

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 67

FINAL READING

Introduced by Hansen, M., 26.

Read first time January 10, 2019

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to municipalities; to amend sections 8-205,
2 13-1302, 19-3052, 23-206, 23-339, and 31-505, Reissue Revised
3 Statutes of Nebraska, and section 13-2705, Revised Statutes
4 Cumulative Supplement, 2018; to change provisions relating to how
5 population thresholds are determined as prescribed; to redefine a
6 term; to change references to cities, villages, and governing
7 bodies; and to repeal the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 8-205, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 8-205 (1) No corporation, except a bank authorized by the Director
4 of Banking and Finance to operate a trust department, shall be authorized
5 to transact business as a trust company under the Nebraska Trust Company
6 Act on or after August 1, 2000, unless it has capital stock of at least
7 five hundred thousand dollars, all of which shall be fully paid up in
8 cash before the corporation is authorized to commence business.

9 (2)(a) Corporations, except a bank authorized to operate a trust
10 department, authorized to transact business as a trust company under the
11 act before August 1, 2000, shall, on or after such date, maintain a
12 capital stock of at least two hundred thousand dollars in cities of at
13 least one hundred thousand ~~inhabitants~~ or more inhabitants, one hundred
14 thousand dollars in cities of at least fifty thousand inhabitants but
15 fewer and ~~less~~ than one hundred thousand inhabitants, fifty thousand
16 dollars in cities of at least ~~more than~~ ten thousand inhabitants but
17 fewer and ~~less~~ than fifty thousand inhabitants, and twenty-five thousand
18 dollars in cities and villages of fewer than ~~having~~ ten thousand
19 inhabitants ~~or less~~. The population of a city for purposes of this
20 subsection shall be the population as determined by the most recent
21 federal decennial census or the most recent revised certified count by
22 the United States Bureau of the Census.

23 (b) A corporation, except a bank authorized to operate a trust
24 department, authorized to transact business as a trust company under the
25 act before August 1, 2000, subject to the capital stock requirement of
26 subdivision (2)(a) of this section, which complies with the capital stock
27 requirement of subsection (1) of this section, shall be subject to the
28 capital stock requirement of subsection (1) of this section and shall
29 maintain a capital stock of at least the minimum amount required by
30 subsection (1) of this section.

31 (c) A corporation, except a bank authorized to operate a trust

1 department, authorized to transact business as a trust company under the
2 act before August 1, 2000, subject to the capital stock requirement of
3 subdivision (2)(a) of this section, which complies with the capital stock
4 requirement of a corporation located in a larger city pursuant to
5 subdivision (2)(a) of this section, shall be subject to the capital stock
6 requirement of such a corporation located in a larger city pursuant to
7 subdivision (2)(a) of this section and shall maintain a capital stock of
8 at least the minimum amount required for such a corporation located in a
9 larger city pursuant to subdivision (2)(a) of this section.

10 (d) A capital stock requirement once attained by a corporation
11 pursuant to either this subsection or subsection (1) of this section
12 shall not be reduced.

13 (3) If at any time the department determines that the capital stock
14 of a trust company is impaired, it may require the shareholders of the
15 trust company to make up the capital stock impairment.

16 Sec. 2. Section 13-1302, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 13-1302 For purposes of sections 13-1301 to 13-1312, unless the
19 context otherwise requires:

20 (1) Bonds means bonds issued by the commission pursuant to such
21 sections;

22 (2) City means a city of the metropolitan class as defined in
23 section 14-101 or a city of the primary class as defined in section
24 15-101, the population of which according to the most recent federal
25 census or the most recent revised certified count by the United States
26 Bureau of the Census was more than one-half in number of the total
27 population, according to such census or revised count, of the county in
28 which such city is located;

29 (3) Commission means a public building commission created by and
30 activated pursuant to sections 13-1301 to 13-1312;

31 (4) County means a county in which a city of the metropolitan class

1 or primary class is located;

2 (5) Governing body means the city council in the case of the city
3 and the county board of county commissioners in the case of the county;

4 (6) Other governmental units means a city, other than a city as
5 defined in this section, village, district, authority, public agency,
6 board, commission, or other public corporation, political subdivision, or
7 public instrumentality located in whole or in part in the county; and

8 (7) Project means any building, structure, or facility for public
9 purposes to be used jointly by the city and the county, including the
10 site thereof, all machinery, equipment, and apparatus of or pertaining
11 thereto, including fixtures and furnishings if agreed to by the city and
12 the county, and all other real or personal property necessary or
13 incidental thereto.

