

LEGISLATIVE BILL 186

Approved by the Governor March 1, 1971

Introduced by Duke Snyder, 14th District

AN ACT to amend section 31-436, Reissue Revised Statutes of Nebraska, 1943, relating to drainage; to authorize a city of the metropolitan class to assume operation and maintenance of a drainage district as prescribed; to provide for transfer and assumption of responsibilities and obligations; to provide taxes; to provide for dividends; and to repeal the original section.

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

Section 1. That section 31-436, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

31-436. (1) If there are no debts outstanding, the board of directors may, on its own motion or on the request in writing of ten electors, submit the question of dissolution of the district after due notice thereof is given by publication as provided in section 31-418. If three-fifths of the votes cast on the question at such election are in favor of such dissolution, the officers thereof shall cause a record of such election and the vote thereon to be made in the office of the county clerk of the proper county, and the drainage district shall thereupon stand dissolved.

(2) In case a drainage district is dissolved, as authorized in subsection (1) of this section, the funds on hand or to be collected shall be held by the treasurer until the distribution thereof is approved. The directors of the district shall petition the district court, of the county in which the petition to form the district was filed, for an order approving the distribution of such funds to the landowners as a dividend on the same basis as collected.

(3) Whenever the governing body of a city of the metropolitan class shall find and determine by resolution that it is in the best interest of such city to assume the operation and maintenance of a drainage district, such drainage district shall transfer and convey its rights-of-way, real and personal property and all of its assets to a city of the metropolitan class and the city of the metropolitan class shall assume the

responsibilities and obligations of such district. Upon the adoption of such a resolution, the board of directors of the district shall pay all of the outstanding obligations of the district, close out all of its affairs, and file a notice of dissolution of the district with the county clerk. Notwithstanding the provisions of subsection (2) of this section, all of the funds remaining after the obligations of the district are fully paid shall be transferred to the general fund of the city of the metropolitan class which has assumed the obligations and responsibilities of the district, and no dividends shall be paid to landowners upon such transfer of the assets, rights-of-way, and responsibilities of the district to a city of the metropolitan class as provided in this section.

(4) In the event that a transfer and conveyance of the real and personal property, assets, obligations, and responsibilities of the district is made to a city of the metropolitan class, taxes shall no longer be collected for the maintenance of the improvements of the district and the cost of maintaining the improvements shall be borne as a general obligation of the city of the metropolitan class.

Sec. 2. That original section 31-436, Reissue Revised Statutes of Nebraska, 1943, is repealed.