

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 248

FINAL READING

Introduced by Nantkes, 46

Read first time January 10, 2007

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to road improvement districts; to amend
2 sections 39-1601, 39-1605, 39-1606, and 39-1607, Reissue
3 Revised Statutes of Nebraska; to change and eliminate
4 provisions for election of the board of trustees; to
5 provide for elections to be held by mail; to harmonize
6 provisions; to provide an operative date; to repeal the
7 original sections; and to outright repeal section 32-551,
8 Reissue Revised Statutes of Nebraska.

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

1 Section 1. Section 39-1601, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 39-1601 (1) Whenever a petition, (a) containing a
4 definite description of the territory to be embraced, (b)
5 designating the name of the proposed district, and (c) signed by
6 ten percent of the landowners within the limits of a proposed
7 road improvement district ~~shall be~~ is presented and filed with the
8 county board of the county ~~wherein~~ in which the greater portion of
9 the area of the proposed district is located, the county board of
10 any such county shall cause the question to be submitted to the
11 legal voters of such proposed road improvement district as provided
12 in section 39-1605. If fifty-five percent of those voting on the
13 question are in favor of the proposition, the district shall be
14 organized. No lands included within any municipal corporation shall
15 be included in any road improvement district.

16 (2) Any road improvement district, ~~referred to in~~
17 ~~subsection (1) of this section~~, can be dissolved, if there are no
18 outstanding debts, by the board of trustees of any such district,
19 on its own motion or on the request in writing of ten electors,
20 submitting at any ~~regular~~ a special election, after due notice by
21 publication in the manner provided for in subsection (1) of section
22 39-1604, the question of dissolution of the road improvement
23 district. The special election shall be conducted by mail as
24 provided in sections 32-953 to 32-959. If fifty-one percent of the
25 votes cast on the question at such election are in favor of such

1 dissolution, the board of trustees shall cause a record of such
2 election and the vote thereon to be made in the office of the
3 county clerk ~~where~~ in the county in which the election was held
4 to create the district, and the district shall thereupon stand
5 dissolved. An election shall not be required for the dissolution of
6 the district if a petition requesting the district be dissolved,
7 signed by fifty percent of the owners of property located within
8 the district, is presented to the county board of the county. The
9 county board shall determine the sufficiency of the petition and
10 dissolve the district by an order of such board.

11 (3) In case a district is dissolved, ~~as referred to in~~
12 ~~subsections (2) and (3) of~~ pursuant to this section, the funds on
13 hand or to be collected shall be held by the county treasurer in
14 a separate fund, and the trustees of the district shall petition
15 the district court of the county in which the election to form
16 the district was held, for an order approving the distribution
17 of funds to the landowners or easement owners as a dividend on
18 the same basis as collected. ~~PROVIDED, an election, referred to~~
19 ~~in subsection (2) of this section, will not be required for the~~
20 ~~dissolution of the district if a petition requesting the district~~
21 ~~be dissolved, signed by fifty percent of the owners of property~~
22 ~~located within the district, is presented to the county board of~~
23 ~~said county. The county board shall determine the sufficiency of~~
24 ~~the petition and dissolve the district by an order of such board.~~

25 Sec. 2. Section 39-1605, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 39-1605 After the determination by the county board,
3 or a majority thereof, as provided by subsection (2) of section
4 39-1604, it shall call a special election and submit to the legal
5 voters of the proposed road improvement district the question of
6 the organization of such district and the election of a board of
7 trustees who shall be resident taxpayers. Notice of such election
8 shall be given as provided in subsection (1) of section 39-1604.
9 At such election each legal voter resident within the proposed
10 road improvement district shall have a right to cast a ballot with
11 the words thereon, For road improvement district, or Against road
12 improvement district. ~~The ballots cast shall be received, returned,~~
13 ~~and canvassed in the same manner as is provided by law for county~~
14 ~~elections.~~ special election shall be conducted by mail as provided
15 in sections 32-953 to 32-959. The result of such election shall
16 be entered of record. If fifty-five percent of the votes cast are
17 in favor of the proposed district, such proposed district shall be
18 deemed an organized road improvement district. At the same election
19 there shall be elected three members of a board of trustees.
20 Such members so elected shall be the first board of trustees of
21 such district if the formation of the district is so approved
22 at such election. Such board of trustees shall hold office until
23 their successors are elected and qualified under the provisions of
24 section 39-1606. It shall elect a president and clerk substantially
25 as is provided for in sections 39-1606 and 39-1609.

1 Sec. 3. Section 39-1606, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 39-1606 (1) Any resident property owner desiring to file
4 for the office of trustee of a road improvement district may file
5 for such office with the county clerk or election commissioner of
6 the county in which the greater proportion in area of the district
7 is located, not later than forty-five days before the election, by
8 paying a filing fee of five dollars.

9 (2) (a) The term of office of every member of a board of
10 trustees of a road improvement district existing on the operative
11 date of this act shall be extended to the first Monday in October
12 following the expiration of the original term. Their successors
13 shall be elected for terms of six years at elections held on the
14 first Tuesday after the second Monday in September of odd-numbered
15 years. The term of office shall begin on the first Monday in
16 October after the election.

17 (b) The successors to the initial board of trustees of
18 a road improvement district shall be elected on the first Tuesday
19 after the second Monday in September of the first odd-numbered year
20 which is at least fifteen months after the organization of the
21 district pursuant to section 39-1605. One trustee shall be elected
22 for a term of two years, one trustee for a term of four years,
23 and one trustee for a term of six years, and thereafter their
24 respective successors shall be elected for terms of six years at
25 succeeding elections held on the first Tuesday after the second

1 Monday in September of odd-numbered years. The term of office shall
2 begin on the first Monday in October after the election.

3 (c) Elections under this subsection shall be conducted by
4 mail as provided in sections 32-953 to 32-959.

5 (3) At the first meeting of the trustees of such district
6 after the election of one or more members, at an election pursuant
7 to section 32-551, the board shall elect one of their number
8 president. Such district shall be a body corporate and politic
9 by name of Road Improvement District No. of
10 County or Counties, as the case may be, with power to sue,
11 be sued, contract, acquire and hold property, and adopt a common
12 seal. Each trustee shall receive as his or her salary the sum of
13 five dollars for each meeting.

14 Sec. 4. Section 39-1607, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 39-1607 If any trustee fails to qualify within sixty days
17 after receipt of his the certificate of election, the office to
18 which he or she was elected shall be declared vacant. Any vacancy,
19 in the board of trustees from any cause, may be filled by the
20 remaining trustees until the next general state election pursuant
21 to section 39-1606. At such election a trustee shall be elected by
22 the voters of the district for the balance of the unexpired term of
23 such trustee, if any.

24 Sec. 5. This act becomes operative on January 1, 2008.

25 Sec. 6. Original sections 39-1601, 39-1605, 39-1606, and

1 39-1607, Reissue Revised Statutes of Nebraska, are repealed.

2 Sec. 8. The following section is outright repealed:

3 Section 32-551, Reissue Revised Statutes of Nebraska.