14 Sec. 3. Section 13-2705, Revised Statutes Cumulative Supplement,
15 2018, is amended to read:

16 13-2705 The department may conditionally approve grants of
17 assistance from the fund to eligible and competitive applicants within
18 the following limits:

19 (1) Except as provided in subdivision (2) of this section, a grant
20 request shall be in an amount meeting the following requirements:

21 (a) For a grant of assistance under section 13-2704.01, at least
22 fifteen thousand dollars but no more than:

23 (i) For a city of the primary class, two million two hundred fifty
24 thousand dollars;

25 (ii) For a city with a population of at least ~~more than~~ forty
26 thousand inhabitants but fewer ~~less~~ than one hundred thousand inhabitants
27 as determined by the most recent federal decennial census or the most
28 recent revised certified count by the United States Bureau of the Census,
29 one million one hundred twenty-five thousand dollars;

30 (iii) For a city with a population of at least ~~more than~~ twenty
31 thousand inhabitants but fewer ~~less~~ than forty thousand inhabitants as

1 determined by the most recent federal decennial census or the most recent
2 revised certified count by the United States Bureau of the Census, seven
3 hundred fifty thousand dollars;

4 (iv) For a city with a population of at least ~~more than~~ ten thousand
5 inhabitants but fewer ~~less~~ than twenty thousand inhabitants as determined
6 by the most recent federal decennial census or the most recent revised
7 certified count by the United States Bureau of the Census, six hundred
8 thousand dollars; and

9 (v) For a municipality with a population of fewer ~~less~~ than ten
10 thousand inhabitants as determined by the most recent federal decennial
11 census or the most recent revised certified count by the United States
12 Bureau of the Census, three hundred seventy-five thousand dollars; and

13 (b) For a grant of assistance under section 13-2704.02, at least
14 three thousand dollars but no more than fifteen thousand dollars;

15 (2) Upon the balance of the fund reaching three million seven
16 hundred fifty thousand dollars, and until the balance of the fund falls
17 below one million five hundred thousand dollars, a grant request shall be
18 in an amount meeting the following requirements:

19 (a) For a grant of assistance under section 13-2704.01, at least
20 fifteen thousand dollars but no more than:

21 (i) For a city of the primary class, three million three hundred
22 seventy-five thousand dollars;

23 (ii) For a city with a population of at least ~~more than~~ forty
24 thousand inhabitants but fewer ~~less~~ than one hundred thousand inhabitants
25 as determined by the most recent federal decennial census or the most
26 recent revised certified count by the United States Bureau of the Census,
27 one million six hundred eighty-seven thousand dollars;

28 (iii) For a city with a population of at least ~~more than~~ twenty
29 thousand inhabitants but fewer ~~less~~ than forty thousand inhabitants as
30 determined by the most recent federal decennial census or the most recent
31 revised certified count by the United States Bureau of the Census, one

1 million one hundred twenty-five thousand dollars;

2 (iv) For a city with a population of at least ~~more than~~ ten thousand
3 inhabitants but fewer ~~less~~ than twenty thousand inhabitants as determined
4 by the most recent federal decennial census or the most recent revised
5 certified count by the United States Bureau of the Census, nine hundred
6 thousand dollars; and

7 (v) For a municipality with a population of fewer ~~less~~ than ten
8 thousand inhabitants as determined by the most recent federal decennial
9 census or the most recent revised certified count by the United States
10 Bureau of the Census, five hundred sixty-two thousand dollars; and

11 (b) For a grant of assistance under section 13-2704.02, at least
12 three thousand dollars but no more than fifteen thousand dollars;

13 (3) Assistance from the fund shall not amount to more than fifty
14 percent of the cost of the project for which a grant is requested;

15 (4) A municipality shall not be awarded more than one grant of
16 assistance under section 13-2704.01 and one grant of assistance under
17 section 13-2704.02 in any two-year period; and

18 (5) A municipality shall not sell any civic, community, or
19 recreation center that received grant funds for at least five years under
20 the Civic and Community Center Financing Act.

21 Sec. 4. Section 19-3052, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 19-3052 (1) For purposes of this section, municipality means ~~shall~~
24 ~~mean~~ any city of the first class, ~~or city of the second class~~, or village
25 which elects members of its governing board by districts.

26 (2) Any municipality which annexes territory and thereby brings
27 sufficient new residents into such municipality so as to require that
28 election districts be redrawn to maintain substantial population equality
29 between districts shall redistrict its election districts so that such
30 districts are substantially equal in population within one hundred and
31 eighty days after the effective date of the ordinance annexing the

1 territory. Such redistricting shall create election districts which are
2 substantially equal in population as determined by the most recent
3 federal decennial census or the most recent revised certified count by
4 the United States Bureau of the Census.

5 (3) No municipality which proposes to annex territory and thereby
6 bring new residents into the municipality shall annex such territory
7 unless the redistricting required by subsection (2) of this section will
8 be accomplished at least eighty days prior to the next primary election
9 in which candidates for the governing body of the municipality are
10 nominated.

11 (4)(a) No city of the first class or city of the second class shall
12 annex any territory during the period from eighty days prior to any
13 primary election in which candidates for the ~~governing body of the city~~
14 council are nominated until the date of the general election of the same
15 year if such annexation would bring sufficient new residents into such
16 city so as to require that election districts be redrawn to maintain
17 substantial population equality between districts.

