

LEGISLATIVE BILL 67

Approved by the Governor March 06, 2019

Introduced by Hansen, M., 26.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) Project means any building, structure, or facility for public purposes to be used jointly by the city and the county, including the site thereof, all

machinery, equipment, and apparatus of or pertaining thereto, including fixtures and furnishings if agreed to by the city and the county, and all other real or personal property necessary or incidental thereto.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census.

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

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

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

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

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

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

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

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

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

23-339 The county board of any county in which any city or cities are located having at least over twenty-five thousand inhabitants but fewer and less than one hundred thousand inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census is ~~situated~~ is hereby authorized and empowered, whenever the road fund or funds of such said county will warrant it, to aid in the grading, paving, or otherwise improving of any street, avenue, or boulevard leading into such said city and within the corporate limits thereof, by providing for the payment of not exceeding one-half of the cost of such grading, and not exceeding the cost of the paving of intersections. It shall also be authorized and empowered to grade, pave, or otherwise improve any street, avenue, boulevard, or road, or any portion thereof leading into or adjacent to any such city outside, or partly inside and partly outside the corporate limits thereof, including any portion thereof leading into or across any village or town, and for such improvements outside of the corporate limits of any such city as herein authorized and directed.

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

31-505 Upon the organization of any such sanitary district the county board shall call an election for the election of trustees, who shall hold their offices until their successors are elected and qualified. Where such sanitary district does not contain a city of more than forty thousand inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census, there shall be three trustees, and where such sanitary district contains a city of more than forty thousand inhabitants as so determined, there shall be five trustees. In districts having three trustees, at the first general state election held in

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

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