

LEGISLATIVE BILL 1346

Approved by the Governor April 18, 1998

Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Janssen, 15; Schimek, 27

AN ACT relating to villages; to amend sections 17-215, 17-216, and 17-218 to 17-219.03, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to the dissolution of villages; to harmonize provisions; and to repeal the original sections.
Be it enacted by the people of the State of Nebraska,

Section 1. For purposes of sections 17-215 to 17-219.03, when reference is made to the county within which the village is located and the village is located in more than one county, county means the county within which the greater portion of the area of the village is located.

Sec. 2. Section 17-215, Reissue Revised Statutes of Nebraska, is amended to read:

17-215. Any village of the State of Nebraska incorporated under the laws of this state shall abolish its incorporation whenever a majority of the electors of said registered voters of the village, voting on the question of such abolishment, shall so decide in the manner herein provided in sections 17-215 to 17-219.03.

Sec. 3. Section 17-216, Reissue Revised Statutes of Nebraska, is amended to read:

17-216. (1) Whenever a petition or petitions for submission of the question of the abolishment of incorporation to the registered voters of any village, signed by not less than one-third of the registered voters electors and taxpayers of the village, shall be filed in the office of the county clerk or election commissioner of the county in which such village is situated, not less than seventy days before the date of any general election, it shall be the duty of such the county clerk or election commissioner shall cause such question to be submitted to the registered voters of the village as provided in this section and give notice thereof in the general notice of the election at which the question will be submitted.

(2) Whenever two-thirds of the members of the board of trustees of any village, by resolution following a public hearing, vote to submit the question of the abolishment of the incorporation of the village, the resolution shall be filed in the office of the county clerk or election commissioner of the county in which such village is situated and the county clerk or election commissioner shall cause such question to be submitted to the registered voters of the village as provided in this section and give notice thereof in the general notice of the election at which the question will be submitted.

(3) If a petition or resolution is filed with the county clerk or election commissioner, the county clerk or election commissioner shall cause such question to be submitted to the registered voters of the village at such election, and give notice thereof in the general notice of such election; PROVIDED, no village shall abolish incorporation until all liabilities are liquidated. The next primary or general election which is scheduled to be held more than seventy days after the date upon which the petition or resolution is filed. If the petition or resolution calls for a vote on the question at a special election to be called for that purpose, the county clerk or election commissioner shall cause a special election to be called for the purpose of placing the question before the registered voters and the election shall be called not sooner than sixty days nor later than seventy days after the date of the filing of the petition or resolution. If a petition is filed at any time other than within one hundred eighty days prior to a primary or general election and the petition does not call for the question to be considered at a special election, the board of trustees may, by majority vote, call for the county clerk or election commissioner to cause the matter to be placed upon the ballot at a special election on a date certain specified by the board, except that such date shall not be sooner than sixty days after the date upon which the petition was filed.

(4) If the question of abolishment of incorporation is submitted to the voters and such question receives a favorable vote by a majority of those voting on the issue, the governing board of such village shall file with the Secretary of State a certified statement showing the total votes for and against such measure. The certified statement shall also show that all liabilities have been liquidated and the month, day, and year that the

abolishment of the incorporation becomes effective.

Sec. 4. Section 17-218, Reissue Revised Statutes of Nebraska, is amended to read:

17-218. (1) If it shall be ~~is~~ decided at such election that incorporation of the village be abolished, then, from and after the ~~first day of January next ensuing effective date of the abolishment of the incorporation as determined by the county board as provided in subsection (2) of this section~~, the incorporation of the village shall cease and be abolished, and the ~~area formerly encompassed within the boundaries of the village shall thereafter be governed by county commissioners as provided by law for unincorporated areas within the county. Upon such date, the terms of office of all elected and appointed officers and employees of the village shall end.~~

(2) Within fifty days after the date of the election at which the registered voters of the village approve the abolishment of the village's incorporation, the county board of the county within which the village is located shall, by resolution, specify the month, day, and year upon which the abolishment of the incorporation becomes effective. The effective date shall not be later than (a) six calendar months following the date of the election or (b) if there are liabilities of the village which cannot be retired except by means of a continuing property tax levy by the village, the date such liabilities can be paid, whichever is later. The county clerk shall transmit a copy of the resolution to the Secretary of State.

