

LEGISLATIVE BILL 1502

Approved by the Governor March 28, 1972

Introduced by Committee on Public Works, C. W. Holmquist, 16th District, Chairman; Irving P. Wiltse, 1st District; Leslie A. Stull, 49th District; Roland A. Luedtke, 28th District; LeRoy Pfister, 17th District; Richard Lewis, 38th District; Ernest Chambers, 11th District; Richard F. Proud, 12th District

AN ACT to amend section 46-1012, Reissue Revised Statutes of Nebraska, 1943, relating to rural water districts; to provide requirements for the attachment of land to such districts; to provide for the consolidation of such districts; and to repeal the original section. Be it enacted by the people of the State of Nebraska,

Section 1. That section 46-1012, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-1012. Owners of land outside any district which can economically be served by the facilities of the district, may petition to become attached to such district. Such petition for attachment shall be supported by signatures of landowners in the same manner as prescribed in section 46-1003. Such petition shall be filed with the county clerk addressed to the county board and shall define the boundaries of lands owned by the petitioners desired to be attached, and shall state (1) the name of the district to which attachment is desired; (2) that such lands are without an adequate water supply; and (3) that attachment to such district will be conducive to and will promote the public health, convenience and welfare.

Sec. 2. Two or more districts incorporated in the manner provided by sections 46-1001 to 46-1020 prior to July 1, 1972, may be consolidated by order of the county board of the county in which the district with the largest acreage of land was originally incorporated and organized.

Sec. 3. The participating members of each district to be consolidated shall first authorize such consolidation by majority vote of such members present at a meeting held upon not less than ten days' written notice to such members stating the purpose of such meeting. A petition addressed to the county board,

executed by the chairman and secretary of each district seeking consolidation, shall (1) set forth the names of the districts seeking consolidation; (2) be accompanied by a map showing the boundaries of such districts; (3) state that the consolidation has been approved by a majority vote of the participating members of each district at a meeting held upon notice as required in this section; (4) state that the holders of bonds and other instruments of indebtedness of each of such districts have consented to the proposed consolidation and have agreed in writing to the assumption of such indebtedness by the proposed consolidated district; and (5) state that the consolidated district will provide adequate water service within the area of the consolidated district.

Sec. 4. Whenever a petition as provided in section 3 of this act is filed with the county clerk, he shall thereupon give notice to the county board of the filing and pendency of such petition and the county board shall forthwith fix a time and place within thirty days from the date of filing of the petition for a hearing of the same, and the county clerk shall, at least seven days before the date fixed for such hearing, give or send by registered or certified mail written notice thereof to the chairman of each district seeking consolidation, and shall transmit to the Director of Water Resources one copy of the petition and notice of the time and place the same is set for hearing. The county clerk shall also, at least seven days before the date fixed for such hearing, cause a notice of the hearing to be published in a newspaper of general circulation in the county. The published notice shall (1) identify by name the districts seeking consolidation; (2) state the time and place of the hearing; (3) state that all interested persons may appear and be heard; and (4) state that a consolidated water district shall have no power or authority to levy any taxes whatsoever.

Sec. 5. If, at the time and place set for the hearing, the county board shall find and determine that (1) notice of the hearing has been given as required by section 4 of this act; (2) the proposed consolidation has been approved by a majority vote of the participating members of each district seeking consolidation as provided by section 3 of this act; and (3) that the statements contained in the petition for consolidation are true, the county board shall thereupon enter an order declaring the area within the boundaries of the rural water districts seeking consolidation to be incorporated as a consolidated rural water district under the name of Consolidated Rural Water District No. County, Nebraska (inserting number in order of

consolidation and name of county), and such consolidated district shall thereupon assume all of the obligations and liabilities and shall be entitled to the benefits, franchises and privileges of each of the districts consolidated by such order, and shall have all of the powers of rural water districts.

Sec. 6. Immediately following the entry of the order of consolidation by the county board, the members of the boards of districts of the former rural water districts which were consolidated by such order shall meet and elect from among themselves a chairman, vice-chairman, secretary and treasurer. The offices of secretary and treasurer may be held by one person. No more than two of such offices may be held by persons from one of such former rural water districts. The members of such boards shall adopt the by-laws of one of such former districts with such changes and modifications as the directors shall deem necessary. The members of such boards of directors shall continue to serve as members of the board of directors of the consolidated district until the next annual meeting of the consolidated district as fixed by the by-laws, at which time a board of directors, not to exceed nine in number, shall be elected for staggered terms of one, two, and three years in the manner prescribed for the election of an original board under section 46-1016.

Sec. 7. Participating members of each district forming a consolidated district shall be deemed to be participating members of the consolidated district.

Sec. 8. That original section 46-1012, Reissue Revised Statutes of Nebraska, 1943, is repealed.