

LEGISLATIVE BILL 1078

Approved by the Governor March 23, 1988

Introduced by Korshoj, 16

AN ACT relating to drainage districts; to amend sections 31-409 and 31-409.02, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the election of directors; to provide for precinct elections as prescribed; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 31-409, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

31-409. A majority of the directors shall be residents of the county or counties in which the district is located. Any Except as provided in section 3 of this act, any person, or the officer or representative of any corporation, owning or controlling any land assessed for benefits, may be a director. The person elected a director receiving the least number of votes shall hold office for one year, the next higher for two years, and so on, and the term of each shall be adjusted so as to make the term of one director expire each year. The officers, consisting of a president, a treasurer, and a secretary, shall be chosen by the directors from their own number, and for a term of one year. Unless the directors choose by February fifteenth of a given year to use the procedures provided in section 31-409.01, annual elections of directors shall be held from 8:00 a.m. until 6:00 p.m., on the second Tuesday of April each year, at the county courthouse or such other place designated by the board pursuant to section 3 of this act, but the annual election shall be omitted if such date occurs less than nine months after the first election. Vacancies in the office of directors may be filled by the remaining directors until the next election. All directors and officers shall hold office until their successors are elected and qualified.

Sec. 2. That section 31-409.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

31-409.02. Notice of an annual election held

pursuant to section 31-409 or 31-409.01 or section 3 of this act shall be published once each week for two consecutive weeks in a newspaper of general circulation in the district, or the precinct if the district has been divided into voting precincts as provided in section 3 of this act, designated by the district. The last publication to be shall not be less than thirty days prior to the election. The notice shall include the date of the election, the number of directors to be elected, the names of those whose terms will expire, and the procedure for filing as a candidate.

Sec. 3. (1) The board of directors may divide the district into two or more voting precincts for the purpose of electing directors of the district. The precincts shall be established to include, as nearly as possible, equal acreage if the district levies taxes based on valuation or equal units of benefit if the district taxes on the basis of apportionment of benefits. Upon completion of the division the board shall prepare a subdivision plat and file the plat with the county clerk of each county containing affected land. The board shall provide for the phasing in of precinct voting for all elections subsequent to the decision to subdivide the district beginning with the first such election.

(2) When a district has been divided into two or more voting precincts, an equal number of directors shall be elected in each precinct and the remaining directors, if any, shall be elected at large. Each director elected by precinct shall own land assessed for benefits in the precinct from which he or she is elected. Precinct elections shall be held at a location within the precinct designated by the board or as provided in section 31-409.01.

Sec. 4. That original sections 31-409 and 31-409.02, Reissue Revised Statutes of Nebraska, 1943, are repealed.