

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 317

FINAL READING

Introduced by Hughes, 44.

Read first time January 12, 2017

Committee: Urban Affairs

- 1 A BILL FOR AN ACT relating to cities of the second class and villages; to
- 2 amend section 17-703, Reissue Revised Statutes of Nebraska; to
- 3 provide for relevy or reassessment of a special assessment as
- 4 prescribed; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 17-703, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 17-703 (1) Whenever any special assessment upon any lot or lots,
4 lands, or parcels of land in any city of the second class or village is
5 found to be invalid and uncollectible, is adjudged to be void by a court
6 of competent jurisdiction, or is paid under protest and recovered by
7 suit, because of any defect, irregularity, or invalidity in any of the
8 proceedings or on account of the failure to observe and comply with any
9 of the conditions, prerequisites, and requirements of any statute or
10 ordinance, the mayor and city council or chairperson and village board of
11 trustees may re Levy or reassess the special assessment upon the lot or
12 lots, lands, or parcels of land in the same manner as other special
13 assessments are levied, without regard to whether the formalities,
14 prerequisites, or conditions prior to equalization have been had or not.

15 (2) If any such city or village has levied special assessments for
16 part or all of the cost of any public work or improvement, if the
17 assessments have been finally held by the courts to be invalid and
18 unenforceable, if the defects rendering such assessments invalid and
19 unenforceable are of such character that they cannot be remedied by
20 reassessment, and if part of the special assessments has been paid under
21 mistake of law or fact into such city or village prior to such final
22 holding, the mayor and city council or chairperson and village board of
23 trustees shall establish a special fund in the budget statement annually
24 which is sufficient to refund and repay over a period of consecutive
25 years such special assessments erroneously paid, without interest to the
26 person or persons entitled to receive the same, any and all such
27 assessments or parts thereof as may have been so paid into the treasury
28 of such city or village, as the case may be. The amount of tax annually
29 budgeted for this special fund shall not require a tax levy in excess of
30 ten and five-tenths cents on each one hundred dollars upon the taxable
31 value of all the taxable property in such city or village in any one

1 year, and the additional levy shall be continued only for as many years
2 as may be necessary to raise the total amount required for such purpose.
3 Such assessments shall be refunded out of the special fund upon proper
4 claims filed by the person or persons entitled to reimbursement. Such
5 claim shall be audited, allowed, and ordered paid in the same manner as
6 other claims against such city or village. All such reimbursements shall
7 be made pro rata if there is not sufficient money on hand to repay them
8 all at one time. Such amount of tax for the special fund shall be
9 specified in the adopted budget statement.

10 Sec. 2. Original section 17-703, Reissue Revised Statutes of
11 Nebraska, is repealed.