

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 919**

FINAL READING

Introduced by Schilz, 47; Carlson, 38; Christensen, 44; Gloor, 35;  
Hansen, 42; Louden, 49; Wightman, 36.

Read first time January 13, 2010

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to cities of the first class; to amend section  
2 17-301, Reissue Revised Statutes of Nebraska; to change  
3 and eliminate procedures and population requirements for  
4 reorganization of cities of the first class as cities of  
5 the second class; to require a plan to increase a city's  
6 population; to repeal the original section; to outright  
7 repeal section 17-305.01, Reissue Revised Statutes of  
8 Nebraska; and to declare an emergency.  
9 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 17-301, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           17-301 ~~(1) Whenever any city of the first class decreases~~  
4 ~~in population until it has a population of less than five~~  
5 ~~thousand inhabitants but not less than four thousand five hundred~~  
6 ~~inhabitants,~~ as ascertained and officially promulgated by the  
7 federal decennial census, the mayor of any such city shall certify  
8 such fact to the Secretary of State.

9           ~~(2) Whenever any city of the first class decreases in~~  
10 ~~population until it has a population of less than four thousand~~  
11 ~~five hundred inhabitants but more than eight hundred inhabitants~~  
12 ~~as ascertained and officially promulgated by the federal decennial~~  
13 ~~census,~~ the mayor of any such city shall certify such fact to the  
14 Secretary of State.

15           ~~(3) Whenever the Secretary of State receives a~~  
16 ~~certification pursuant to subsection (1) of this section from the~~  
17 ~~same city after two consecutive federal decennial censuses,~~ he or  
18 she shall declare such city to have become a city of the second  
19 class as provided in section 17-305.

20           ~~(4) Whenever the Secretary of State receives a~~  
21 ~~certification pursuant to subsection (2) of this section,~~ he or she  
22 shall declare such city to have become a city of the second class  
23 as provided in section 17-305.

24           (1) This section applies to cities of the first class  
25 whose population is less than five thousand inhabitants but more

1 than eight hundred inhabitants according to the federal decennial  
2 census conducted in the year 2010 or any subsequent federal  
3 decennial census.

4 (2) (a) If a city of the first class has a population  
5 of less than five thousand inhabitants but not less than four  
6 thousand inhabitants, as ascertained and officially promulgated by  
7 the most recent federal decennial census, the mayor of the city  
8 shall certify such fact to the Secretary of State. If the mayor  
9 and city council of the city determine that it is in the best  
10 interests of such city to become a city of the second class, the  
11 mayor and city council shall adopt an ordinance to that effect and  
12 shall notify the Secretary of State and notice and a copy of such  
13 ordinance shall accompany the certification. If the Secretary of  
14 State receives such notification, he or she shall declare such city  
15 to be a city of the second class. If the mayor and city council  
16 determine that it is in the best interests of such city to remain  
17 a city of the first class, they shall submit to the Secretary of  
18 State, within nine years after the certification is required to  
19 be submitted pursuant to this subdivision, an explanation of the  
20 city's plan to increase the city's population.

21 (b) If a city of the first class has a population of  
22 less than five thousand inhabitants but not less than four thousand  
23 inhabitants, as ascertained and officially promulgated by the most  
24 recent federal decennial census immediately following the census  
25 referred to in subdivision (a) of this subsection, the mayor of

1 the city shall certify such fact to the Secretary of State. If the  
2 mayor and city council of the city determine that it is in the best  
3 interests of such city to become a city of the second class, the  
4 mayor and city council shall adopt an ordinance to that effect and  
5 shall notify the Secretary of State and notice and a copy of such  
6 ordinance shall accompany the certification. If the Secretary of  
7 State receives such notification, he or she shall declare such city  
8 to be a city of the second class.

9 (c) If a city of the first class has a population of  
10 less than five thousand inhabitants but not less than four thousand  
11 inhabitants, as ascertained and officially promulgated by the most  
12 recent federal decennial census immediately following the census  
13 referred to in subdivision (b) of this subsection, the mayor of  
14 the city shall certify such fact to the Secretary of State. After  
15 receipt of such certification, the Secretary of State shall declare  
16 such city to be a city of the second class.

17 (3) If a city of the first class has a population of  
18 less than four thousand inhabitants but more than eight hundred  
19 inhabitants, as ascertained and officially promulgated by the most  
20 recent federal decennial census, the mayor of the city shall  
21 certify such fact to the Secretary of State. After receipt of such  
22 certification, the Secretary of State shall declare such city to be  
23 a city of the second class.

24 ~~(5)~~ (4) Beginning on the date upon which a city becomes  
25 a city of the second class pursuant to section 17-305, such city

1 shall be governed by the ~~provisions of the statutes of the State~~  
2 ~~of Nebraska~~ laws of this state applicable to cities of the second  
3 class.

4           Sec. 2. Original section 17-301, Reissue Revised Statutes  
5 of Nebraska, is repealed.

6           Sec. 3. The following section is outright repealed:  
7 Section 17-305.01, Reissue Revised Statutes of Nebraska.

8           Sec. 4. Since an emergency exists, this act takes effect  
9 when passed and approved according to law.