

LEGISLATIVE BILL 177

Approved by the Governor March 28, 2001

Introduced by Bourne, 8

AN ACT relating to metropolitan utilities districts; to amend sections 14-542, 14-2109, 14-2114, 18-410, 77-2342 to 77-2344, 77-2346, and 77-2349, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to county treasurers serving as ex officio treasurers and the collection and disbursement of funds; to harmonize provisions; to repeal the original sections; and to outright repeal sections 14-2140, 77-2347, and 77-2348, Reissue Revised Statutes of Nebraska.

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

Section 1. Section 14-542, Reissue Revised Statutes of Nebraska, is amended to read:

14-542. When public improvements are made upon a street or part thereof and there are lots or grounds belonging to the city but held or used as a part of any utility system or plant owned by it, either abutting upon or adjacent to such street or embraced within any improvement district, such property shall not be subject to special assessments for the costs of the improvement, but the costs of improving one-half, or such parts of the costs as might otherwise be assessed against such property, shall be paid out of the water fund, gas fund, or other fund available for such purpose and created to pay the costs of operation of such utility. The board or body having charge of such fund is directed to pay such costs of such improvement upon the completion thereof to the city treasurer, and the amount so paid shall be applied to pay the partial costs of such improvement. Whenever any water main is laid by a metropolitan utilities district in a street of a city of the metropolitan class and there are lots or grounds abutting upon such street or embraced within any improvement district which are owned and controlled by the city, one-half the cost of constructing such water main in front of such lot or grounds, if special benefits equal such an amount, to be determined by the metropolitan utilities district, but not to exceed fifty cents per lineal front foot, shall be paid out of the general fund of the city. The city council shall provide for the payment of such costs to the ~~treasurer of the~~ metropolitan utilities district.

Sec. 2. Section 14-2109, Reissue Revised Statutes of Nebraska, is amended to read:

14-2109. The board of directors of a metropolitan utilities district shall at its first regular meeting appoint a general manager who shall (1) act as secretary of such board, (2) have general supervision of the management, construction, operation, and maintenance of the utility plants and property under the jurisdiction of or owned by such metropolitan utilities district, subject to the direction of the board, (3) hold office at the pleasure of the board, (4) possess business training, executive experience, and knowledge of the development and operation of public utilities, (5) give bond for the faithful performance of his or her duties in the sum of not less than ten thousand dollars to be filed with and approved by the board of directors, (6) receive such compensation as the board may determine, which compensation shall not be decreased during the incumbency of any appointee, and (7) devote his or her exclusive time to the duties of the office. The board of directors may employ or authorize the employment of such other employees and assistants as may be deemed necessary for the operation and maintenance of the utility plants under its jurisdiction and of the conduct of the affairs of the board and provide for their compensation. The compensation of the general manager and such employees shall be paid ~~from by warrants drawn upon the funds~~ under control of the board. In no event shall the compensation, as a salary or otherwise, of any employee or officer exceed ten thousand dollars per annum unless approved by a vote of two-thirds or more of the members of the board of directors. The record of such vote of approval, together with the names of the directors so voting, shall be made a part of the permanent records of the board.

Sec. 3. Section 14-2114, Reissue Revised Statutes of Nebraska, is amended to read:

14-2114. The board of directors of the metropolitan utilities district shall have power and authority to determine and fix all water and natural gas rates and to determine what shall be a reasonable rate for any particular service, the conditions and methods of service, and the collection

of all charges for service or the sale of water or natural gas. All payments on account of water service or natural gas service or the sale of water or natural gas and all other receipts of the metropolitan utilities district from whatever source shall be paid over daily to the county treasurer of the county in which the city of the metropolitan class is located. The board of directors shall also have authority to make such rules and regulations for the conduct of the utilities controlled and operated by the metropolitan utilities district and the use and measurement of water or natural gas supplied by the district as it may deem proper, including the authority to cut off any natural gas or water service for nonpayment, for nonmaintenance of the pipes and plumbing connected with the supply main, or for noncompliance on the part of any natural gas or water user with the rules and regulations adopted by the board for the conduct of its business and affairs. The board may authorize its employees to require payments, in addition to the regular rates charged for water or natural gas, before turning on any service that has been turned off because of such nonpayment or noncompliance with the provisions of this section and the rules and regulations adopted by the board.

