open Meetings Act, the public has the right to attend and the right to speak at meetings of public bodies, and all or any part of a meeting of a public body, except for closed sessions called pursuant to section 84-1410, may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

(2) It shall not be a violation of subsection (1) of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings.

(3) No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the

agenda. The body may require any member of the public desiring to address the body to identify himself or herself.

(4) No public body shall, for the purpose of circumventing the Open Meetings Act, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience.

(5) No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state.

(6) No public body shall be deemed in violation of this section if it holds a meeting outside of this state if, but only if:

(a) A member entity of the public body is located outside of this state and the meeting is in that member's jurisdiction;

(b) All out-of-state locations identified in the notice are located within public building used by members of the entity or at a place which will accommodate the anticipated audience;

(c) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including making a telephone conference call available at an in-state location to members, the public or the press, if requested twenty-four hours in advance.

(d) No more than twenty-five percent of the public body's meetings in a calendar year are held out-of-state;

(e) Out-of-state meetings are not used to circumvent any of the public government purposes established in the Open Meetings Act;

(f) Reasonable arrangements are made to provide viewing at other in-state locations for a videoconference meeting if requested fourteen days in advance and if economically and reasonably available in the area; and

(g) The public body publishes notice of the out-of-state meeting at least twenty-one days before the date of the meeting in a legal newspaper of statewide circulation.

(7) The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting.

(8) Public bodies shall make available at the meeting or the in-state location for a telephone conference call or videoconference, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting. Public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room at a location accessible to members of the public. At the beginning of the meeting, the public shall be informed about the location of the posted information.

**84-1413. Meetings; minutes; roll call vote; secret ballot; when.**

(1) Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed.

(2) Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted, or if the member was absent or not voting. The requirements of a roll call or viva voce vote shall be satisfied by a municipality, a county, a learning community, a joint entity created pursuant to the Interlocal Cooperation Act, a joint public agency created pursuant to the Joint Public Agency Act, or an agency formed under the Municipal Cooperative Financing Act which utilizes an electronic voting device which allows the yeas and nays of each member of such city council, village board, county board or governing body to be readily seen by the public.

(3) The vote to elect leadership within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.

(4) The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public records and open to public inspection during normal business hours.

(5) Minutes shall be written and available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier, except that cities of the second class and village may have an additional ten working days if the employee responsible for writing the minutes is absent due to a serious illness or emergency.

**84-1414. Unlawful action by public body; declared void or voidable by district court; when; duty to enforce open meeting laws; citizen's suit; procedure; violations; penalties.**

(1) Any motion, resolution, rule, regulation, ordinance or formal action of a public body made or taken in violation of the Open Meetings Act shall be declared void by the district court if the suit is commenced within one hundred twenty days of the meeting of the public body at which the alleged violation occurred. Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in substantial violation of the Open Meetings Act shall be voidable by the district court if the suit is commenced more than one hundred twenty days after but within one year of the meeting of the public body in which the alleged violated occurred. A suit to void any final action shall be commenced within one year of the action.

(2) The Attorney General and the county attorney of the county in which the public body ordinarily meets shall enforce the Open Meetings Act.

(3) Any citizen of this state may commence a suit in the district court of the county in which the public body ordinarily meets or in which the plaintiff resides for the purpose of requiring compliance with or preventing violations of the Open Meetings Act, for the purpose of declaring an action of a public body void, or for the purpose of determining the applicability of the act to discussions or decisions of the public body. It shall not be a defense that the citizen attended the meeting and failed to object at such time. The court may order payment of reasonable attorney's fees and court costs to a successful plaintiff in a suit brought under this section.

(4) Any member of a public body who knowingly violates or conspires to violate or who attends or remains at a meeting knowing that the public body is in violation of any provision of the Open Meeting Act shall be guilty of a Class IV misdemeanor for a first offense and a Class III misdemeanor for a second or subsequent offense.

## **CHAPTER 85. State University, State Colleges, and Postsecondary Education**

### **Article 1. University of Nebraska Board of Regents**

85-104. **Board of Regents; meetings; open to public; closed sessions; record of meetings; expenses.** All meetings of the Board of Regents shall be open to the public. The board may hold closed sessions in accordance with the Open Meetings Act. Public record shall be made and kept of all meetings and proceedings of the board. The regents shall meet at least twice each year at the administration building.

## **E. Public Records**

84-712. **Public records; free examination; memorandum and abstracts; copies; fees.** Except as otherwise expressly provided by statute, all citizens of this state, and all other persons interested in the examination of the public records, as defined in section 84-712.01, are hereby fully empowered and authorized to examine the same, and to make memoranda and abstracts therefrom, all free of charge, during the hours the respective offices may be kept open for the ordinary transaction of business and except if federal copyright law otherwise provides, obtain copies of public records during the hours the respective offices may be kept open for the ordinary transaction of business.

