

LEGISLATIVE BILL 1119

Approved by the Governor March 12, 1984

Introduced by Newell, 13

AN ACT relating to municipalities; to amend sections 16-102, 16-103, 17-301, and 17-305, Reissue Revised Statutes of Nebraska, 1943; to provide for a procedure for the reorganization of certain cities and villages; to harmonize provisions; and to repeal the original sections. Be it enacted by the people of the State of Nebraska,

Section 1. That section 16-102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-102. Whenever any city of the second class shall have attained attains a population of more than five thousand inhabitants as provided by section 16-101, the mayor of such city may shall certify such fact to the Governor Secretary of State who upon the filing of such certificate shall by proclamation declare such city to be a city of the first class. Upon such proclamation being made by the Governor Secretary of State, every officer of such cities shall within thirty days thereafter qualify and give bond as provided by sections 16-219, 16-304, and 16-318.

Sec. 2. That section 16-103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-103. The (1) After the proclamation, the city shall be governed by the laws of this state applicable to cities of the first class, except that the government of such city shall continue as organized at the date of such proclamation until the reorganization of same as a city of the first class. If a city of the second class becomes a city of the first class, the governing body shall call a special election for the purpose of electing new members of the city's governing body to be held not more than eight months after the proclamation is issued.

(2) For the purpose of electing city officials under the provisions of law relating to cities of the first class, the term of office for such officials shall be established by the city's governing body so as to conform with the intent and purpose of section 16-302.01. The mayor and council members of the city of the second class shall hold office only until the newly elected city officials assume office. All ordinances, bylaws, acts, rules, regulations, obligations, and proclamations existing and in force in or with respect to any such city at the time of its incorporation as a city of the first class shall remain in full force and effect after such

incorporation until repealed or modified by the city within one year after the date of the filing of the certificate pursuant to section 16-102.

Sec. 3. That section 17-301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-301. Whenever any city of the first class ~~shall have decreased~~ decreases in population until it ~~shall have~~ has a population of less than five thousand inhabitants and more than ~~one thousand eight hundred~~ inhabitants, as ascertained and officially promulgated by the census, enumeration, and return taken by the United States, ~~or~~ by the State of Nebraska, or by the authority of the mayor and city council of any such city, the mayor of any such city ~~may~~ shall certify such fact to the ~~Governor~~ Secretary of State of the State of Nebraska, who, upon the filing of such a certificate, shall by proclamation so declare, and shall declare such city to have become a city of the second class, except as provided in section 17-305. Thereafter such city shall be governed by the provisions of the statutes of the State of Nebraska applicable to cities of the second class. Upon such proclamation being made by the ~~Governor~~ Secretary of State, every officer of such city shall, within thirty days thereafter, qualify and give bond as provided by the statutes of the State of Nebraska in cases of cities of the second class. In ; Provided, that in any city which may hereafter become a city of the second class, having been a city of the first class, any ~~seuneiman;~~ council member whose term ~~shall extend~~ extends by reason of his or her prior election under the provisions governing cities of the first class, through another year or years, shall continue to hold his or her office as ~~seuneiman~~ council member from the ward in which he or she is a resident, as if elected for the same term under the statutes of the State of Nebraska governing cities of the second class.

Sec. 4. That section 17-305, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-305. All ordinances, bylaws, acts, regulations, obligations, rules, and proclamations existing and in force in or with respect to any such city at the time of its incorporation as a city of the second class under section 17-301, shall be and remain in full force and effect, after such incorporation as a city of the second class, until ~~the same are~~ repealed or modified by such city, as provided by law within one year from the date of the proclamation by the Secretary of State that such city is a city of the second class.

Sec. 5. Whenever any city of the second class decreases in population until it has a population of less than eight hundred inhabitants and more than one hundred inhabitants, as ascertained and officially promulgated by the census, enumeration, and return taken by the United States, by the State of Nebraska, or by the authority of

the mayor and council of such city, and the mayor and council decide by ordinance to remain a city of the second class, the mayor shall certify such fact to the Secretary of State who, upon the filing of such a certificate, shall by proclamation so declare and shall declare such city to remain a city of the second class. Such city shall continue to be governed by laws of this state applicable to cities of the second class.

Sec. 6. (1) Except as provided in section 17-307, whenever any village increases in population until it has a population of more than eight hundred inhabitants but less than five thousand inhabitants, as ascertained and officially promulgated by the census, enumeration, and return taken by the United States, by the State of Nebraska, or by the authority of the village board of such village, the village board shall certify such fact to the Secretary of State who, upon the filing of such a certificate, shall by proclamation so declare and shall declare such village to have become a city of the second class. Thereafter such city shall be governed by the laws of this state applicable to cities of the second class. The government of such city shall continue as organized at the date of such proclamation until the reorganization as a city of the second class.

(2) If any village becomes a city of the second class, the governing body shall call a special election for the purpose of electing new members of the city's governing body to be held not more than eight months after the proclamation is issued. The term of office for such officials shall be established by the village board so as to conform with the intent and purpose of section 17-701.01. The members of the village board of trustees shall hold office only until the newly elected city officials assume office. All ordinances, bylaws, acts, rules, regulations, obligations, and proclamations existing and in force in or with respect to any village at the time of its incorporation as a city of the second class shall remain in full force and effect after such incorporation as a city of the second class until repealed or modified by such city within one year after the date of the filing of the certificate pursuant to subsection (1) of this section.

Sec. 7. That original sections 16-102, 16-103, 17-301, and 17-305, Reissue Revised Statutes of Nebraska, 1943, are repealed.