

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 748

Introduced by Hansen, 26.

Read first time January 03, 2018

Committee:

- 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 Supplement, 2017; to change provisions relating to how population
- 5 thresholds are determined as prescribed; to redefine a term; to
- 6 change references to cities, villages, and governing bodies; and to
- 7 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 one
13 hundred thousand inhabitants or more, one hundred thousand dollars in
14 cities of fifty thousand and less than one hundred thousand inhabitants,
15 fifty thousand dollars in cities of more than ten thousand and less than
16 fifty thousand inhabitants, and twenty-five thousand dollars in cities
17 and villages having ten thousand inhabitants or less. The population of a
18 city for purposes of this subsection shall be the population as
19 determined by the most recent federal decennial census or the most recent
20 revised certified count by the United States Bureau of the Census.

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

29 (c) A corporation, except a bank authorized to operate a trust
30 department, authorized to transact business as a trust company under the
31 act before August 1, 2000, subject to the capital stock requirement of

1 subdivision (2)(a) of this section, which complies with the capital stock
2 requirement of a corporation located in a larger city pursuant to
3 subdivision (2)(a) of this section, shall be subject to the capital stock
4 requirement of such a corporation located in a larger city pursuant to
5 subdivision (2)(a) of this section and shall maintain a capital stock of
6 at least the minimum amount required for such a corporation located in a
7 larger city pursuant to subdivision (2)(a) of this section.

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

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

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

16 13-1302 For purposes of sections 13-1301 to 13-1312, unless the
17 context otherwise requires:

18 (1) Bonds means bonds issued by the commission pursuant to such
19 sections;

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

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

29 (4) County means a county in which a city of the metropolitan class
30 or primary class is located;

31 (5) Governing body means the city council in the case of the city

1 and the county board of county commissioners in the case of the county;

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

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

12 Sec. 3. Section 13-2705, Revised Statutes Supplement, 2017, is
13 amended to read:

14 13-2705 The department may conditionally approve grants of
15 assistance from the fund to eligible and competitive applicants within
16 the following limits:

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

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

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

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

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

1 dollars;

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

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

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

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

17 (a) For a grant of assistance under section 13-2704.01, at least ten
18 thousand dollars but no more than:

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

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

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

31 (iv) For a city with a population of at least ~~more than~~ ten thousand

1 but less than twenty thousand inhabitants as determined by the most
2 recent federal decennial census or the most recent revised certified
3 count by the United States Bureau of the Census, six hundred thousand
4 dollars; and

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

9 (b) For a grant of assistance under section 13-2704.02, at least two
10 thousand dollars but no more than ten thousand dollars;

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

13 (4) A municipality shall not be awarded more than one grant of
14 assistance under section 13-2704.01 and one grant of assistance under
15 section 13-2704.02 in any five-year period.

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

18 19-3052 (1) For purposes of this section, municipality means ~~shall~~
19 ~~mean~~ any city of the first class, ~~or city of the second class~~, or village
20 which elects members of its governing board by districts.

21 (2) Any municipality which annexes territory and thereby brings
22 sufficient new residents into such municipality so as to require that
23 election districts be redrawn to maintain substantial population equality
24 between districts shall redistrict its election districts so that such
25 districts are substantially equal in population within one hundred and
26 eighty days after the effective date of the ordinance annexing the
27 territory. Such redistricting shall create election districts which are
28 substantially equal in population as determined by the most recent
29 federal decennial census or the most recent revised certified count by
30 the United States Bureau of the Census.

31 (3) No municipality which proposes to annex territory and thereby

1 bring new residents into the municipality shall annex such territory
2 unless the redistricting required by subsection (2) of this section will
3 be accomplished at least eighty days prior to the next primary election
4 in which candidates for the governing body of the municipality are
5 nominated.

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

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

19 (5)(a) No proposed annexation by a municipality shall be restricted
20 or governed by this section unless such annexation would bring sufficient
21 new residents into such municipality so as to require the election
22 districts of the municipality to be redrawn to maintain substantial
23 population equality between districts.

