

AMENDMENTS TO LB116

Introduced by Urban Affairs.

1 1. Strike original section 1 and insert the following new section:

2 Section 1. Section 31-735, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:

4 31-735 (1) On the first Tuesday after the second Monday in September
5 which is at least fifteen months after the judgment of the district court
6 creating a sanitary and improvement district and on the first Tuesday
7 after the second Monday in September each two years thereafter, the board
8 of trustees shall cause a special election to be held, at which election
9 a board of trustees ~~of five in number~~ shall be elected. The board of
10 trustees shall have five members except as provided in subsection (2) of
11 this section. Each member elected to the board of trustees shall be
12 elected to a term of two years and shall hold office until such member's
13 successor is elected and qualified. Any person desiring to file for the
14 office of trustee may file for such office with the election
15 commissioner, or county clerk in counties having no election
16 commissioner, of the county in which the greater proportion in area of
17 the district is located not later than fifty days before the election. If
18 such person will serve on the board of trustees as a designated
19 representative of a limited partnership, general partnership, limited
20 liability company, public, private, or municipal corporation, estate, or
21 trust which owns real estate in the district, the filing shall indicate
22 that fact and shall include appropriate documentation evidencing such
23 fact. No filing fee shall be required. A person filing for the office of
24 trustee to be elected at the election held four years after the first
25 election of trustees and each election thereafter shall designate whether
26 he or she is a candidate for election by the resident owners of such
27 district or whether he or she is a candidate for election by all of the

1 owners of real estate located in the district. If a person filing for the
2 office of trustee is a designated representative of a limited
3 partnership, a general partnership, a limited liability company, a
4 public, private, or municipal corporation, an estate, or a trust which
5 owns real estate in the district, the name of such entity shall accompany
6 the name of the candidate on the ballot in the following form: (Name of
7 candidate) to represent (name of entity) as a member of the board. The
8 name of each candidate shall appear on only one ballot.

9 The name of a person may be written in and voted for as a candidate
10 for the office of trustee, and such write-in candidate may be elected to
11 the office of trustee. A write-in candidate for the office of trustee who
12 will serve as a designated representative of a limited partnership, a
13 general partnership, a limited liability company, a public, private, or
14 municipal corporation, an estate, or a trust which owns real estate in
15 the district shall not be elected to the office of trustee unless (a)
16 each vote is accompanied by the name of the entity which the candidate
17 will represent and (b) within ten days after the date of the election the
18 candidate provides the county clerk or election commissioner with
19 appropriate documentation evidencing his or her representation of the
20 entity. Votes cast which do not carry such accompanying designation shall
21 not be counted.

22 A trustee shall be an owner of real estate located in the district
23 or shall be a person designated to serve as a representative on the board
24 of trustees if the real estate is owned by a limited partnership, a
25 general partnership, a limited liability company, a public, private, or
26 municipal corporation, an estate, or a trust. Notice of the date of the
27 election shall be mailed by the clerk of the district not later than
28 sixty-five days prior to the election to each person who is entitled to
29 vote at the election for trustees whose property ownership or lease
30 giving a right to vote is of record on the records of the register of
31 deeds as of a date designated by the election commissioner or county

1 clerk, which date shall be not more than seventy-five days prior to the
2 election.

3 (2)(a) For any sanitary and improvement district, a person ~~persons~~
4 whose ownership or right to vote becomes of record or is received after
5 the date specified pursuant to subsection (1) of this section may vote
6 when such person establishes his or her ~~their~~ right to vote to the
7 satisfaction of the election board. At the first election and at the
8 election held two years after the first election, any person may cast one
9 vote for each trustee for each acre of unplatted land or fraction thereof
10 and one vote for each platted lot which he or she may own in the
11 district.

12 (b) This subdivision applies to a district until the board of
13 trustees amends its articles of association pursuant to subdivision (2)
14 (d) of this section. At the election held four years after the first
15 election of trustees, two members of the board of trustees shall be
16 elected by the legal property owners resident within such sanitary and
17 improvement district and three members shall be elected by all of the
18 owners of real estate located in the district pursuant to this section.
19 Every resident property owner may cast one vote for a candidate for each
20 office of trustee to be filled by election of resident property owners
21 only. Such resident property owners may also each cast one vote for each
22 acre of unplatted land or fraction thereof and for each platted lot owned
23 within the district for a candidate for each office of trustee to be
24 filled by election of all property owners. For each office of trustee to
25 be filled by election of all property owners of the district, every legal
26 property owner not resident within such sanitary and improvement district
27 may cast one vote for each acre of unplatted land or fraction thereof and
28 one vote for each platted lot which he or she owns in the district. At
29 the election held eight years after the first election of trustees and at
30 each election thereafter, three members of the board of trustees shall be
31 elected by the legal property owners resident within such sanitary and

