

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 360

Introduced by Cook, 13.

Read first time January 16, 2009

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to the Land Reutilization Act; to amend
2 sections 77-3201, 77-3203, 77-3205, and 77-3211, Reissue
3 Revised Statutes of Nebraska, and sections 77-3204 and
4 77-3207, Revised Statutes Cumulative Supplement, 2008; to
5 authorize the creation of an authority by a city of the
6 metropolitan class; and to repeal the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 77-3201, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 77-3201 (1) There may be created within each county an
4 authority for the management, sale, transfer, and other disposition
5 of tax-delinquent lands, which authority shall be known as the Land
6 Reutilization Authority of the County of It shall
7 have authority to accept the grant of any interest in real property
8 made to it or to accept gifts and grant-in-aid assistance. The
9 authority shall have and exercise all the powers conferred by the
10 Land Reutilization Act necessary and incidental to the effective
11 management, sale, transfer, or other disposition of real estate
12 acquired under and by virtue of the foreclosure of the lien for
13 delinquent real estate taxes, and in the exercise of its powers,
14 the authority shall be deemed to be a public corporation acting in
15 a governmental capacity and a political subdivision of this state.

16 (2) The authority shall foster the public purpose of
17 returning land which is in a nonrevenue-generating nontax-producing
18 status to effective utilization in order to provide housing, new
19 industry, and jobs for the citizens of the county and new tax
20 revenue for the county.

21 (3) In counties in which a city of the metropolitan class
22 is located, such a city may create an authority for the management,
23 sale, transfer, and other disposition of tax-delinquent lands which
24 shall be known as the Land Reutilization Authority of the City
25 of Such authority shall have all of the powers and

1 duties granted to an authority by the act, except that such an
2 authority shall be a division of the planning department of such
3 city and shall not be deemed to be a public corporation acting
4 in a governmental capacity and a political subdivision of this
5 state, independent of the city creating the authority. All of the
6 acts of such an authority shall be the acts of such city. If a
7 land reutilization authority for the county in which is situated
8 a city of the metropolitan class exists at the time of creation
9 of an authority by a city of the metropolitan class, the existing
10 authority of the county shall cease to exist within one hundred
11 eighty days after the creation of the land reutilization authority
12 of such city and any real property held by such land reutilization
13 authority of the county shall be conveyed to the newly created
14 authority of the city of the metropolitan class.

15 Sec. 2. Section 77-3203, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 77-3203 (1) In each county which creates an authority
18 pursuant to subsection (1) of section 77-3201, there is hereby
19 created a Land Reutilization Commission which shall be composed
20 of at least three members, one of whom shall be appointed by the
21 governing body of the most populous city within the county, one
22 of whom shall be appointed by the board of county commissioners,
23 and one of whom shall be appointed by the board of education of
24 the school district serving the most populous city of the county.
25 At the request of the governing body of a city of the first or

1 second class within the county, which is not the most populous
2 city in the county, or the board of education of a school district
3 located predominately within the county, which is not serving the
4 most populous city of the county, the county board shall authorize
5 the appointment of additional members to the Land Reutilization
6 Commission, not to exceed a maximum total of seven members of
7 the commission. The additional members of the commission shall be
8 appointed by the governing body of the respective city or cities
9 of the first or second class or by the board of education of the
10 respective school district or districts. If necessary to establish
11 an odd number of commission members, the county board may appoint
12 a member from a municipality or school district within the county
13 which is not represented on the commission. The members shall serve
14 at the pleasure of the respective appointing authority and may
15 be employees of the appointing authority. No member shall receive
16 compensation for serving on the commission.

17 (2) Any vacancy in the office of commissioner shall be
18 filled by the same appointing authority which made the original
19 appointment.

20 (3) In a city of the metropolitan class which creates
21 an authority pursuant to subsection (3) of section 77-3201, there
22 is hereby created a Land Reutilization Commission which shall be
23 composed of a minimum of three members of the planning department
24 of the city of the metropolitan class, appointed by its director.
25 The members shall serve at the pleasure of the director. No member

1 shall receive compensation for serving on the commission.

2 Sec. 3. Section 77-3204, Revised Statutes Cumulative
3 Supplement, 2008, is amended to read:

4 77-3204 (1) The members of ~~the~~ a Land Reutilization
5 Commission shall meet immediately after being appointed and
6 qualified and shall select a chairperson, a vice-chairperson, and
7 a secretary.

8 (2) Each commissioner shall furnish a surety bond in a
9 penal sum of not less than fifteen thousand dollars, the premium of
10 such bond to be paid by the authority from which the commissioner
11 was appointed or which he or she represents. The bond shall
12 be issued by a surety company licensed to do business in the
13 State of Nebraska, shall be conditioned to guarantee the faithful
14 performance of all duties under the Land Reutilization Act, and
15 shall be written to cover all the commissioners.

16 (3) Before entering upon the duties of his or her office,
17 each commissioner shall take and subscribe to the following oath:

18 State of Nebraska)

19) ss.

20 County of)

21 I,, do solemnly swear that
22 I will support the Constitution of the United States, and the
23 Constitution of the State of Nebraska, that I will faithfully
24 and impartially discharge my duties as a member of the Land
25 Reutilization Authority of the ~~county,~~ County of

1 or City of, that I will, according to my best
 2 knowledge and judgment, administer tax-delinquent lands held by me
 3 in trust according to the laws of this state and for the benefit
 4 of the public bodies and the tax bill owners which I represent, so
 5 help me God.

