

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 248

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 provide
5 for elections to be held by mail; to harmonize provisions;
6 to provide an operative date; to repeal the original
7 sections; and to outright repeal section 32-551, Reissue
8 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 definite
4 description of the territory to be embraced, (b) designating the
5 name of the proposed district, and (c) signed by ten percent of the
6 landowners within the limits of a proposed road improvement district
7 ~~shall be~~ is presented and filed with the county board of the
8 county ~~wherein~~ in which the greater portion of the area of the
9 proposed district is located, the county board of any such county
10 shall cause the question to be submitted to the legal voters of such
11 proposed road improvement district as provided in section 39-1605. If
12 fifty-five percent of those voting on the question are in favor of the
13 proposition, the district shall be organized. No lands included within
14 any municipal corporation shall be included in any road improvement
15 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, on
19 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 district.
23 The special election shall be conducted by mail as provided in
24 sections 32-953 to 32-959. If fifty-one percent of the votes cast on
25 the question at such election are in favor of such dissolution, the
26 board of trustees shall cause a record of such election and the vote
27 thereon to be made in the office of the county clerk ~~where~~ in the

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

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

22 Sec. 2. Section 39-1605, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 39-1605. After the determination by the county board, or a
25 majority thereof, as provided by subsection (2) of section 39-1604, it
26 shall call a special election and submit to the legal voters of the
27 proposed road improvement district the question of the organization of

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

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

22 39-1606. (1) Any resident property owner desiring to file
23 for the office of trustee of a road improvement district may file for
24 such office with the county clerk or election commissioner of the
25 county in which the greater proportion in area of the district is
26 located, not later than forty-five days before the election, by paying
27 a filing fee of five dollars.

1 (2)(a) The term of office of every member of a board of
2 trustees of a road improvement district existing on the operative date
3 of this act shall be extended to the first Monday in October
4 following the expiration of the original term. Their successors shall
5 be elected for terms of six years at elections held on the first
6 Tuesday after the second Monday in September of odd-numbered years.
7 The term of office shall begin on the first Monday in October after
8 the election.

9 (b) The successors to the initial board of trustees of a
10 road improvement district shall be elected on the first Tuesday after
11 the second Monday in September of the first odd-numbered year which
12 is at least fifteen months after the organization of the district
13 pursuant to section 39-1605. One trustee shall be elected for a term
14 of two years, one trustee for a term of four years, and one trustee
15 for a term of six years, and thereafter their respective successors
16 shall be elected for terms of six years at succeeding elections held
17 on the first Tuesday after the second Monday in September of
18 odd-numbered years. The term of office shall begin on the first
19 Monday in October after the election.

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

22 (3) At the first meeting of the trustees of such district
23 after the election of one or more members, ~~at an election pursuant~~
24 ~~to section 32-551,~~ the board shall elect one of their number
25 president. Such district shall be a body corporate and politic by
26 name of Road Improvement District No. of County
27 or Counties, as the case may be, with power to sue, be sued,

1 contract, acquire and hold property, and adopt a common seal. Each
2 trustee shall receive as his or her salary the sum of five dollars for
3 each meeting.

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

6 39-1607. If any trustee fails to qualify within sixty days
7 after receipt of ~~his~~ the certificate of election, the office to
8 which he or she was elected shall be declared vacant. Any vacancy,
9 in the board of trustees from any cause, may be filled by the
10 remaining trustees until the next ~~general state~~ election pursuant
11 to section 32-1606. At such election a trustee shall be elected by
12 the voters of the district for the balance of the unexpired term of
13 such trustee, if any.

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

15 Sec. 6. Original sections 39-1601, 39-1605, 39-1606, and
16 39-1607, Reissue Revised Statutes of Nebraska, are repealed.

17 Sec. 8. The following section is outright repealed: Section
18 32-551, Reissue Revised Statutes of Nebraska.