1 improvement district and two members shall be elected by all of the
2 owners of real estate located in the district pursuant to this section,
3 ~~except that if more than fifty percent of the homes in any sanitary and~~
4 ~~improvement district are used as a second, seasonal, or recreational~~
5 ~~residence, the owners of such property shall be considered legal property~~
6 ~~owners resident within such district for purposes of electing trustees,~~
7 and at the election held six years after the first election of trustees
8 and at each election thereafter, three members of the board of trustees
9 shall be elected by the legal property owners resident within such
10 sanitary and improvement district and two members shall be elected by all
11 of the owners of real estate located in the district pursuant to this
12 section. If there are not any legal property owners resident within such
13 district or if not less than ninety percent of the area of the district
14 is owned for other than residential uses, the five members shall be
15 elected by the legal property owners of all property within such district
16 as provided in this section.

17 (c) Any public, private, or municipal corporation owning any land or
18 lot in the district may vote at an ~~such~~ election the same as an
19 individual. If more than fifty percent of the homes in any sanitary and
20 improvement district are used as a second, seasonal, or recreational
21 residence, the owners of such property shall be considered legal property
22 owners resident within such district for purposes of electing trustees.
23 For purposes of voting for trustees, each condominium apartment under a
24 condominium property regime established prior to January 1, 1984, under
25 the Condominium Property Act or established after January 1, 1984, under
26 the Nebraska Condominium Act shall be deemed to be a platted lot and the
27 lessee or the owner of the lessee's interest, under any lease for an
28 initial term of not less than twenty years which requires the lessee to
29 pay taxes and special assessments levied on the leased property, shall be
30 deemed to be the owner of the property so leased and entitled to cast the
31 vote of such property. When ownership of a platted lot or unplatted land

1 is held jointly by two or more persons, whether as joint tenants, tenants
2 in common, limited partners, members of a limited liability company, or
3 any other form of joint ownership, only one person shall be entitled to
4 cast the vote of such property. The executor, administrator, guardian, or
5 trustee of any person or estate interested shall have the right to vote.
6 No corporation, estate, or irrevocable trust shall be deemed to be a
7 resident owner for purposes of voting for trustees. Should two or more
8 persons or officials claim the right to vote on the same tract, the
9 election board shall determine the party entitled to vote. Such board
10 shall select one of their number chairperson and one of their number
11 clerk. In case of a vacancy on such board, the remaining trustees shall
12 fill the vacancy on such board until the next election.

13 (d) For any sanitary and improvement district which has been in
14 existence for at least ten years, which has less than seventy property
15 owners entitled to vote for trustees, which has at least two resident
16 property owners, and in which less than ten percent of the area of the
17 district is owned for other than residential uses, the board of trustees
18 may amend its articles of association as provided in section 31-740.01 to
19 provide for a reduction in the number of trustees on the board from five
20 members to three members to be effective at the beginning of the term of
21 office for the board of trustees elected at the next election. At the
22 next election and at each election thereafter, two members of the board
23 of trustees shall be elected by the legal property owners resident within
24 such sanitary and improvement district and one member shall be elected by
25 all of the owners of real estate located in the district pursuant to this
26 section. Every resident property owner may cast one vote for a candidate
27 for each office of trustee to be filled by election of resident property
28 owners only. Such resident property owners may also each cast one vote
29 for each acre of unplatted land or fraction thereof and for each platted
30 lot owned within the district for a candidate for the office of trustee
31 to be filled by election of all property owners. For the office of

1 trustee to be filled by election of all property owners of the district,
2 every legal property owner not resident within such sanitary and
3 improvement district may cast one vote for each acre of unplatted land or
4 fraction thereof and one vote for each platted lot which he or she owns
5 in the district.

6 (3) The election commissioner or county clerk shall hold any
7 election required by subsection (1) of this section by sealed mail ballot
8 by notifying the board of trustees on or before July 1 of a given year.
9 The election commissioner or county clerk shall, at least twenty days
10 prior to the election, mail a ballot and return envelope to each person
11 who is entitled to vote at the election and whose property ownership or
12 lease giving a right to vote is of record with the register of deeds as
13 of the date designated by the election commissioner or county clerk,
14 which date shall not be more than seventy-five days prior to the
15 election. The ballot and return envelope shall include: (a) The names and
16 addresses of the candidates; (b) room for write-in candidates; and (c)
17 instructions on how to vote and return the ballot. Such ballots shall be
18 returned to the election commissioner or county clerk no later than 5
19 p.m. on the date set for the election.