

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 315

Introduced by Murante, 49.

Read first time January 12, 2017

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to cities of the second class and villages; to
2 amend section 17-503, Reissue Revised Statutes of Nebraska; to
3 change provisions relating to the sale of real property, to
4 eliminate exceptions for sale by public auction or sealed bid; to
5 eliminate a provision providing for establishment of a minimum price
6 for bidding; and to repeal the original section.

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

1 Section 1. Section 17-503, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 17-503 (1) Except as provided in section 17-503.01, the power of any
4 city of the second class or village to convey any real property owned by
5 it, including land used for park purposes and public squares, except real
6 property used in the operation of public utilities, shall be exercised by
7 resolution directing the sale of such real property. ~~at public auction or~~
8 ~~by sealed bid of such property and the manner and terms thereof,~~ except
9 ~~that such property shall not be sold at public auction or by sealed bid~~
10 ~~when:~~

11 ~~(a) Such property is being sold in compliance with the requirements~~
12 ~~of federal or state grants or programs;~~

13 ~~(b) Such property is being conveyed to another public agency; or~~

14 ~~(c) Such property consists of streets and alleys.~~

15 ~~(2) The governing body of any such city or village may establish a~~
16 ~~minimum price for real property at which bidding shall begin or shall~~
17 ~~serve as a minimum for a sealed bid.~~

18 ~~(2)~~ (3) After the passage of the resolution directing the sale,
19 notice of all proposed sales of property described in subsection (1) of
20 this section and the terms thereof shall be published once each week for
21 three consecutive weeks in a legal newspaper published in or of general
22 circulation in such city or village.

23 ~~(3)~~ (4) If within thirty days after the third publication of the
24 notice a remonstrance against such sale is signed by registered voters of
25 the city or village equal in number to thirty percent of the registered
26 voters of the city or village voting at the last regular municipal
27 election held therein and is filed with the governing body of such city
28 or village, such property shall not then, nor within one year thereafter,
29 be sold. If the date for filing the remonstrance falls upon a Saturday,
30 Sunday, or legal holiday, the signatures shall be collected within the
31 thirty-day period, but the filing shall be considered timely if filed or

1 postmarked on or before the next business day. Upon the receipt of the
2 remonstrance, the governing body of such city or village, with the aid
3 and assistance of the election commissioner or county clerk, shall
4 determine the validity and sufficiency of signatures on the remonstrance.
5 The governing body of such city or village shall deliver the remonstrance
6 to the election commissioner or county clerk by hand carrier, by use of
7 law enforcement officials, or by certified mail, return receipt
8 requested. Upon receipt of the remonstrance, the election commissioner or
9 county clerk shall issue to the governing body a written receipt that the
10 remonstrance is in the custody of the election commissioner or county
11 clerk. The election commissioner or county clerk shall compare the
12 signature of each person signing the remonstrance with the voter
13 registration records to determine if each signer was a registered voter
14 on or before the date on which the remonstrance was filed with the
15 governing body. The election commissioner or county clerk shall also
16 compare the signer's printed name, street and number or voting precinct,
17 and city, village, or post office address with the voter registration
18 records to determine whether the signer was a registered voter. The
19 signature and address shall be presumed to be valid only if the election
20 commissioner or county clerk determines that the printed name, street and
21 number or voting precinct, and city, village, or post office address
22 matches the registration records and that the registration was received
23 on or before the date on which the remonstrance was filed with the
24 governing body. The determinations of the election commissioner or county
25 clerk may be rebutted by any credible evidence which the governing body
26 finds sufficient. The express purpose of the comparison of names and
27 addresses with the voter registration records, in addition to helping to
28 determine the validity of the remonstrance, the sufficiency of the
29 remonstrance, and the qualifications of the signer, shall be to prevent
30 fraud, deception, and misrepresentation in the remonstrance process. Upon
31 completion of the comparison of names and addresses with the voter

1 registration records, the election commissioner or county clerk shall
2 prepare in writing a certification under seal setting forth the name and
3 address of each signer found not to be a registered voter and the
4 signature page number and line number where the name is found, and if the
5 reason for the invalidity of the signature or address is other than the
6 nonregistration of the signer, the election commissioner or county clerk
7 shall set forth the reason for the invalidity of the signature. If the
8 election commissioner or county clerk determines that a signer has
9 affixed his or her signature more than once to the remonstrance and that
10 only one person is registered by that name, the election commissioner or
11 county clerk shall prepare in writing a certification under seal setting
12 forth the name of the duplicate signature and shall count only the
13 earliest dated signature. The election commissioner or county clerk shall
14 certify to the governing body the number of valid signatures necessary to
15 constitute a valid remonstrance. The election commissioner or county
16 clerk shall deliver the remonstrance and the certifications to the
17 governing body within forty days after the receipt of the remonstrance
18 from the governing body. The delivery shall be by hand carrier, by use of
19 law enforcement officials, or by certified mail, return receipt
20 requested. Not more than twenty signatures on one signature page shall be
21 counted.

22 The governing body shall, within thirty days after the receipt of
23 the remonstrance and certifications from the election commissioner or
24 county clerk, hold a public hearing to review the remonstrance and
25 certifications and receive testimony regarding them. The governing body
26 shall, following the hearing, vote on whether or not the remonstrance is
27 valid and shall uphold the remonstrance if sufficient valid signatures
28 have been received.

29 ~~(4) (5)~~ Real property estate now owned or hereafter owned by a city
30 of the second class or a village may be conveyed without consideration to
31 the State of Nebraska for state armory sites or, if acquired for state

1 armory sites, shall be conveyed strictly in accordance with the
2 conditions of sections 18-1001 to 18-1006.

3 (5) ~~(6)~~ Following (a) passage of the resolution directing a sale,
4 (b) publishing of the notice of the proposed sale, and (c) passing of the
5 thirty-day right-of-remonstrance period, the property shall then be sold.
6 Such sale shall be confirmed by passage of an ordinance stating the name
7 of the purchaser and terms of the sale.

8 (6) Notwithstanding the procedures in subsections (1) to (5) of this
9 section, real property owned by a city of the second class or a village
10 may be conveyed when such property:

11 (a) Is sold in compliance with the requirements of federal or state
12 grants or programs;

13 (b) Is conveyed to another public agency; or

14 (c) Consists of streets and alleys.

15 Sec. 2. Original section 17-503, Reissue Revised Statutes of
16 Nebraska, is repealed.