84-712.01. **Public records; right of citizens; full access; access by modem; fee authorized.** (1) Except when any other statute expressly provides that particular information or records shall not be made public, public records shall include all records and documents, regardless of physical form, of or belonging to this state, any county, city, village, political subdivision, or tax-supported district in this state, or any agency, branch, department, board, bureau, commission, council, subunit, or committee of any of the foregoing. Data which is a public record in its original form shall remain a public record when maintained in computer files.

(2) When a custodian of a public record of a county which has a population of one hundred thousand inhabitants or more as determined by the most recent federal decennial census provides to a member of the public, upon request, a copy of the public record by transmitting it from a modem to an outside modem, a reasonable fee may be charged for such specialized service. Such fee may include a reasonable amount representing a portion of the amortization of the cost of computer equipment, including software, necessarily added in order to provide such specialized service. This subsection shall not be construed to require a governmental entity to acquire computer capability to generate public records in a new or different form when that new form would require additional computer equipment or software not already possessed by the governmental entity.

(3) Sections 84-712 to 84-712.03 shall be liberally construed whenever any state, county or political subdivision fiscal records, audit, warrant, voucher, invoice, purchase order, requisition, payroll, check, receipt or other record of receipt, cash or expenditure involving public funds is involved in order that the citizens of this state shall have the full right to know of, and have full access to information on the public finances of the government and the public bodies and entities created to serve them.

**84-712.02. Public records; claimants before United States Department of Veterans Affairs; certified copies free of charge.** When it shall be requested by any claimant before the United States Department of Veterans Affairs or his or her agent or attorney that certified copies of any public record be furnished for the proper and effective presentation of any such claim in such department, the officer in charge of such public records shall furnish or cause to be furnished to such claimant or his or her agent or attorney a certified copy thereof free of charge.

**84-712.03. Public records; denial of rights; remedies.** Any person denied any rights granted by sections 84-712 to 84-712.03 may elect to (1) file for speedy relief by a writ of mandamus in the district court within whose jurisdiction the state, county, or political subdivision officer who has custody of said public record can be served or (2) petition the Attorney General to review the record to determine whether it may be withheld from public inspection. This determination shall be made within fifteen calendar days of the submission of the petition. If the Attorney General determines that the record may not be withheld, the public body shall be ordered to disclose the record immediately. If the public body continues to withhold the record, the person seeking disclosure may (a) bring suit in the trial court of general jurisdiction or (b) demand in writing that the Attorney General bring suit in the name of the state in the trial court of general jurisdiction for the same purpose. If such demand is made, the Attorney General shall bring suit within fifteen calendar days of its receipt. The requester shall have an absolute right to intervene as a full party in the suit at any time.

In any suit filed under this section, the court has jurisdiction to enjoin the public body from withholding records, to order the disclosure, and to grant such other equitable relief as may be proper. The court shall determine the matter de novo and the burden is on the public body to sustain its action. The court may view the records in controversy in camera before reaching a decision, and in the discretion of the court other persons, including the requester, counsel, and necessary expert witnesses may be permitted to view the records, subject to necessary protective orders.

Proceedings arising under this section, except as to the cases the court considers of greater importance, shall take precedence on the docket over all other cases and shall be assigned for hearing, trial, or argument at the earliest practicable date and expedited in every way.

**84-712.04. Public records; denial of rights; public body; provide information.** (1) Any person denied any rights granted by

sections 84-712 to 84-712.03 shall receive in written form from the public body which denied the request for records at least the following information:

(a) A description of the contents of the records withheld and a statement of the specific reasons for the denial, correlating specific portions of the records to specific reasons for the denial, including citations to the particular statute and subsection thereof expressly providing the exception under section 84-712.01 relied on as authority for the denial;

(b) The name of the public official or employee responsible for the decision to deny the request; and

(c) Notification to the requester of any administrative or judicial right of review under section 84-712.03.

(2) Each public body shall maintain a file of all letters of denial of requests for records. This file shall be made available to any person on request.

