

LEGISLATIVE BILL 1127

Approved by the Governor April 1, 1994

Introduced by Cudaback, 36

AN ACT relating to municipalities; to amend sections 18-1753, 18-1754, 18-2603, 39-2513, 39-2517, and 77-27,137.01, Revised Statutes Supplement, 1993; to provide a procedure for determining population; to change provisions relating to population; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Section 1. (1) The Tax Commissioner shall certify the population of cities and villages to be used for purposes of calculations made pursuant to subdivision (3) of section 18-2603, section 39-2513, subdivision (1) of section 39-2517, and section 77-27,137.01. The Tax Commissioner shall transmit copies of such certification to all interested parties upon request.

(2) The Tax Commissioner shall certify the population of each city and village based upon the most recent federal census. The Tax Commissioner shall determine the most recent federal census for each city and village by using the most recent federal census figures available from (a) the most recent federal decennial census, (b) the most recent federal census update or recount certified by the United States Bureau of the Census, or (c) the most recent federal census figure of the city or village plus the population of territory annexed as calculated in sections 18-1753 and 18-1754.

(3) The Tax Commissioner may adopt and promulgate rules and regulations to carry out this section.

Sec. 2. That section 18-1753, Revised Statutes Supplement, 1993, be amended to read as follows:

18-1753. (1) Any city or village annexing territory which thereby adds additional population to the city or village shall report such annexation to the Tax Commissioner. The annexing city or village shall provide the Tax Commissioner with a copy of the ordinance annexing the territory and specify the effective date of the annexation. The annexing city or village shall provide its calculation of the number of additional residents added to the population of the city or village by reason of the annexation and the new combined total population of the city or village and shall inform the Tax Commissioner of the source and date of the federal census relied upon in the calculations.

(2)(a) All calculations of additional population shall be based upon the most recent federal decennial census figures from the most recent federal decennial census or the most recent federal census update or recount certified by the United States Bureau of the Census.

(b) If the boundaries of the territory annexed and those of federal census enumeration districts are the same, or if federal census enumeration districts are wholly contained within the boundaries of the area annexed, the most recent federal ~~decennial~~ census figures for such enumeration districts shall be added directly to the population of the city or village.

(c) If the federal census enumeration districts are partly within and partly without the boundaries of the territory annexed, the federal ~~decennial~~ census figures for such enumeration districts shall be adjusted by reasonable interpretation and supplemented by other evidence to arrive at a figure for the number of people residing in the area annexed as such population existed in that area at the time of the most recent federal ~~decennial~~ census. Reasonable interpretation shall include, but not be limited to, the following methods: An actual house count of the annexed territory multiplied by the average number of persons per household as this information existed at the time of the most recent federal ~~decennial~~ census; or multiplying the population that existed at the time of the most recent federal ~~decennial~~ census in the enumeration district by a ratio of the actual current population of the enumeration district divided in the same manner as the annexation.

(d) The population of the city or village following annexation shall be (i) the population of the city or village as reported by the most recent federal ~~decennial~~ census or (ii) the population of the city or village as reported by the most recent federal census plus the population of the territory annexed as calculated in subdivisions (b) and (c) of this subsection.

Sec. 3. That section 18-1754, Revised Statutes Supplement, 1993, be

amended to read as follows:

18-1754. The Tax Commissioner shall review the report of the annexing city or village and its calculations as to the new population of the city or village as the result of the annexation. He or she shall determine if the methodology employed in determining such calculations has been made in conformity with section 18-1753. ~~Within and shall, within sixty days of his or her receipt of a complete report from the annexing city or village, the Tax Commissioner shall certify the total new population of the city or village following the annexation. The Tax Commissioner shall adopt and promulgate rules and regulations to carry out this section and section 18-1753, as calculated in conformity with section 18-1753. The certified population of the city or village shall be used for the purposes of calculations made pursuant to subdivision (3) of section 18-2603, section 39-2513, subdivision (1) of section 39-2517, and section 77-27,137-01. The Tax Commissioner shall transmit copies of such certification to all interested parties under these sections.~~

