

## LEGISLATIVE BILL 559

Approved by the Governor May 25, 1973

Introduced by Government, Military and Veterans Affairs Committee, Chambers, 11, Chmn.; Barnett, 26; Fowler, 27; Duis, 39; DeCamp, 40; Stull, 49

AN ACT to amend sections 17-103, 17-104, 17-203, 17-216, 17-217, 17-304, and 17-602, Reissue Revised Statutes of Nebraska, 1943, and section 17-107, Revised Statutes Supplement, 1972, relating to cities of the second class and villages; to change qualifications of electors; to provide for filling of vacancies in certain offices; to provide for dissolution of villages by election; to amend section 70-624.04, Reissue Revised Statutes of Nebraska, 1943; to extend provisions to employees of public utility companies; and to repeal the original sections, and also section 17-109, Reissue Revised Statutes of Nebraska, 1943.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 17-103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-103. The council shall consist of not less than four nor more than twelve citizens of said city, who shall be qualified electors ~~and taxpayers~~ under the Constitution and laws of the State of Nebraska.

Sec. 2. That section 17-104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-104. Each ward of each city shall have at least two councilmen, who shall be chosen in the manner provided in Chapter 32, or as provided in this act, and they shall serve until their successors shall be elected and qualified. No person shall be eligible to the office of councilman who is not at the time of his election an actual resident of the ward for which he is elected and a qualified registered elector under the Constitution and laws of the State of Nebraska; and if any councilman shall remove from the ward for which he is elected, his office as a councilman shall thereby become vacant. Any vacancy on the council shall be filled as provided in section 32-4,152. In all cases of an election when the

successful candidate or candidate receiving the highest number of votes in such election shall be prevented from assuming office, on account of disqualification, as provided by law or otherwise, the incumbent shall not be entitled to hold over the term, but such office shall automatically become vacant and an appointment shall be made to fill such vacancy in the manner provided in sections 32-4, 152 and 32-1045. Whenever there shall be a tie on the election of councilmen, it shall be determined by lot by the duly authorized canvassing board.

Sec. 3. That section 17-107, Revised Statutes Supplement, 1972, be amended to read as follows:

17-107. A mayor shall be elected in the manner provided in Chapter 32, or as provided in this act, and shall serve until his successor is elected and qualified. Any vacancy in the office of mayor shall be filled as provided in section 17-115. In all cases of an election when the successful candidate or candidate receiving the highest number of votes for mayor in such election shall be prevented from assuming office, on account of disqualification, as provided by law or otherwise, the incumbent mayor shall not be entitled to hold over the term, but such office shall automatically become vacant and an appointment shall be made to fill such vacancy in the manner provided in section 17-115. If the president of the council shall for any cause assume the office of mayor for the unexpired term, there shall be a vacancy on the council which vacancy shall be filled as provided in section 32-4, 152. The mayor, with the consent of the council, may appoint a city clerk, a city engineer, a city treasurer, a city attorney, and an overseer of streets who shall hold their offices for one year unless sooner removed by the mayor. The mayor, by and with the consent of the council, shall appoint such a number of regular policemen as may be necessary, and may also appoint special policemen from time to time as exigencies arise. All police officers appointed by the mayor and council shall be removable at any time by the mayor.

Sec. 4. That section 17-203, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-203. Any person may be a trustee who is ~~twenty-one years of age, a citizen of the United States, a bona-fide resident and taxpayer of the village--at the time of his election, and has resided therein--for--three months--next--preceding--his--election~~ resides in the village, and is a registered voter. Every trustee so elected shall, except as provided in section 17-202 or 17-203.01, hold his office for the term of four years.

~~and until his successor is elected and qualified; provided, a trustee's term shall expire and the office become vacant upon removal or change of residence from the village where he is elected. A vacancy on the board of trustees shall exist in the event of the death, disability, or removal from the village of any trustee, which vacancy or vacancies shall be filled as provided in section 32-4, 152. In all cases of an election when the successful candidate or candidate receiving the highest number of votes in such election shall be prevented from assuming office, on account of disqualification, as provided by law or otherwise, the incumbent shall not be entitled to hold over the term, but such office shall automatically become vacant and an appointment shall be made to fill such vacancy, in the manner provided in sections 32-4, 152 and 32-1045. Whenever there shall be a tie on the election of trustees, it shall be determined by lot by the duly authorized canvassing board.~~

Sec. 5. That section 17-216, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-216. Whenever a petition or petitions for submission of the question of the abolishment of incorporation to the voters of any village, signed by not less than one-third of the 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 thirty seventy days before the date of any general election, it shall be the duty of such county clerk or election commissioner to cause such question to be submitted to the 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. If the question of abolishment of incorporation is submitted to the voters and such question receives a favorable vote, 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. 6. That section 17-217, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-217. The forms of ballot shall be, respectively, For abolishment of incorporation, and Against abolishment of incorporation, and the same shall

~~be written or printed upon the regular ballots cast for officers voted for at such election~~ a separate ballot, and shall be counted and canvassed in the same manner as other ballots voted at the election.

Sec. 7. That section 17-304, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-304. After the terms of members of the city council in office at the time shall have expired, the council shall consist of not less than four nor more than twelve citizens of said city, who shall be qualified electors ~~and taxpayers~~ under the Constitution and laws of the State of Nebraska.

Sec. 8. That section 17-602, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-602. All qualified electors of this state, who shall ~~have resided~~ reside within the limits of any city of the second class or village ~~for forty days preceding any election therein, on or before election day~~ shall be entitled to vote at all city and village elections.

Sec. 9. That section 70-624.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-624.04. Officers and employees of public power districts, ~~and public power and irrigation districts districts, and public utility companies~~ shall be permitted to serve as officers or employees of cities of the first class, cities of the second class, villages, and school districts with which the public power district, ~~public power and irrigation district, or public utility company~~ has one or more contracts. No contracts of any such public power district, ~~or public power and irrigation district, or public utility company~~ shall be void or voidable by reason of such service by its officers or employees.

Sec. 10. That original sections 17-103, 17-104, 17-203, 17-216, 17-217, 17-304, 17-602, and 70-624.04, Reissue Revised Statutes of Nebraska, 1943, and section 17-107, Revised Statutes Supplement, 1972, and also section 17-109, Reissue Revised Statutes of Nebraska, 1943, are repealed.