

LEGISLATIVE BILL 820

Approved by the Governor April 18, 2022

Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to municipalities; to amend sections 14-101, 14-101.01, 15-101, 19-415, and 31-508, Revised Statutes Cumulative Supplement, 2020; to change the population threshold for cities of the metropolitan class and cities of the primary class; to harmonize provisions; and to repeal the original sections.
Be it enacted by the people of the State of Nebraska,

Section 1. Section 14-101, Revised Statutes Cumulative Supplement, 2020, is amended to read:

14-101 All cities in this state which have attained a population of four ~~three~~ hundred 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 be cities of the metropolitan class and governed by this act. Whenever the words this act occur in sections 14-101 to 14-138, 14-201 to 14-229, 14-360 to 14-376, 14-501 to 14-556, 14-601 to 14-609, 14-702 to 14-704, and 14-804 to 14-816, they shall be construed as referring exclusively to those sections. The population of a city of the metropolitan class shall consist of the people residing within the territorial boundaries of such city and the residents of any territory duly and properly annexed to such city. Each city of the metropolitan class shall be a body corporate and politic and shall have power (1) to sue and be sued, (2) to purchase, lease, lease with option to buy, acquire by gift or devise, and hold real and personal property within or without the limits of the city for the use of the city, and real estate sold for taxes, (3) to sell, exchange, lease, and convey any real or personal estate owned by the city, in such manner and upon such terms as may be to the best interests of the city, except that real estate acquired for state armory sites shall be conveyed strictly in the manner provided in sections 18-1001 to 18-1006, (4) to make all contracts and do all other acts in relation to the property and concerns of the city necessary to the exercise of its corporate or administrative powers, and (5) to exercise such other and further powers as may be conferred by law. The powers hereby granted shall be exercised by the mayor and city council of such city except when otherwise specially provided.

Sec. 2. Section 14-101.01, Revised Statutes Cumulative Supplement, 2020, is amended to read:

14-101.01 Whenever any city of the primary class shall attain a population of four ~~three~~ hundred 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, the mayor of such city shall certify such fact to the Secretary of State, who upon the filing of such certificate shall by proclamation declare such city to be of the metropolitan class.

Sec. 3. Section 15-101, Revised Statutes Cumulative Supplement, 2020, is amended to read:

15-101 All cities having more than one hundred thousand and less than four ~~three~~ 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 shall be known as cities of the primary class. The population of a city of the primary class shall consist of the people residing within the territorial boundaries of such city and the residents of any territory duly and properly annexed to such city.

Sec. 4. Section 19-415, Revised Statutes Cumulative Supplement, 2020, is amended to read:

19-415 (1) In cities of the metropolitan class under the commission plan of government, the city council shall consist of the mayor who shall be superintendent of the department of public affairs, one city council member to be superintendent of the department of accounts and finances, one city council member to be superintendent of the department of police, sanitation, and public safety, one city council member to be superintendent of the department of fire protection and water supply, one city council member to be superintendent of the department of street cleaning and maintenance, one city council member to be superintendent of the department of public improvements, and one city council member to be superintendent of parks and public property.

(2) In cities under the commission plan of government containing at least forty thousand and less than four ~~three~~ 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, the city council shall consist of the mayor who shall be superintendent of the department of public affairs, one city council member to be superintendent of the department of accounts and finances, one city council member to be superintendent of the department of public safety, one city council member to be superintendent of the department of streets and public improvements, and one city council member to be superintendent of the department of parks and public property.

(3) In cities under the commission plan of government containing at least two thousand and 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, the city council shall consist of the mayor who shall be commissioner of the department of public affairs and public safety, one city council member to be commissioner of the department of streets, public improvements, and public property, one city council member to be commissioner of the department of public accounts and finances, one city council member to be commissioner of the department of public works, and one city council member to be commissioner of the department of parks and recreation.

(4) In all cities described in this section of ~~such cities~~, the commissioner of the department of accounts and finances shall be vice president of the city council and shall, in the absence or inability of the mayor to serve, perform the duties of the mayor. In case of vacancy in the office of mayor by death or otherwise, the vacancy shall be filled as provided in section 32-568.

Sec. 5. Section 31-508, Revised Statutes Cumulative Supplement, 2020, is amended to read:

31-508 If a sanitary drainage district has constructed one or more channels, drains, or ditches from a city of the primary class ~~having a population of more than one hundred thousand and less than three 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~~ to or beyond the boundaries of the district downstream and there remains from the lower terminus of such improvement a portion or continuation of the watercourse unimproved, the Department of Natural Resources shall investigate the conditions of such watercourse, and if the department determines that further improvement in such watercourse downstream is for the interest of lands adjacent to such watercourse below the point of the improvement, the department shall file a plan of such improvement in the office of the county clerk of each of the counties in which any of the lands to be benefited are situated and in which any portion of the watercourse to be improved is located. Such plan shall describe the boundaries of the district to be benefited and shall contain an estimate of the benefits that would accrue to the sanitary district by reason of such improvement as well as the cost thereof and an estimate of the special benefits that would accrue to lands adjacent to the watercourse by reason of improved drainage, such estimate being detailed as to the various tracts of land under separate ownership as shown by the records of the county in which such lands are situated.

Sec. 6. Original sections 14-101, 14-101.01, 15-101, 19-415, and 31-508, Revised Statutes Cumulative Supplement, 2020, are repealed.