

LEGISLATURE OF NEBRASKA  
NINETY-SEVENTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1230**

Introduced by Hartnett, 45

Read first time January 22, 2002

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to public utilities; to amend sections 14-2101,  
2 14-2122, and 71-6316, Reissue Revised Statutes of  
3 Nebraska, and section 14-2116, Revised Statutes  
4 Supplement, 2001; to require metropolitan utilities  
5 districts to make payments to counties for retail gas and  
6 water sales as prescribed; to provide duties; to  
7 harmonize provisions; and to repeal the original  
8 sections.

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

1           Section 1. A metropolitan utilities district shall pay  
2 to every county in which such district sells water or gas, or both,  
3 at retail, a sum equivalent to two percent of the annual gross  
4 revenue derived from all retail sales of water or gas, or both,  
5 sold by such district within such county and outside of the  
6 corporate boundaries of any city or village receiving payments from  
7 the district pursuant to section 14-2138 or 14-2139. Such sums  
8 shall be paid not later than the thirtieth day of January of the  
9 next succeeding year, except that annual payments to any such  
10 county shall not be less than fifty thousand dollars. Such  
11 counties shall not levy or collect any license, occupation, or  
12 excise tax upon or from such district. All payments provided by  
13 this section shall be allocated by the district among the several  
14 utilities operated by it upon such basis as the district  
15 determines.

16           Sec. 2. Section 14-2101, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18           14-2101. Whenever in this state a city of the  
19 metropolitan class and one or more adjacent municipalities,  
20 sanitary and improvement districts, or unincorporated areas are  
21 served in whole or in part by a common public utilities system,  
22 owned and controlled by a single corporate public entity as  
23 provided for in sections 14-2101 to 14-2157 and section 1 of this  
24 act, then the territory within the limits of the city of the  
25 metropolitan class and such adjacent municipalities, sanitary and  
26 improvement districts, or unincorporated areas, including any  
27 sanitary and improvement district or unincorporated area without  
28 the city of the metropolitan class or adjacent municipalities that

1 may be now or hereafter served in whole or in part by the common  
 2 public utilities system, shall form and constitute a public  
 3 utilities district, except as provided in this section, to be known  
 4 as the Metropolitan Utilities District of .....  
 5 (inserting the name of the city of the metropolitan class). A  
 6 municipality, not of the metropolitan class, now actually operating  
 7 a general waterworks system of its own, shall not be included in  
 8 the utilities district so long as it continues to operate its own  
 9 water plant. No sanitary and improvement district or  
 10 unincorporated area without the adjacent municipalities shall  
 11 become a part of the utilities district except upon formal approval  
 12 and proclamation by the board of directors.

13           Sec. 3. Section 14-2116, Revised Statutes Supplement,  
 14 2001, is amended to read:

15           14-2116. (1) In addition to any other rights and powers  
 16 conferred upon metropolitan utilities districts under sections  
 17 14-2101 to 14-2157 and section 1 of this act, such districts shall  
 18 have and may exercise the power of eminent domain for the purpose  
 19 of erecting, constructing, locating, maintaining, or supplying such  
 20 waterworks, gas works, or mains or the extension of any system of  
 21 waterworks, water supply, gas works, or gas supply, and any such  
 22 district may go beyond its territorial limits and may take, hold,  
 23 or acquire rights, property, and real estate, or either or any of  
 24 the same, by purchase or otherwise. Such a district may for such  
 25 purposes take, hold, and condemn any and all necessary property.

26           (2) Any metropolitan utilities district shall have the  
 27 power to condemn or to exercise the power of eminent domain to  
 28 acquire parts of an existing utility's facilities only when such

1 facilities are within, annexed to, or otherwise consolidated within  
2 the corporate boundary limits of a city of the metropolitan class.  
3 The procedure to condemn property shall be exercised in the manner  
4 set forth in sections 76-704 to 76-724. Within a municipal county,  
5 the power to condemn or to exercise the power of eminent domain for  
6 purposes of this subsection may be exercised by a metropolitan  
7 utilities district to the extent and in the manner provided by the  
8 Legislature as required by section 13-2802.

9           Sec. 4.     Section 14-2122, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11           14-2122.   In addition to any other rights and powers  
12 conferred upon metropolitan utilities districts under sections  
13 14-2101 to 14-2157 and section 1 of this act and Chapter 18,  
14 article 4, for the purpose of extending gas mains and service  
15 pipes, such districts shall have the power and authority to extend  
16 or enlarge gas mains and service pipes whenever it is deemed proper  
17 and economically feasible to do so in such nondiscriminatory manner  
18 as may be determined from time to time by the board of directors of  
19 such districts.

20           Sec. 5.     Section 71-6316, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22           71-6316.   The Asbestos Control Act shall not apply to a  
23 district as defined in section 70-601 or a district subject to  
24 sections 14-2101 to 14-2157 and section 1 of this act.

25           Sec. 6.     Original sections 14-2101, 14-2122, and 71-6316,  
26 Reissue Revised Statutes of Nebraska, and section 14-2116, Revised  
27 Statutes Supplement, 2001, are repealed.