

LEGISLATIVE BILL 978

Approved by the Governor March 12, 1990

Introduced by Pirsch, 10

AN ACT relating to retirement communities and subdivisions; to amend sections 76-1301 and 76-1313, Reissue Revised Statutes of Nebraska, 1943; to change the representation of residents, purchasers, and lessees on the governing body; and to repeal the original sections.

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

Section 1. That section 76-1301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-1301. The Legislature finds that, in order to insure the economic security of Nebraskans of retirement age it is necessary to require those persons who develop retirement subdivisions and communities to make a full and periodic disclosure of their fiscal condition.

The Legislature also finds it to be in the best interest of the tenants of ~~such concerns a retirement subdivision or community~~, as well as in the best tradition of participatory democracy, that such tenants have a voice in the affairs of ~~such concerns the subdivision or community~~ through ~~liaison~~ representation on the board of directors when the retirement ~~subdivision or community~~ is owned and managed by a nonprofit entity.

Sec. 2. That section 76-1313, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-1313. When the developer of a Nebraska retirement subdivision or community is incorporated under Nebraska statutes as a nonprofit corporation; and when such corporation governs the management of the retirement subdivision or community, then:

(1) The residents, purchasers, or lessees of lands or units in the subdivision or community shall annually have the opportunity to democratically select and designate one ~~individual or more individuals, not to exceed one-third of the number of other members of the governing body~~, to represent the residents, purchasers, and lessees as a liaison representative before and to

~~act as members of the governing body of the corporation. Such liaison representative The representatives shall have the right to be present at all meetings, including committee meetings and executive sessions, of the governing body, to speak and to express opinions, but shall not have the right and to vote on any of the business to come before the governing body. Such liaison representative The representatives shall be deemed to have been duly installed and to have his or her term their terms commence upon his or her their election;~~

(2) ~~The election provided for in subdivision (1) of this section shall be conducted in total by the residents, purchasers, and lessees described in subdivision (1) of this section pursuant to rules adopted by them in open session; and~~

(3) ~~The developer shall in no way attempt to interfere with, influence, or abridge the right of the residents, lessees, and purchasers to organize and conduct the aforementioned election; nor or the results of that the election.~~

Sec. 3. That original sections 76-1301 and 76-1313, Reissue Revised Statutes of Nebraska, 1943, are repealed.