18 (b) No village shall annex any territory during the period eighty
19 days prior to the election at which members of the ~~governing body of the~~
20 village board of trustees are chosen until the date of such election if
21 such annexation would bring sufficient new residents into such village so
22 as to require that election districts be redrawn to maintain substantial
23 population equality between districts.

24 (5)(a) No proposed annexation by a municipality shall be restricted
25 or governed by this section unless such annexation would bring sufficient
26 new residents into such municipality so as to require the election
27 districts of the municipality to be redrawn to maintain substantial
28 population equality between districts.

29 (b) Nothing in this section shall be construed to require a
30 municipality to redraw the boundaries of its election districts following
31 an annexation unless such annexation brought sufficient new residents

1 into such municipality so as to require such redistricting to maintain
2 substantial population equality between districts.

3 (c) For the purposes of this section only, a municipal annexation
4 shall be held to have brought sufficient new residents into such
5 municipality so as to require that its election districts be redrawn to
6 maintain substantial population equality between districts if, following
7 such annexation, the total range of deviation from the mean population of
8 each election district, according to the most recent federal decennial
9 census or the most recent revised certified count by the United States
10 Bureau of the Census, exceeds ten percent.

11 Sec. 5. Section 23-206, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 23-206 In the event any city having one thousand inhabitants or more
14 as determined by the most recent federal decennial census or the most
15 recent revised certified count by the United States Bureau of the Census
16 shall have enough inhabitants to form one supervisor district, then such
17 city shall constitute one district, or in case the number of inhabitants
18 is fewer less than the number in the other districts, then so much
19 contiguous territory shall be added to such city to give it sufficient
20 inhabitants for one supervisor district. Villages may be enumerated with
21 general districts, counting all the inhabitants therein as being within
22 the districts wherein such town or village is situated. ~~No ; Provided, no~~
23 village, or any part thereof, shall be included in or made a part of any
24 supervisor district containing a city having one thousand inhabitants or
25 more as determined by the most recent federal decennial census or the
26 most recent revised certified count by the United States Bureau of the
27 Census, or containing any part of such city.

28 Sec. 6. Section 23-339, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 23-339 The county board of any county in which any city or cities
31 are located having at least ~~over~~ twenty-five thousand inhabitants but

1 ~~fewer and less~~ than one hundred thousand inhabitants as determined by the
2 most recent federal decennial census or the most recent revised certified
3 count by the United States Bureau of the Census ~~is situated~~ is hereby
4 authorized and empowered, whenever the road fund or funds of such said
5 county will warrant it, to aid in the grading, paving, or otherwise
6 improving of any street, avenue, or boulevard leading into such said city
7 and within the corporate limits thereof, by providing for the payment of
8 not exceeding one-half of the cost of such grading, and not exceeding the
9 cost of the paving of intersections. It shall also be authorized and
10 empowered to grade, pave, or otherwise improve any street, avenue,
11 boulevard, or road, or any portion thereof leading into or adjacent to
12 any such city outside, or partly inside and partly outside the corporate
13 limits thereof, including any portion thereof leading into or across any
14 village or town, and for such improvements outside of the corporate
15 limits of any such city as herein authorized and directed.

16 Sec. 7. Section 31-505, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 31-505 Upon the organization of any such sanitary district the
19 county board shall call an election for the election of trustees, who
20 shall hold their offices until their successors are elected and
21 qualified. Where such sanitary district does not contain a city of more
22 than forty thousand inhabitants as determined by the most recent federal
23 decennial census or the most recent revised certified count by the United
24 States Bureau of the Census, there shall be three trustees, and where
25 such sanitary district contains a city of more than forty thousand
26 inhabitants as so determined, there shall be five trustees. In districts
27 having three trustees, at the first general state election held in
28 November after the organization of the district, there shall be elected
29 one trustee for a term of two years and two trustees for a term of four
30 years, and thereafter their respective successors shall be elected for a
31 term of four years at the general state election held in November

1 immediately prior to the expiration of their respective terms. In
2 districts having five trustees, at the first general state election held
3 in November after the organization of the district, there shall be
4 elected two trustees for a term of two years and three trustees for a
5 term of four years, and thereafter their respective successors shall be
6 elected for a term of four years at the general state election held in
7 November immediately prior to the expiration of their respective terms.
8 At the first meeting after election of one or more members, the board
9 shall elect one of their number president and, in case they fail to
10 elect, then the member who at his or her election received the highest
11 number of votes shall be president of such board. Such district shall be
12 a body corporate and politic by name of Sanitary District
13 of, with power to sue, be sued, contract, acquire and hold
14 property, and adopt a common seal.

15 Sec. 8. Original sections 8-205, 13-1302, 19-3052, 23-206, 23-339,
16 and 31-505, Reissue Revised Statutes of Nebraska, and section 13-2705,
17 Revised Statutes Cumulative Supplement, 2018, are repealed.