84-712.05. **Records which may be withheld from the public; enumerated.** The following records, unless publicly disclosed in an open court, open administrative proceeding, or open meeting, or disclosed by a public entity pursuant to its duties, may be withheld from the public by the lawful custodian of the records:

(1) Personal information in records regarding a student, prospective student, or former student of any educational institution or exempt school that has effectuated an election not to meet state approval or accreditation requirements pursuant to 79-1601 when such records are maintained by an in the possession of a public entity other than routine directory information specified and made public consistent with 20 U.S.C. 1232(g), as such section existed on Jan. 1, 2003;

(2) Medical records, other than records of births and deaths, except as provided in subdivision (5) of this section, in any form concerning any person, and also records of elections filed under section 44-2821; and patient safety work product under the Patient Safety Improvement Act.

(3) Trade secrets, academic and scientific research work which is in progress and unpublished, and other proprietary or commercial information which if released would give advantage to business competitors and serve no public purpose;



(4) Records which represent the work product of an attorney and the public body involved which are related to preparation for litigation, labor negotiations, or claims made by or against the public body, or which are confidential communications as defined in section 27-503;

(5) Records developed or received by law enforcement agencies and other public bodies charged with duties of investigation or examination of persons, institutions, or businesses, when the records constitute a part of the examination, investigation, intelligence information, citizen complaints or inquiries, informant identification, or strategic or tactical information used in law enforcement training, except that this subdivision shall not apply to records so developed or received relating to the presence of an amount or concentration of alcohol or drugs in any body fluid of any person;

(6) Appraisals or appraisal information and negotiation records, concerning the purchase or sale, by a public body, of any interest in real or personal property, prior to completion of the purchase or sale;

(7) Personal information in records regarding personnel of public bodies other than salaries and routine directory information;

(8) Information solely pertaining to protection of the security of public property and persons on or within public property, such as specific, unique vulnerability assessments or specific, unique response plans, either of which is intended to prevent or mitigate criminal acts the public disclosure of which would create a substantial likelihood of endangering public safety or property; computer or communications network schema, passwords, and user identification names; guard schedules; lock combinations; or public utility infrastructure specifications or design drawings the public disclosure of which would create a substantial likelihood of endangering public safety or property, unless otherwise provided by state or federal law;

(9) The security standards, procedures, policies, plans, specifications, diagrams, access lists, and other security-related records of the Lottery Division of the Department of Revenue and those persons or entities with which the division has entered into contractual relationships. Nothing in this subdivision shall allow the division to withhold from the public any information relating to amounts paid persons or entities with which the division has entered into contractual relationships, amounts of prizes paid, the name of the prize winner, and the city, village or county where the prize winner resides;

(10) With respect to public utilities and except as provided in sections 43-512.06 and 70-101, personally identified private citizen account payment and customer use information, credit information on others supplied in confidence and customer lists;

(11) Records or portions of records kept by a publicly funded library which, when examined with or without other records, reveal the identity of any library patron using the library's materials or services;

(12) Correspondence, memoranda, and records of telephone calls related to the performance of duties by a member of the Legislature in whatever form. The lawful custodian of the correspondence, memoranda, and records of telephone calls, upon approval of the Executive Board of the Legislative Council, shall release the correspondence, memoranda, and records of telephone calls which are not designated as sensitive or confidential in nature to any person performing an audit of the legislature. A member's correspondence, memoranda, and records of confidential telephone calls related to the performance of his or her legislative duties shall only be released to any other person with the explicit approval of the member;

(13) Records or portions of records kept by public bodies which would reveal the location, character, or ownership of any known archeological, historical, or paleontological site in Nebraska when necessary to protect the site from a reasonably held fear of theft, vandalism or trespass. This section shall not apply to the release of information for the purpose of scholarly research, examination by other public bodies for the protection of the resource or by recognized tribes, the Unmarked Human Burial Sites and Skeletal Remains Protection Act or the federal Native American Graves Protection and Repatriation Act;

(14) Records or portions of records kept by public bodies which maintain collections of archeological, historical, or paleontological significance which reveal the names and addresses of donors of such articles of archaeological, historical, or paleontological significance unless the donor approves disclosure, except as the records or portions thereof may be needed to carry out the purposes of the Unmarked Human Burial Sites and Skeletal Remains Protections Act or the federal Native American Graves Protection and Repatriation Act.

84-712.06. **Public record; portion provide; when.** Any reasonably segregable public portion of a record shall be provided to the public as a public record upon request after deletion of the portions which may be withheld.

84-712.07. **Public records; public access; equitable relief; attorney fees; costs.** The provisions of sections 84-712, 84-712.01, 84-712.03 to 84-712.09, and 84-1413, pertaining to the rights of citizens to access to public records may be enforced by equitable relief, whether or not any other remedy is also available. In any case in which the complainant seeking access has substantially prevailed, the court may assess against the public body which had denied access to their records, reasonable attorney fees and other litigation costs reasonably incurred by the complainant.

