

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 710

FINAL READING

Introduced by Pahls, 31.

Read first time January 09, 2008

Committee: Revenue

A BILL

1 FOR AN ACT relating to the Land Reutilization Act; to amend
2 sections 77-3206, 77-3207, 77-3210, 77-3212, and 77-3213,
3 Reissue Revised Statutes of Nebraska; to require notice
4 of sale of real property by a land reutilization
5 authority as prescribed; to harmonize provisions; and
6 to repeal the original sections.

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

1 Section 1. No authority created pursuant to section
2 77-3201 shall offer for sale any parcel of real property without
3 notifying, in writing, each owner of adjacent real property, on
4 record, that the authority intends to offer such parcel for sale.
5 The notice shall include the legal description of such parcel and
6 shall be mailed at least forty-five days before the parcel is
7 offered for sale.

8 Sec. 2. Section 77-3206, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 77-3206 It shall be the duty of such authority to
11 administer the tax-delinquent lands as follows:

12 (1) Such authority shall immediately assume possession
13 and control of all real estate acquired by it under the ~~provisions~~
14 ~~of sections 77-3201 to 77-3213~~ Land Reutilization Act and proceed
15 to inventory and appraise such land and thereafter keep and
16 maintain a perpetual inventory of such real estate, except that
17 individual parcels may be consolidated and grouped or regrouped for
18 economy, utility, or convenience;

19 (2) ~~It~~ Such authority shall classify such land as to its
20 use into the following three classifications:

21 (a) Suitable for private use;

22 (b) Suitable for use by a public agency; and

23 (c) Not usable in its present condition or situation
24 and held as a public land reserve. Any parcel of property may be
25 reclassified by a three-fifths vote of the commissioners;

1 (3) Such authority shall administer all property
2 described in subdivision (2)(a) of this section in accordance with
3 subdivision (4) of this section. Every effort shall be made to
4 sell such property at a price as close to its appraised value as
5 possible. Property described in subdivisions (2)(b) and (2)(c) of
6 this section may be transferred at no cost by the authority upon
7 request of and to a public agency upon submission of a plan of use
8 for the property by such public agency to the land reutilization
9 commissioners. If the property is transferred at no cost to any
10 public agency and such public agency shall then sell or otherwise
11 dispose of such property within ten years for any consideration,
12 the proceeds of such sale or disposal shall be returned to
13 the commissioners who shall in turn distribute the proceeds in
14 accordance with the ~~provisions of sections 77-3201 to 77-3213.~~
15 act. If the commissioners do not give an affirmative vote to the
16 request for transfer, the authority may dispose of the property
17 in accordance with subdivision (4) of this section. Properties
18 described in subdivision (2)(c) of this section shall be studied
19 and recommendations made to taxing authorities as to possible
20 uses for such real estate. In furtherance of this objective, such
21 authority shall have access to any and all city and county records
22 at any time and may call upon any and all city and county officers,
23 departments, boards, planning commissions, or other commissions
24 for studies, statistics, or recommendations. Such authority shall
25 prepare a list of all land described in subdivision (2)(a) of this

1 section, which list shall be corrected and amended from time to
2 time in the discretion of the commissioners. Such commissioners may
3 make a charge not to exceed one dollar for each copy of such list,
4 which charge shall be used to help defray the costs of preparing
5 such list. Any person may purchase a copy of such list. Any real
6 estate agent or broker licensed to do business in the city may,
7 when authorized by the commissioners, sell any such property upon
8 the terms and conditions imposed by the commissioners, and the
9 commissioners may pay a reasonable real estate commission. Nothing
10 in the act ~~+ PROVIDED, that nothing in sections 77-3201 to 77-3213~~
11 shall prohibit the commissioners from selling or exchanging any
12 such real estate directly to or with any purchaser;

13 (4) Such commissioners shall manage, maintain, protect,
14 rent, lease, repair, insure, alter, sell, trade, exchange,
15 or otherwise dispose of any such real estate on such terms
16 and conditions as may be determined in the sole discretion
17 of the commissioners in accordance with section 77-3205. Such
18 commissioners may assemble tracts or parcels of real estate for
19 public parks or other public purposes and to such end may exchange
20 parcels and otherwise effectuate such purposes by agreement with
21 any taxing authority; and

22 (5) Such authority shall adopt rules and regulations
23 consistent with ~~sections 77-3201 to 77-3213~~ the act and shall keep
24 records of all of its transactions, which records shall be open
25 to inspection of any taxing authority in the county at any time.