6

7 Subscribed and sworn to this day of
 8 20....

9 My commission expires:

10 Notary Public

11 Sec. 4. Section 77-3205, Reissue Revised Statutes of
 12 Nebraska, is amended to read:

13 77-3205 (1) The authority shall be a continuing body
 14 and shall have and adopt an official seal which shall bear on
 15 its face the words Land Reutilization Authority of the County of
 16 or City of, and shall
 17 have the power to issue deeds in its name, which deeds shall
 18 be signed by the chairperson or vice-chairperson and attested by
 19 the secretary, and shall have the general power to administer
 20 its business as any other corporate body. A land reutilization
 21 authority of a city of the metropolitan class shall issue deeds
 22 in the name of such city and such city, through its employees
 23 designated as the commission members, shall have general powers to
 24 administer the authority's business.

25 (2) The authority may convey title to any real estate

1 sold or conveyed by it by general or special warranty deed, and
2 may convey an absolute title in fee simple, without in any case
3 procuring any consent, conveyance, or other instrument from the
4 beneficiaries for which it acts. Each such deed shall recite
5 whether the selling price represents a consideration equal to or in
6 excess of two-thirds of the appraised value of such real estate so
7 sold or conveyed. If such selling price represents a consideration
8 of less than two-thirds of the appraised value of such real estate,
9 the approval of such selling price shall be by unanimous action of
10 the authority and evidenced by a copy of such action duly certified
11 to by its secretary and attached to and made a part of such
12 deed. In the event that unanimous action of the authority is not
13 obtained, then the commissioners shall first procure the consent to
14 such selling price of not less than a majority of the appointing
15 authorities, which consent shall be evidenced by a copy of the
16 action of each such appointing authority duly certified to by its
17 clerk or secretary and attached to and made a part of such deed.
18 In the case of a land reutilization authority for a city of the
19 metropolitan class, the commissioners shall procure the planning
20 director's consent.

21 Sec. 5. Section 77-3207, Revised Statutes Cumulative
22 Supplement, 2008, is amended to read:

23 77-3207 (1) The commissioners may appoint a director and
24 such other employees as are deemed necessary to carry out the
25 responsibilities and duties imposed by the Land Reutilization Act

1 and may incur such other reasonable and proper costs and expenses
2 related thereto. A land reutilization authority of a city of the
3 metropolitan class shall utilize only city employees for such
4 responsibilities and duties. If such costs and expenses exceed the
5 amount of funds available to the authority under the act, the
6 authority shall obtain approval for such additional or supplemental
7 needs. Such appropriations shall be considered advances to the
8 authority subject to repayment from funds accumulated by the
9 authority under the act.

10 The county treasurer's office, or city treasurer's office
11 in the case of an authority created pursuant to subsection (3) of
12 section 77-3201, shall handle all such appropriated expense funds
13 and disburse the same under the provisions for handling other
14 expenditures.

15 The authority shall deposit all funds received under the
16 act with the county treasurer of the county, or the city treasurer
17 in the case of an authority created pursuant to subsection (3)
18 of section 77-3201, and make disbursements therefrom upon receipt
19 of vouchers duly authorized by the authority under the act and in
20 accordance with standard procedures adopted by and approved by the
21 county treasurer, or the city treasurer in the case of an authority
22 created pursuant to subsection (3) of section 77-3201.

23 (2) The fiscal year of the authority shall commence on
24 January 1 of each year. The authority shall audit all claims
25 for the expenditure of money and the ~~chairman or vice-chairman~~

1 chairperson or vice-chairperson thereof shall draw warrants
2 therefor from time to time, or the city treasurer in the case of an
3 authority created pursuant to subsection (3) of section 77-3201.

4 Sec. 6. Section 77-3211, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 77-3211 (1) If, when the sheriff offers the parcels of
7 real estate for sale under the tax foreclosure laws of this state,
8 there is no bid equal to the full amount of all tax bills included
9 in the judgment, interest, penalties, fees, and costs then due
10 thereon made or received at such sale, the authority shall be
11 deemed to have bid the full amount of all tax bills included in
12 the judgment, interest, penalties, fees, and costs then due, and if
13 no other earlier or later bid be then received by the sheriff as
14 allowed by law in excess of the bid of the authority, then the bid
15 of the authority shall be announced as accepted. The sheriff shall
16 report any such bid or bids so made by the authority in the same
17 way as his or her report of other bids is made.

18 (2) The authority shall pay, if possible, any penalties,
19 fees, or costs included in the judgment of foreclosure of such
20 parcel of real estate when such parcel is sold or otherwise
21 disposed of by such authority. Upon confirmation by the court of
22 such bid at such sale by such authority, and upon notification by
23 the sheriff, the county treasurer, or the city treasurer in the
24 case of an authority created pursuant to subsection (3) of section
25 77-3201, shall mark the tax bills to the date of such confirmation

1 as canceled by sale to the authority, and shall take credit for
2 the full amount of such tax bills, including principal amount,
3 interest, penalties, fees, and costs, on his or her books and his
4 or her statements with any other taxing authorities.

5 Sec. 7. Original sections 77-3201, 77-3203, 77-3205, and
6 77-3211, Reissue Revised Statutes of Nebraska, and sections 77-3204
7 and 77-3207, Revised Statutes Cumulative Supplement, 2008, are
8 repealed.