

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 820**

Introduced by Hansen, M., 26.

Read first time January 06, 2022

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to municipalities; to amend sections 14-101,  
2 14-101.01, 15-101, 19-415, and 31-508, Revised Statutes Cumulative  
3 Supplement, 2020; to change the population threshold for cities of  
4 the metropolitan class and cities of the primary class; to harmonize  
5 provisions; and to repeal the original sections.  
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 14-101, Revised Statutes Cumulative Supplement,  
2 2020, is amended to read:

3 14-101 All cities in this state which have attained a population of  
4 four ~~three~~ hundred thousand inhabitants or more as determined by the most  
5 recent federal decennial census or the most recent revised certified  
6 count by the United States Bureau of the Census shall be cities of the  
7 metropolitan class and governed by this act. Whenever the words this act  
8 occur in sections 14-101 to 14-138, 14-201 to 14-229, 14-360 to 14-376,  
9 14-501 to 14-556, 14-601 to 14-609, 14-702 to 14-704, and 14-804 to  
10 14-816, they shall be construed as referring exclusively to those  
11 sections. The population of a city of the metropolitan class shall  
12 consist of the people residing within the territorial boundaries of such  
13 city and the residents of any territory duly and properly annexed to such  
14 city. Each city of the metropolitan class shall be a body corporate and  
15 politic and shall have power (1) to sue and be sued, (2) to purchase,  
16 lease, lease with option to buy, acquire by gift or devise, and hold real  
17 and personal property within or without the limits of the city for the  
18 use of the city, and real estate sold for taxes, (3) to sell, exchange,  
19 lease, and convey any real or personal estate owned by the city, in such  
20 manner and upon such terms as may be to the best interests of the city,  
21 except that real estate acquired for state armory sites shall be conveyed  
22 strictly in the manner provided in sections 18-1001 to 18-1006, (4) to  
23 make all contracts and do all other acts in relation to the property and  
24 concerns of the city necessary to the exercise of its corporate or  
25 administrative powers, and (5) to exercise such other and further powers  
26 as may be conferred by law. The powers hereby granted shall be exercised  
27 by the mayor and city council of such city except when otherwise  
28 specially provided.

29 Sec. 2. Section 14-101.01, Revised Statutes Cumulative Supplement,  
30 2020, is amended to read:

31 14-101.01 Whenever any city of the primary class shall attain a

1 population of four ~~three~~ hundred thousand inhabitants or more as  
2 determined by the most recent federal decennial census or the most recent  
3 revised certified count by the United States Bureau of the Census, the  
4 mayor of such city shall certify such fact to the Secretary of State, who  
5 upon the filing of such certificate shall by proclamation declare such  
6 city to be of the metropolitan class.

7 Sec. 3. Section 15-101, Revised Statutes Cumulative Supplement,  
8 2020, is amended to read:

9 15-101 All cities having more than one hundred thousand and less  
10 than four ~~three~~ hundred thousand inhabitants as determined by the most  
11 recent federal decennial census or the most recent revised certified  
12 count by the United States Bureau of the Census shall be known as cities  
13 of the primary class. The population of a city of the primary class shall  
14 consist of the people residing within the territorial boundaries of such  
15 city and the residents of any territory duly and properly annexed to such  
16 city.

17 Sec. 4. Section 19-415, Revised Statutes Cumulative Supplement,  
18 2020, is amended to read:

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

30 (2) In cities under the commission plan of government containing at  
31 least forty thousand and less than four ~~three~~ hundred thousand

1 inhabitants as determined by the most recent federal decennial census or  
2 the most recent revised certified count by the United States Bureau of  
3 the Census, the city council shall consist of the mayor who shall be  
4 superintendent of the department of public affairs, one city council  
5 member to be superintendent of the department of accounts and finances,  
6 one city council member to be superintendent of the department of public  
7 safety, one city council member to be superintendent of the department of  
8 streets and public improvements, and one city council member to be  
9 superintendent of the department of parks and public property.

10 (3) In cities under the commission plan of government containing at  
11 least two thousand and less than forty thousand inhabitants as determined  
12 by the most recent federal decennial census or the most recent revised  
13 certified count by the United States Bureau of the Census, the city  
14 council shall consist of the mayor who shall be commissioner of the  
15 department of public affairs and public safety, one city council member  
16 to be commissioner of the department of streets, public improvements, and  
17 public property, one city council member to be commissioner of the  
18 department of public accounts and finances, one city council member to be  
19 commissioner of the department of public works, and one city council  
20 member to be commissioner of the department of parks and recreation.

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

26 Sec. 5. Section 31-508, Revised Statutes Cumulative Supplement,  
27 2020, is amended to read:

28 31-508 If a sanitary drainage district has constructed one or more  
29 channels, drains, or ditches from a city of the primary class ~~having a~~  
30 ~~population of more than one hundred thousand and less than three hundred~~  
31 ~~thousand inhabitants as determined by the most recent federal decennial~~

1 ~~census or the most recent revised certified count by the United States~~  
2 ~~Bureau of the Census~~ to or beyond the boundaries of the district  
3 downstream and there remains from the lower terminus of such improvement  
4 a portion or continuation of the watercourse unimproved, the Department  
5 of Natural Resources shall investigate the conditions of such  
6 watercourse, and if the department determines that further improvement in  
7 such watercourse downstream is for the interest of lands adjacent to such  
8 watercourse below the point of the improvement, the department shall file  
9 a plan of such improvement in the office of the county clerk of each of  
10 the counties in which any of the lands to be benefited are situated and  
11 in which any portion of the watercourse to be improved is located. Such  
12 plan shall describe the boundaries of the district to be benefited and  
13 shall contain an estimate of the benefits that would accrue to the  
14 sanitary district by reason of such improvement as well as the cost  
15 thereof and an estimate of the special benefits that would accrue to  
16 lands adjacent to the watercourse by reason of improved drainage, such  
17 estimate being detailed as to the various tracts of land under separate  
18 ownership as shown by the records of the county in which such lands are  
19 situated.

20       Sec. 6. Original sections 14-101, 14-101.01, 15-101, 19-415, and  
21 31-508, Revised Statutes Cumulative Supplement, 2020, are repealed.