Sec. 4. That section 18-2603, Revised Statutes Supplement, 1993, be amended to read as follows:

18-2603. For purposes of the Municipal Infrastructure Redevelopment Fund Act:

(1) Fund shall mean the Municipal Infrastructure Redevelopment Fund;
 (2) Infrastructure project shall mean any of the following projects, or any combination thereof, to be owned or operated by a municipality: Solid waste management facilities; wastewater, storm water, and water treatment works and systems, water distribution facilities, and water resources projects, including, but not limited to, pumping stations, transmission lines, and mains and their appurtenances; hazardous waste disposal systems; resource recovery systems; airports; port facilities; buildings and capital equipment used in the operation of municipal government; convention and tourism facilities; redevelopment projects as defined in section 18-2103; and mass transit and other transportation systems, including parking facilities and excluding public highways and bridges and municipal roads, streets, and bridges;

(3) Municipal allocation amount shall mean, for each municipality, the amount derived by multiplying the amount to be allocated by the fraction determined by dividing the total population of the municipality by the total population of the state living in municipalities, each as determined by the most recent federal decennial census and as calculated pursuant to sections 18-1753 and 18-1754 census figures certified by the Tax Commissioner as provided in section 1 of this act; and

(4) Municipality shall mean any city of any class or any village in the state.

Sec. 5. That section 39-2513, Revised Statutes Supplement, 1993, be amended to read as follows:

39-2513. The incentive payment to the various municipalities shall be based on the population of each municipality, as determined by the most recent federal decennial census and as calculated pursuant to sections 18-1753 and 18-1754 census figures certified by the Tax Commissioner as provided in section 1 of this act, according to the following table:

Population	Payment
Not more than 500	\$ 300.00
501 to 1,000	500.00
1,001 to 2,500	1,500.00
2,501 to 5,000	2,000.00
5,001 to 10,000	3,000.00
10,001 to 20,000	3,500.00
20,001 to 40,000	3,750.00
40,001 to 200,000	4,000.00
200,001 and more	4,250.00

Sec. 6. That section 39-2517, Revised Statutes Supplement, 1993, be amended to read as follows:

39-2517. The following factors and weights shall be used in determining the amount to be allocated to each of the municipalities for street purposes each year:

(1) Total population of each incorporated municipality, as determined by the most recent federal decennial census and as calculated pursuant to sections 18-1753 and 18-1754 census figures certified by the Tax Commissioner as provided in section 1 of this act, fifty percent;

(2) Total motor vehicle registrations, other than prorate commercial vehicles, in each incorporated municipality, as determined from the most recent information available from the Department of Motor Vehicles, thirty percent; and

(3) Total number of miles of traffic lanes of streets in each incorporated municipality, as determined by the most recent inventory available within the Department of Roads, twenty percent.

Sec. 7. That section 77-27,137.01, Revised Statutes Supplement, 1993, be amended to read as follows:

77-27,137.01. The appropriation provided for in section 77-27,136 for aid to incorporated municipalities shall be allocated by the Tax Commissioner to the various incorporated municipalities. The Tax Commissioner shall determine the amount to be distributed to the incorporated municipalities and certify such amounts by voucher to the Director of Administrative Services. Each amount shall be distributed in seven as nearly as possible equal monthly payments on the last business day of each month beginning in December. The State Treasurer shall, on the business day preceding the last business day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, on the last business day of each month, draw warrants against funds appropriated. The Tax Commissioner shall compute the amount due the incorporated municipalities on the ratio of the population of the particular incorporated municipality to the total population of all incorporated municipalities in the state as determined by the most recent federal decennial census and as calculated pursuant to sections 18-1753 and ~~18-1754~~ census figures certified by the Tax Commissioner as provided in section 1 of this act, which amounts shall be placed in the general fund of such municipalities.

Sec. 8. That original sections 18-1753, 18-1754, 18-2603, 39-2513, 39-2517, and 77-27,137.01, Revised Statutes Supplement, 1993, are repealed.

Sec. 9. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.