

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 1117

Introduced by Pedersen, 39.

Read first time January 23, 2008

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to sanitary and improvement districts; to
2 amend section 31-727.03, Reissue Revised Statutes of
3 Nebraska; to change requirements regarding homeowners'
4 associations; to harmonize provisions; and to repeal the
5 original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 31-727.03, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 31-727.03 On or before December 31 of each year, the
4 clerk of each sanitary and improvement district shall file with the
5 register of deeds or, if none, the county clerk of the county or
6 counties in which the sanitary and improvement district is located
7 a statement updated each December 31 containing the following
8 information:

9 (1) The names of the members of the current board of
10 trustees of the district;

11 (2) The names of the current attorney, accountant, and
12 fiscal agent of the district;

13 (3) The warrant and the bond principal indebtedness of
14 the district as of the preceding June 30. Such statement shall
15 contain an acknowledgment that the warrant and indebtedness are
16 reflective of such date; and

17 (4) The current bond tax levy and the current operating
18 levy of the district, as described in section 31-739, as of
19 December 31; and -

20 (5) The annual amount of any fees, dues, or charges owing
21 to a homeowners' association when membership in the association
22 is mandatory for all property owners in the district and the
23 association (a) holds title to any real or personal property within
24 the district or (b) is financially responsible for the upkeep or
25 maintenance of any real or personal property within the district.

1 For any late filing of the statement, the sanitary and
2 improvement district shall be assessed a late fee of ten dollars
3 per day, not to exceed a total of three hundred dollars for each
4 late filing.

5 The real estate broker or salesperson or, if none,
6 the owner shall distribute the most recent statement filed in
7 accordance with this section to any prospective purchaser of any
8 real estate located within a sanitary and improvement district.
9 The statement shall be distributed on or before the date on which
10 the purchaser becomes obligated to purchase such real estate. The
11 exclusive remedy for failure to provide such statements shall be an
12 action for damages, and any such failure shall not affect title to
13 the real estate or the validity of the conveyance.

14 Sec. 2. In any sanitary and improvement district in which
15 a homeowners' association holds title to any real or personal
16 property within the district or is financially responsible for the
17 upkeep or maintenance of any real or personal property within the
18 district and membership in the association is mandatory for all
19 property owners in the district:

20 (1) Voting rights in the homeowners' association shall be
21 allocated on a uniform basis such as lot area, front footage, or a
22 similar determinable standard; and

23 (b) Any dues, fees, or charges of any kind owing to
24 the homeowners' association shall be allocated among all owners
25 of property within the sanitary and improvement district and

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1 calculated on a uniform basis such as lot area, front footage, or a
2 similar determinable standard.

3 Sec. 3. Original section 31-727.03, Reissue Revised
4 Statutes of Nebraska, is repealed.