Sec. 5. Section 17-219, Reissue Revised Statutes of Nebraska, is amended to read:

17-219. Upon the effective date of the abolishment of incorporation, all corporate property and corporate records belonging to the village shall be placed in the hands of the read everacer of the district transferred to the county board of the county in which the village is located. All funds of the village not otherwise disposed of or said, as shall be deemed by the trustees of the village for the best interest of the road district. If the proceeds exceed the sum of one hundred dollars, they shall be placed in the hands of transferred to the county treasurer, to be paid out by order of the county commissioners, for exclusive use of the read district in which the village is located board as it sees fit.

Sec. 6. Section 17-219.01, Reissue Revised Statutes of Nebraska, is amended to read:

17-219.01. Notwithstanding any more general law respecting revenue, it shall be the duty of the county treasurer board in any county in this state wherein in which the incorporation of any village shall have has been abolished according to law to shall advertise and sell all corporate property of said the village remaining for which the county itself has no use or which remains unsold or undisposed of after the expiration of three years six months from the effective date of the abolishment of the incorporation of such village. Such county treasurer shall at the same time advertise and sell as provided by the county board for liquidation of any liabilities of the village. After the effective date of the abolishment of the incorporation of the village, the county board shall treat all real estate listed and described in the original plat of such village upon which the owner thereof has failed and neglected to pay the taxes thereon for a period of three full years as if such taxes were originally levied by the county and, notwithstanding any other provision of law, the taxes shall be deemed to have been levied by the county as of the date of the original levy by the village and due and owing as provided by law to the county.

Sec. 7. Section 17-219.02, Reissue Revised Statutes of Nebraska, is amended to read:

17-219.02. Such The county treasurer shall, before selling any such property under section 17-219.01, give notice of the sale thereof in the same manner as notice is given when lands are sold under execution by the sheriff, and the sale shall likewise be conducted in the same manner as execution sales.

Sec. 8. Section 17-219.03, Reissue Revised Statutes of Nebraska, is amended to read:

17-219.03. If the owner of any property in such village other than the corporate property located therein, shall fail to redeem the same by paying the county treasurer all taxes, interest, penalties, including costs of advertisement and sale, within ninety days from the date of such sale, the county treasurer shall execute and deliver to the purchasers thereof a deed of conveyance. The deed so made by the county treasurer shall be under the official seal of his office and shall be acknowledged by him before some officer authorized by law to take acknowledgments of deeds, and when so executed and acknowledged, it may be recorded in the same manner as other conveyances of real estate; and when so recorded it shall vest in the grantee,

his heirs and assigns, the title to the property therein described free and clear of all tax liens. (1) On and after the date of a vote by a majority of the registered voters of a village voting on the question in favor of the abolishment of the incorporation of a village, the board of trustees shall not expend any funds of the village, liquidate any village assets, whether such assets are real or personal property, or otherwise encumber or exercise any authority over the property or funds of the village without the prior approval of the county board of the county within which the village is located.

(2) Within ten days after a vote by a majority of the registered voters of a village voting on the question in favor of the abolishment of the incorporation of a village, the board of trustees shall meet and approve a resolution setting out with particularity all of the assets and liabilities of the village, including a full and complete inventory of all property, real and personal, owned by the village. The resolution shall be transmitted to the county clerk of the county within which the village is located, and the county clerk shall provide copies to the members of the county board.

(3) If the liabilities of the village exceed the value of all the assets of the village, the county board shall, within twenty days after the receipt of the resolution by the county clerk, schedule a joint meeting between the village board of trustees and the county board to review the resolution and discuss how to liquidate the liabilities with the village board of trustees.

(4) Within thirty days after the date upon which the joint meeting is held pursuant to subsection (3) of this section, the county board shall adopt a plan for the liquidation of village assets to retire the liabilities of the village.

Sec. 9. Original sections 17-215, 17-216, and 17-218 to 17-219.03, Reissue Revised Statutes of Nebraska, are repealed.