1 There shall be an annual audit of the affairs, accounts, expenses,
2 and financial transactions of such authority by certified public
3 accountants as of December 31 of each year, which accountants shall
4 be employed by the commissioners on or before November 1 of each
5 year, and certified copies of such audit shall be furnished to the
6 appointing authorities and shall be available for public inspection
7 at the offices of such appointing authorities.

8 Sec. 3. Section 77-3207, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 77-3207 (1) The commissioners may appoint a director and
11 such other employees as are deemed necessary to carry out the
12 responsibilities and duties imposed by ~~sections 77-3201 to 77-3213~~
13 the Land Reutilization Act and may incur such other reasonable
14 and proper costs and expenses related thereto. If such costs and
15 expenses exceed the amount of funds available to the authority
16 under the ~~provisions of sections 77-3201 to 77-3213,~~ act, the
17 authority shall obtain approval for such additional or supplemental
18 needs. Such appropriations shall be considered advances to the
19 authority subject to repayment from funds accumulated by the
20 authority under the ~~provisions of sections 77-3201 to 77-3213.~~ act.

21 The county treasurer's office shall handle all such
22 appropriated expense funds and disburse the same under the
23 provisions for handling other expenditures.

24 The authority shall deposit all funds received under the
25 ~~provisions of sections 77-3201 to 77-3213~~ act with the county

1 treasurer of the county and make disbursements therefrom upon
2 receipt of vouchers duly authorized by the authority under the
3 ~~provisions of sections 77-3201 to 77-3213~~ act and in accordance
4 with standard procedures adopted by and approved by the county
5 treasurer.

6 (2) The fiscal year of the authority shall commence on
7 January 1 of each year. The authority shall audit all claims for
8 the expenditure of money and the chairman or vice-chairman thereof
9 shall draw warrants therefor from time to time.

10 Sec. 4. Section 77-3210, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 77-3210 (1) Neither the members nor any salaried employee
13 of the authority shall receive any compensation, emolument, or
14 other profit directly or indirectly from the rental, management,
15 purchase, sale, or other disposition of any lands held by
16 such authority other than the salaries, expenses, and emoluments
17 provided for in ~~sections 77-3201 to 77-3213.~~ the Land Reutilization
18 Act.

19 (2) Any person convicted of violating any provision
20 of this section shall be guilty of a felony and shall, upon
21 conviction thereof, be punished by imprisonment in a Department of
22 Correctional Services adult correctional facility not less than two
23 years nor more than five years.

24 Sec. 5. Section 77-3212, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 77-3212 (1) The title to any real estate which shall
2 vest in the authority under the ~~provisions of sections 77-3201 to~~
3 ~~77-3213~~ Land Reutilization Act shall be held by the authority in
4 trust for the tax bill owners and taxing authorities having an
5 interest in any tax liens which were foreclosed, as their interests
6 may appear in the judgment of foreclosure.

7 (2) The title to any real estate which shall vest in
8 any purchaser or the authority upon confirmation of such sale by
9 the court shall be an absolute estate in fee simple, subject to
10 rights-of-way, easements, and covenants thereon and subject to all
11 rights of redemption provided by law or the Constitution.

12 Sec. 6. Section 77-3213, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 77-3213 Sections 77-3201 to 77-3213 and section 1 of this
15 act shall be known and may be cited as the Land Reutilization Act.

16 Sec. 7. Original sections 77-3206, 77-3207, 77-3210,
17 77-3212, and 77-3213, Reissue Revised Statutes of Nebraska, are
18 repealed.