Sec. 4. Section 18-410, Reissue Revised Statutes of Nebraska, is amended to read:

18-410. Any metropolitan utilities district is hereby given power to extend water mains, gas mains, and other utility service under its operation and management beyond the corporate limits of the city so as to include adjacent territory, sanitary and improvement districts, unincorporated areas, towns, or villages, even though in an adjoining county or counties, and may create such water main, gas main, and other utility service districts within such adjacent sanitary and improvement districts, unincorporated areas, cities, towns, and villages, even though located in an adjoining county or counties. When such water mains, gas mains, or other utility service districts are created in an adjoining county or counties, the special tax levy in such districts shall be certified to the county treasurer of such adjoining county or counties, as the case may be, and shall there be entered of record against the proper real estate so taxed. It shall be the duty of the county treasurer of the adjoining county or counties, as the case may be, to collect the taxes and as collected to report and transmit such taxes to the ~~proper county treasurer who is ex officio treasurer of the metropolitan utilities district.~~ as provided in section 14-2140.

Sec. 5. Section 77-2342, Reissue Revised Statutes of Nebraska, is amended to read:

77-2342. ~~The treasurer or ex officio treasurer of any~~ A metropolitan utilities district shall deposit the funds received or held by ~~him or her by virtue of his or her office~~ the district in such bank or capital stock financial institution, situated within the boundaries of such district, as shall have been and shall be from time to time approved by the governing body of such district as official depositories for the funds belonging to such district. Such deposit shall be made subject to the conditions in sections 77-2342 to 77-2349. The provisions of section 77-2366 shall apply to deposits in capital stock financial institutions.

Sec. 6. Section 77-2343, Reissue Revised Statutes of Nebraska, is amended to read:

77-2343. Depositories shall be such banks and capital stock financial institutions as shall be from time to time designated by the governing body of ~~such a metropolitan utilities district~~ by formal resolution duly recorded. Such designation may be withdrawn at any time by such governing body by formal resolution duly entered upon its records. No deposit shall be made except in a duly designated depository, and deposits shall be withdrawn by the ~~treasurer~~ district immediately upon the withdrawal of the designation of any bank or capital stock financial institution as a depository. All deposits shall be subject to payment on demand upon the check or order of the ~~treasurer or ex officio treasurer~~ district. The provisions of section 77-2366 shall apply to deposits in capital stock financial institutions.

Sec. 7. Section 77-2344, Reissue Revised Statutes of Nebraska, is amended to read:

77-2344. No deposit in excess of the amount insured by the Federal Deposit Insurance Corporation shall be made in any bank or capital stock financial institution designated as a depository unless and until the ~~treasurer or ex officio treasurer~~ metropolitan utilities district has received from such depository as security for the prompt repayment by the depository either a corporate surety bond in form and with sureties approved by formal resolution by the governing body of such district or the giving of security as provided in the Public Funds Deposit Security Act. The provisions of section 77-2366 shall apply to deposits in capital stock financial institutions.

Sec. 8. Section 77-2346, Reissue Revised Statutes of Nebraska, is amended to read:

77-2346. ~~The treasurer or ex officio treasurer~~ A metropolitan utilities district shall at all times ~~keep the district supplied with~~ maintain a certified list of the securities furnished by any depository. Each depository shall supply ~~direct~~ directly to the governing body of the district a sworn monthly statement of the funds of the district on deposit in such depository. The provisions of section 77-2366 shall apply to deposits in capital stock financial institutions.

Sec. 9. Section 77-2349, Reissue Revised Statutes of Nebraska, is amended to read:

77-2349. ~~The treasurer or ex officio treasurer of any~~ A metropolitan utilities district shall, ~~if required by the governing body of such district,~~ be the custodian of securities in which funds of such district are invested, including the securities of such district itself. ~~7 and shall be liable on his or her official bond as such treasurer or ex officio treasurer for the custody, safekeeping, and delivery of such securities.~~ Except for funds deposited in a depository in strict accordance with all the requirements of sections 77-2342 to 77-2349, ~~the treasurer~~ district shall be liable ~~upon his or her official bond~~ for the accounting, safekeeping, and repayment of all funds received by ~~him or her for and in behalf of any such~~ the district. Any such district may at any time ~~direct such treasurer to~~ withdraw any funds on deposit in a depository or any funds in ~~his or her~~ the ~~district's~~ possession and custody ~~as such official~~ and invest such funds in such securities as may be designated by formal resolution of the governing body of such district.

Sec. 10. Original sections 14-542, 14-2109, 14-2114, 18-410, 77-2342 to 77-2344, 77-2346, and 77-2349, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 11. The following sections are outright repealed: Sections 14-2140, 77-2347, and 77-2348, Reissue Revised Statutes of Nebraska.