

82a-1025. Same; election for approval of organization of district; secretary of state to issue certificate of incorporation, when; action to attack legality. (a) Within ten (10) days after receipt of a certified copy of the chief engineer's report approving the petition, or the petition as amended, the chairman of the steering committee shall call a meeting of the committee. The committee shall meet at the time and place fixed in the notice and shall provide by resolution for the calling of an election at which all eligible voters of the district shall be entitled to vote on the question of whether the district should be organized in accordance with the petition as approved by the chief engineer. The steering committee shall cause a notice of the election to be published once each week for three (3) consecutive weeks in a newspaper or newspapers of general circulation within the proposed district, the first publication to be not less than twenty-eight (28) days prior to such election. If the proposed district lies in more than one county, a similar notice shall be published in a newspaper of general circulation in each of the counties in which a part of the proposed district is located. The notice shall set forth when and where the election shall be held and the proposition to be voted on. It shall contain a copy of the petition as approved by the chief engineer (omitting the map attached as an exhibit) and shall be signed by the chairman and attested by the secretary of the steering committee. The steering committee shall conduct the election, canvass the vote, and certify the results to the secretary of state.

(b) If a majority of the votes cast are in favor of the organization and creation of the district, the secretary of state shall issue to the steering committee a certificate of incorporation for the district, which shall be filed of record in the office of the register of deeds of each county in which all or a portion of the district lies. Upon such recordation, the district shall be authorized to function in accordance with the provisions of this act.

(c) If a majority of those voting on the proposition vote against the organization and creation of the district, the secretary of state shall endorse that fact on the face of the petition and the proceedings shall be closed.

(d) No action attacking the legality of the incorporation of any groundwater management district organized under this act shall be maintained unless commenced within ninety (90) days after the issuance of the certificate of incorporation for a district by the secretary of state, and any alleged illegality of the incorporation of any district shall not be interposed as a defense to any action brought after that time.

History: L. 1972, ch. 386, § 6; July 1.