84-712.08. **Records; federal government; exception.** If it is determined by any federal department or agency or other federal source of funds, services, or essential information, that any provision of sections 84-712, 84-712.01, 84-712.03 to 84-712.09, and 84-1413 would cause the denial of any funds, services, or essential information from the United States Government which would otherwise definitely be available to an agency of this state, such provision shall be suspended as to such agency, but only to the extent necessary to prevent denial of such funds, services, or essential information.

84-712.09. **Violation; penalty.** Any official who shall violate the provisions of sections 84-712, 84-712.01, and 84-712.03 to 84-712.08 shall be subject to removal or impeachment and in addition shall be deemed guilty of a Class III misdemeanor.

### **Public Records-Criminal Records**

29-3520. **Criminal history record information; public record; criminal justice agencies; regulations; adopt.** Complete criminal history record information maintained by a criminal justice agency shall be a public record open to inspection and copying by any person during normal business hours and at such other times as may be established by the agency maintaining the record. Criminal justice agencies may adopt such regulations with regard to inspection and copying of records as are reasonably necessary for the physical protection of the records and the prevention of unnecessary interference with the discharge of the duties of the agency.

29-3521. **Information; considered public record; classifications.** In addition to public records under section 29-3520, information consisting of the following classifications shall be considered public record for purposes of dissemination: (1) posters, announcements, lists for identifying or apprehending fugitives or wanted persons, or photographs taken in conjunction with an arrest for purposes of identification of the arrested person; (2) original records of entry such as police blotters, offense reports, or incident reports maintained by

criminal justice agencies; (3) court records of any judicial proceeding; and (4) records of traffic offenses maintained by the Department of Motor Vehicles for the purpose of regulating the issuance, suspension, revocation, or renewal of driver's or other operator's licenses.

#### **F. Shield Law**

20-144. **Finding by Legislature.** The Legislature finds:

(1) That the policy of the State of Nebraska is to insure the free flow of news and other information to the public, and that those who gather, write, or edit information for the public or disseminate information to the public may perform these vital functions only in a free and unfettered atmosphere;

(2) That such persons shall not be inhibited, directly or indirectly, by governmental restraint or sanction imposed by governmental process, but rather that they shall be encouraged to gather, write, edit, or disseminate news or other information vigorously so that the public may be fully informed;

(3) That compelling such persons to disclose a source of information or disclose unpublished information is contrary to the public interest and inhibits the free flow of information to the public;

(4) That there is an urgent need to provide effective measures to halt and prevent this inhibition;

(5) That the obstruction of the free flow of information through any medium of communication to the public affects interstate commerce; and

(6) That sections 20-144 to 20-147 are necessary to insure the free flow of information and to implement the first and fourteenth amendments and Article I, section 8, of the United States Constitution, and the Nebraska Constitution.

20-145. **Terms, defined.** As used in sections 20-144 to 20-147, unless the context otherwise requires:

(1) Federal or state proceeding shall include any proceeding or investigation before or by any federal or state judicial, legislative, executive, or administrative body;

(2) Medium of communication shall include, but is not limited to, any newspaper, magazine, other periodical, book, pamphlet, news

service, wire service, news or feature syndicate, broadcast station or network, or cable television system;

(3) Information shall include any written, audio, oral or pictorial news or other material;

(4) Published or broadcast information shall mean any information disseminated to the public by the person from whom disclosure is sought;

(5) Unpublished or nonbroadcast information shall include information not disseminated to the public by the person from whom disclosure is sought, whether or not related information has been disseminated and shall include, but not be limited to, all notes, out-takes, photographs, film, tapes, or other data of whatever sort not itself disseminated to the public through a medium of communication, whether or not published or broadcast information based upon or related to such material has been disseminated;

(6) Processing shall include compiling, storing, transferring, handling, and editing of information; and

(7) Person shall mean any individual, partnership, limited liability company, corporation, association, or other legal entity existing under or authorized by the law of the United States, any state or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any foreign country.

20-146. **Procuring, gathering, writing, editing, or disseminating news or other information; not required to disclose to courts to public.** No person engaged in procuring, gathering, writing, editing, or disseminating news or other information to the public shall be required to disclose in any federal or state proceedings:

(1) The source of any published or unpublished, broadcast or nonbroadcast information obtained in the gathering, receiving, or processing of information for any medium of communication to the public; or

(2) Any unpublished or nonbroadcast information obtained or prepared in gathering, receiving, or processing of information for any medium of communication to the public.

20-147. **Act, how cited.** Sections 20-144 to 20-147 shall be known and may be cited as the Free Flow of Information Act.

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