

LEGISLATIVE BILL 470

Approved by the Governor April 24, 1995

Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Hall, 7; Preister, 5; Robinson, 16; Schimek, 27

AN ACT relating to sanitary and improvement districts; to amend sections 31-705 and 31-707, Reissue Revised Statutes of Nebraska, and section 31-733, Revised Statutes Supplement, 1994; to increase salaries for trustees and clerks; and to repeal the original sections.

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

Section 1. Section 31-705, Reissue Revised Statutes of Nebraska, is amended to read:

31-705. At the first general state election held in November after the organization of the district, there shall be elected two trustees for a term of two years and three trustees for a term of four years. Thereafter their respective successors shall be elected for a term of four years at the general state election held in November immediately prior to the expiration of their respective terms. Any qualified person desiring to file for office of trustee may file for ~~said~~ the office with the county clerk, or election commissioner in counties having election commissioners, of the county in which the greater proportion in area of the district is located, not later than forty-five days before the election by paying a filing fee of five dollars. The names of all persons so filing shall be printed on the ballot but voters may write in the names of any qualified persons for whom they may desire to vote. At the first meeting after election of one or more members, the board shall elect one of their number president. Such district shall be a body corporate and politic by name of Sanitary and Improvement District of, with power to sue, be sued, contract, acquire and hold property, and adopt a common seal. Each trustee shall be paid fifteen dollars for each meeting of the board which he or she attends, except that each trustee shall be paid for no more than twelve meetings in each calendar year. The trustees shall each receive as his salary the sum of three dollars for each meeting.

Sec. 2. Section 31-707, Reissue Revised Statutes of Nebraska, is amended to read:

31-707. The board of trustees shall elect one of their members clerk and have the power to appoint, employ, and pay an engineer, who shall be removable at pleasure. The clerk may be paid not to exceed ~~six~~ twelve hundred dollars per year by ~~said~~ the board. The board shall have power to pass all necessary ordinances, orders, rules, and regulations for the necessary conduct of its business and to carry into effect the objects for which such sanitary and improvement district is formed. Immediately after each regular and special meeting of ~~said~~ the board, it shall cause to be published, in one newspaper of general circulation in the district, a brief statement of its proceedings, including an itemized list of bills and claims allowed, specifying the amount of each, to whom paid, and for what purpose. No ~~7~~ PROVIDED, no publication shall be required unless ~~the same~~ it can be done at an expense not exceeding one-third of the rate for publication of legal notices.

Sec. 3. Section 31-733, Revised Statutes Supplement, 1994, is amended to read:

31-733. Within thirty days after the district court ~~shall have~~ has declared the district a public corporation, the trustees appointed by the court shall meet and elect one of their number chairperson and one of their number clerk of the district. Except as otherwise provided, the board shall (1) adopt a seal, bearing the name of the district, (2) keep a record of all of its proceedings which shall be open to inspection by all owners of real estate in the district, (3) have the power to pass all necessary ordinances, orders, rules, and regulations for the necessary conduct of its business and to carry into effect the objects for which ~~such~~ the sanitary and improvement district was formed, and (4) have authority to appoint, employ, and pay an engineer or firm of engineers, an attorney, a fiscal agent, and such clerical help as may be needed, who shall each be removable at the pleasure of the board or administrator. The clerk of the board shall be paid a salary not to exceed ~~six~~ twelve hundred dollars per year. Upon the appointment of an administrator for the district pursuant to sections 31-771 to 31-780, the authority of the trustees to exercise the powers granted in this section shall be suspended, except that the board shall continue in existence and the administrator shall periodically, but not less frequently than monthly, report

to the board in writing on all decisions and actions taken by the administrator in managing the affairs of the district. The administrator shall, during the period of his or her appointment, possess exclusive authority to exercise the powers and duties conferred in sections 31-727, 31-727.02, 31-733, 31-734, 31-737, 31-739, 31-740, 31-741 to 31-748, 31-749 to 31-756, 31-759, and 31-764 to 31-770. Each trustee shall be paid three fifteen dollars for each meeting of the board which he or she attends, except that each trustee shall be paid for no more than twelve meetings in each calendar year. Each trustee ~~and~~ shall be allowed reimbursement for mileage as provided in section 81-1176.

Sec. 4. Original sections 31-705 and 31-707, Reissue Revised Statutes of Nebraska, and section 31-733, Revised Statutes Supplement, 1994, are repealed.