

LEGISLATURE OF NEBRASKA
NINETY-NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 161

Introduced by Aguilar, 35; Burling, 33; Johnson, 37; Schrock, 38;
Stuhr, 24

Read first time January 7, 2005

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to municipalities; to amend sections 16-669,
2 16-670, 19-2404, and 19-2405, Reissue Revised Statutes of
3 Nebraska; to change provisions relating to assessments
4 and bonds; and to repeal the original sections.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 16-669, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 16-669. The assessment of special taxes for sewer mains
4 or water mains so provided for and constructed shall be levied at
5 one time and shall become delinquent in equal annual installments
6 over such period of years of not less than four years and not more
7 than ~~ten~~ twenty years as the ~~mayer and city~~ city council ~~may determine~~
8 determines at the time of making the levy. The first installment
9 ~~shall become~~ becomes delinquent fifty days after the making of such
10 levy. Each ~~of said installments~~ installment, except the first,
11 shall draw interest from the time of such levy until ~~they shall~~
12 ~~become~~ such installment becomes delinquent. After ~~the same become~~
13 an installment becomes delinquent, interest at the rate specified
14 in section 45-104.01, as such rate may from time to time be
15 adjusted by the Legislature, shall be paid thereon, until ~~the same~~
16 such installment is collected and paid. Such special taxes shall
17 be collected and enforced as in cases of other special taxes and
18 shall be a lien on ~~said~~ such real estate from and after the date of
19 the levy thereof. ~~Should there be~~ If three or more ~~of said~~
20 installments are delinquent and unpaid on the same property, the
21 ~~mayer and city~~ city council may by resolution declare all future
22 installments on such delinquent property to be due on a future
23 fixed date. The resolution shall set forth the description of the
24 property and the names of its record title owners and shall provide
25 that all future installments shall become delinquent upon the date
26 fixed. A copy of such resolution shall be published one time each
27 week for not less than twenty days in a legal newspaper of general
28 circulation published in the city and after the fixed date such

1 future installments shall be deemed to be delinquent and the city
2 may proceed to enforce and collect the total amount due and all
3 future installments.

4 Sec. 2. Section 16-670, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 16-670. For the purpose of paying the cost of any such
7 sewer or water improvements in any such district, the ~~mayer and~~
8 city council shall have the power and may by ordinance cause bonds
9 of the city to be issued ~~bonds of the city, to be~~ called District
10 Sewer (Water) Bonds of District No., payable in not exceeding
11 ~~fifteen~~ twenty years from date and to bear interest payable
12 annually or semiannually with interest coupons attached. All
13 special assessments which may be levied upon properties specially
14 benefited by such work or improvements shall, when collected, be
15 set aside and constitute a sinking fund for the payment of the
16 interest and principal of such bonds. The cost of such sewer or
17 water improvements chargeable by special assessment to the private
18 property within such district may be paid by the owners of such
19 property within fifty days from the levy of such special
20 assessments, + and thereupon ~~said~~ such property shall be exempt
21 from any lien ~~therefor~~ for the special assessment. Such bonds
22 shall not be sold for less than their par value and if any
23 assessment or any part thereof ~~shall fail~~ fails or for any reason
24 ~~be is~~ invalid, the ~~mayer and~~ city council may make such other and
25 further assessments on such lots or lands as may be required to
26 collect from the ~~same~~ lots or lands the cost of any such sewer or
27 water improvements properly chargeable ~~thereto as herein provided~~
28 to the lots or lands as provided in this section. If such

1 assessments or any part thereof ~~shall fail~~ fails or for any reason
 2 be is invalid, the ~~mayer and~~ city council may, without further
 3 notice, make such other and further assessments on such lots or
 4 lands as may be required to collect from the ~~same~~ lots or lands the
 5 cost of such improvement properly chargeable ~~thereto~~ as
 6 ~~hereinbefore provided~~ to the lots or lands as provided in this
 7 section. Nothing in this section shall be construed to prevent a
 8 city from paying the cost of sewer or water improvements from
 9 revenue bonds as otherwise provided by law. When revenue bonds are
 10 issued to pay the cost of sewer or water improvements, the ~~mayer~~
 11 ~~and~~ city council may provide that the collections from any related
 12 special assessment district shall be allocated to the gross revenue
 13 of the appropriate utility system.

