

LEGISLATIVE BILL 66

Approved by the Governor March, 30, 1979

Introduced by Clark, 47

AN ACT to amend sections 46-190 and 46-192, Reissue Revised Statutes of Nebraska, 1943, relating to irrigation; to provide procedures for the distribution of funds remaining after the discontinuance of an irrigation district; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 46-190, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-190. After a sale of the property and franchises of the district, the board of directors shall, with the amount realized from such sale, together with such other funds as such district may have, make settlement, payment and redemption, if possible, of all outstanding bonded and other indebtedness of the district, but shall in no case pay more than the market value of such outstanding bonds with interest up to the time of payment. In cases where bonds not yet due cannot be redeemed by reason of the refusal of the owner thereof to surrender them before due, the board may invest the surplus money of the district, after paying all debts that can be paid, in state, county or other safe bonds, bearing the same or greater rate of interest, if possible, than the district bonds thus outstanding, for the purpose of paying such outstanding bonds of the district when due. In case the amount realized from the sale of such district property, together with other money of the district, shall be insufficient for the payment of all the indebtedness of the district, assessments shall continue to be made against the lands included in the district in the manner provided by law for assessments to pay bonds and other indebtedness of irrigation districts, until a sufficient amount is raised to fully pay all obligations of such district.

Any balance of funds remaining after the sale or disposition of all property belonging to the district and after all obligations and indebtedness of the district have been paid or discharged shall be distributed by the county treasurer to all assessment payers of the district of record as of the date of the filing in the office of the Department of Water Resources of the report referred

to in section 46-192, Reissue Revised Statutes of Nebraska, 1943. Such distribution shall be made pro rata in accordance with the number of acres of irrigable land owned within the district as of the date of the last assessment against such land for the district prior to the date of the filing of such report.

Sec. 2. That section 46-192, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-192. After all the property of the district shall be disposed of as provided in sections 46-186 to 46-188, and except for any balance of funds remaining after all of the obligations of such district shall have been paid, the directors of such district shall file in the office of the county clerk of each county in which such district is located, and in the office of the Department of Water Resources, a report attested by the ~~clerk and seal~~ secretary of the board, stating that the district has disposed of its property and franchises, except for any balance of funds remaining, and become disorganized and has discontinued operation, which report shall be recorded in the miscellaneous record of such counties. Each easement and right-of-way, whether owned by the district in fee or otherwise, shall automatically be terminated and extinguished and such interest together with any canal or other structure shall become the property of the owner of the land upon which such easement, right-of-way, canal, or other structure is located, or if owned in fee by the district, shall become the property of the owner of the land adjacent thereto, upon the filing of the report with the Department of Water Resources. If any person, persons or corporation, having any claim against such district not settled or disposed of at the time of the filing of such report, shall fail and neglect to bring suit upon such claim within five-years one year from the time of the filing of such report, such claim or claims shall be forever barred as against such district as well as against all persons and property therein.

Sec. 3. That original sections 46-190 and 46-192, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.