

LEGISLATIVE BILL 919

Approved by the Governor April 1, 2010

Introduced by Schilz, 47; Carlson, 38; Christensen, 44; Gloor, 35; Hansen, 42; Loudon, 49; Wightman, 36.

FOR AN ACT relating to cities of the first class; to amend section 17-301, Reissue Revised Statutes of Nebraska; to change and eliminate procedures and population requirements for reorganization of cities of the first class as cities of the second class; to require a plan to increase a city's population; to repeal the original section; to outright repeal section 17-305.01, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Section 1. Section 17-301, Reissue Revised Statutes of Nebraska, is amended to read:

17-301 ~~(1) Whenever any city of the first class decreases in population until it has a population of less than five thousand inhabitants but not less than four thousand five hundred inhabitants, as ascertained and officially promulgated by the federal decennial census, the mayor of any such city shall certify such fact to the Secretary of State.~~

~~(2) Whenever any city of the first class decreases in population until it has a population of less than four thousand five hundred inhabitants but more than eight hundred inhabitants as ascertained and officially promulgated by the federal decennial census, the mayor of any such city shall certify such fact to the Secretary of State.~~

~~(3) Whenever the Secretary of State receives a certification pursuant to subsection (1) of this section from the same city after two consecutive federal decennial censuses, he or she shall declare such city to have become a city of the second class as provided in section 17-305.~~

~~(4) Whenever the Secretary of State receives a certification pursuant to subsection (2) of this section, he or she shall declare such city to have become a city of the second class as provided in section 17-305.~~

(1) This section applies to cities of the first class whose population is less than five thousand inhabitants but more than eight hundred inhabitants according to the federal decennial census conducted in the year 2010 or any subsequent federal decennial census.

(2)(a) If a city of the first class has a population of less than five thousand inhabitants but not less than four thousand inhabitants, as ascertained and officially promulgated by the most recent federal decennial census, the mayor of the city shall certify such fact to the Secretary of State. If the mayor and city council of the city determine that it is in the best interests of such city to become a city of the second class, the mayor and city council shall adopt an ordinance to that effect and shall notify the Secretary of State and notice and a copy of such ordinance shall accompany the certification. If the Secretary of State receives such notification, he or she shall declare such city to be a city of the second class. If the mayor and city council determine that it is in the best interests of such city to remain a city of the first class, they shall submit to the Secretary of State, within nine years after the certification is required to be submitted pursuant to this subdivision, an explanation of the city's plan to increase the city's population.

(b) If a city of the first class has a population of less than five thousand inhabitants but not less than four thousand inhabitants, as ascertained and officially promulgated by the most recent federal decennial census immediately following the census referred to in subdivision (a) of this subsection, the mayor of the city shall certify such fact to the Secretary of State. If the mayor and city council of the city determine that it is in the best interests of such city to become a city of the second class, the mayor and city council shall adopt an ordinance to that effect and shall notify the Secretary of State and notice and a copy of such ordinance shall accompany the certification. If the Secretary of State receives such notification, he or she shall declare such city to be a city of the second class.

(c) If a city of the first class has a population of less than five thousand inhabitants but not less than four thousand inhabitants, as ascertained and officially promulgated by the most recent federal decennial census immediately following the census referred to in subdivision (b) of this subsection, the mayor of the city shall certify such fact to the Secretary of State. After receipt of such certification, the Secretary of State shall declare such city to be a city of the second class.

(3) If a city of the first class has a population of less than four thousand inhabitants but more than eight hundred inhabitants, as ascertained and officially promulgated by the most recent federal decennial census, the mayor of the city shall certify such fact to the Secretary of State. After receipt of such certification, the Secretary of State shall declare such city to be a city of the second class.

~~(5)~~ (4) Beginning on the date upon which a city becomes a city of the second class pursuant to section 17-305, such city shall be governed by the ~~provisions of the statutes of the State of Nebraska~~ laws of this state applicable to cities of the second class.

Sec. 2. Original section 17-301, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 3. The following section is outright repealed: Section 17-305.01, Reissue Revised Statutes of Nebraska.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.