14 Sec. 3. Section 19-2404, Reissue Revised Statutes of
 15 Nebraska, is amended to read:

16 19-2404. The assessment of special taxes for sanitary
 17 sewer extension mains or water extension mains so provided for and
 18 constructed shall be levied at one time and shall become delinquent
 19 in equal annual installments over a period of years of not less
 20 than four years and not more than ~~ten~~ twenty years as the ~~mayer and~~
 21 city council or ~~chairperson and~~ board of trustees ~~may determine~~
 22 determines at the time of making the levy. The first installment
 23 ~~shall become~~ becomes delinquent fifty days after the making of such
 24 levy. Subsequent installments ~~shall~~ become delinquent on the
 25 anniversary date of the levy. Each ~~of such installments~~
 26 installment, except the first, shall draw interest at the rate set
 27 by the city council or board of trustees, ~~as the case may be,~~ from
 28 the time of such levy until ~~they shall become~~ such installment

1 becomes delinquent. After ~~such installments become an installment~~
2 becomes delinquent, interest at the rate specified in section
3 45-104.01, as such rate may from time to time be adjusted by the
4 Legislature, shall be paid thereon until ~~the same are~~ such
5 installment is collected and paid. Such special taxes shall be
6 collected and enforced as in the case of general municipal taxes
7 and shall be a lien on such real estate from and after the date of
8 the levy. If three or more of such installments become delinquent
9 and unpaid on the same property, the ~~mayer and~~ city council or the
10 ~~chairperson and~~ board of trustees, ~~as the case may be,~~ may by
11 resolution declare all future installments on such delinquent
12 property to be due on a future fixed date. The resolution shall
13 set forth the description of the property and the name of its
14 record title owner and shall provide that all future installments
15 shall become delinquent upon the date fixed. A copy of such
16 resolution shall be published one time in a legal newspaper of
17 general circulation published in the municipality or, if none is
18 published in such municipality, in a legal newspaper of general
19 circulation in the municipality. After the fixed date such future
20 installments shall be deemed to be delinquent and the municipality
21 may proceed to enforce and collect the total amount due including
22 all future installments.

23 Sec. 4. Section 19-2405, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 19-2405. For the purpose of paying the cost of any such
26 water service extension or sanitary sewer service extension, in any
27 such district, the ~~mayer and~~ city council or ~~chairman and~~ board of
28 trustees, ~~as the case may be,~~ may, by ordinance, cause bonds of the

1 municipality to be issued, ~~bonds of the municipality, to be~~ called
2 district water service extension bonds of district No. or
3 district sanitary sewer service extension bonds of district No.
4, ~~as the case may be,~~ payable in not exceeding ~~ten~~ twenty years
5 from date and to bear interest payable annually or semiannually
6 with interest coupons attached. The ordinance effectuating the
7 issuance of such bonds shall provide that ~~said~~ the special tax and
8 assessments shall constitute a sinking fund for the payment of such
9 bonds and interest. If a written protest, signed by owners of the
10 property located in ~~said~~ the improvement district and representing
11 a majority of the front footage which may become subject to
12 assessment for the cost of the improvement, ~~be~~ is filed with the
13 municipal clerk within three days before the date of the meeting
14 for the consideration of such ordinance, such ordinance shall not
15 be passed. The entire cost of such water extension mains or
16 sanitary sewer extension mains in any such street, avenue, or alley
17 may be chargeable to the private property therein, and may be paid
18 by the owner of such property within fifty days from the levy of
19 such special taxes and assessments, and thereupon ~~said~~ such
20 property shall be exempt from any lien ~~therefor~~ for the special
21 taxes and assessments. ~~Said~~ The bonds shall not be sold for less
22 than their par value. If ~~said~~ the assessment or any part thereof
23 ~~shall fail~~ fails or for any reason ~~be~~ is invalid, the governing
24 body of the municipality may, without further notice, make such
25 other and further assessments on ~~said~~ the lots and lands as may be
26 required to collect from the ~~same~~ lots and lands the cost of ~~said~~
27 the improvement, properly chargeable as ~~hereinbefore~~ provided
28 provided in this section. In lieu of such general obligation

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1 bonds, the municipality may issue revenue bonds as provided in
2 section 18-502, to pay all or part of the cost of the construction
3 of such improvement.

4 Sec. 5. Original sections 16-669, 16-670, 19-2404, and
5 19-2405, Reissue Revised Statutes of Nebraska, are repealed.