24 (b) Nothing in this section shall be construed to require a
25 municipality to redraw the boundaries of its election districts following
26 an annexation unless such annexation brought sufficient new residents
27 into such municipality so as to require such redistricting to maintain
28 substantial population equality between districts.

29 (c) For the purposes of this section only, a municipal annexation
30 shall be held to have brought sufficient new residents into such
31 municipality so as to require that its election districts be redrawn to

1 maintain substantial population equality between districts if, following
2 such annexation, the total range of deviation from the mean population of
3 each election district, according to the most recent federal decennial
4 census or the most recent revised certified count by the United States
5 Bureau of the Census, exceeds ten percent.

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

8 23-206 In the event any city having one thousand inhabitants or more
9 as determined by the most recent federal decennial census or the most
10 recent revised certified count by the United States Bureau of the Census
11 shall have enough inhabitants to form one supervisor district, then such
12 city shall constitute one district, or in case the number of inhabitants
13 is less than the number in the other districts, then so much contiguous
14 territory shall be added to such city to give it sufficient inhabitants
15 for one supervisor district. Villages may be enumerated with general
16 districts, counting all the inhabitants therein as being within the
17 districts wherein such town or village is situated. No ; ~~Provided,~~ ~~no~~
18 village, or any part thereof, shall be included in or made a part of any
19 supervisor district containing a city having one thousand inhabitants or
20 more as determined by the most recent federal decennial census or the
21 most recent revised certified count by the United States Bureau of the
22 Census, or containing any part of such city.

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

25 23-339 The county board of any county in which any city or cities
26 are located having over twenty-five thousand and less than one hundred
27 thousand inhabitants as determined by the most recent federal decennial
28 census or the most recent revised certified count by the United States
29 Bureau of the Census ~~is situated~~ is hereby authorized and empowered,
30 whenever the road fund or funds of such ~~said~~ county will warrant it, to
31 aid in the grading, paving, or otherwise improving of any street, avenue,

1 or boulevard leading into such ~~said~~ city and within the corporate limits
2 thereof, by providing for the payment of not exceeding one-half of the
3 cost of such grading, and not exceeding the cost of the paving of
4 intersections. It shall also be authorized and empowered to grade, pave,
5 or otherwise improve any street, avenue, boulevard, or road, or any
6 portion thereof leading into or adjacent to any such city outside, or
7 partly inside and partly outside the corporate limits thereof, including
8 any portion thereof leading into or across any village or town, and for
9 such improvements outside of the corporate limits of any such city as
10 herein authorized and directed.

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

13 31-505 Upon the organization of any such sanitary district, the
14 county board shall call an election for the election of trustees, who
15 shall hold their offices until their successors are elected and
16 qualified. Where such sanitary district does not contain a city of more
17 than forty thousand inhabitants as determined by the most recent federal
18 decennial census or the most recent revised certified count by the United
19 States Bureau of the Census, there shall be three trustees, and where
20 such sanitary district contains a city of more than forty thousand
21 inhabitants as so determined, there shall be five trustees. In districts
22 having three trustees, at the first general state election held in
23 November after the organization of the district, there shall be elected
24 one trustee for a term of two years and two trustees for a term of four
25 years, and thereafter their respective successors shall be elected for a
26 term of four years at the general state election held in November
27 immediately prior to the expiration of their respective terms. In
28 districts having five trustees, at the first general state election held
29 in November after the organization of the district, there shall be
30 elected two trustees for a term of two years and three trustees for a
31 term of four years, and thereafter their respective successors shall be

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

10 Sec. 8. Original sections 8-205, 13-1302, 19-3052, 23-206, 23-339,
11 and 31-505, Reissue Revised Statutes of Nebraska, and section 13-2705,
12 Revised Statutes Supplement, 2017, are repealed.