

LEGISLATIVE BILL 381

Approved by the Governor May 4, 1979

Introduced by Duis, 39

AN ACT to amend section 72-224.03, Reissue Revised Statutes of Nebraska, 1943, relating to school lands and funds; to change membership on a board of appraisers; to provide for compensation; and to repeal the original section.

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

Section 1. That section 72-224.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-224.03. Any public body that has or hereafter shall be granted by the Legislature the authority to acquire educational lands for public use shall be required to condemn the interest of the state, as trustee for the public schools, in educational lands in the following manner:

(1) ~~The proceedings shall be had before a board of appraisers consisting of the Auditor of Public Accounts, the Commissioner of Education, and an appointed member of the State Real Estate Commission chosen by the commission~~ (a) the superintendent of a school district offering instruction in grades kindergarten through twelve, (b) a certified public accountant, and (c) a licensed real estate appraiser, all appointed by the Governor for a term of six years, except that of the initial appointees one shall serve for a term of two years, one for a term of four years, and one for a term of six years as designated by the Governor. The members of the board shall each receive fifty dollars for each day actually engaged in the performance of official duties and shall be reimbursed for expenses as provided in section 84-306.01, Revised Statutes Supplement, 1978, for state employees, to be paid by the Board of Educational Lands and Funds; in the absence of either the Auditor of Public Accounts or the Commissioner of Education, the deputy of the absent officer may act in his place;

(2) The condemnation proceedings shall be commenced by the filing of a plat and complete description of the lands to be acquired together with an application for that purpose with the secretary of the Board of Educational Lands and Funds. Notice of the pendency of such application and the date of hearing

shall be given by serving a copy of the application, together with notice of the date of hearing, upon the Governor and the Attorney General. The date of hearing shall be not less than ten days from the date of the filing of the application;

(3) The condemner and the Board of Educational Lands and Funds may present evidence before the board of appraisers. The board shall have the power to administer oaths and subpoena witnesses at the request of either party or on its own motion;

(4) After hearing the evidence, the board of appraisers shall make the award and file same in the office of the Board of Educational Lands and Funds. Appeals from such award may be taken to the district court of Lancaster County; and

(5) Upon payment of the amount of the award by the condemner, it shall be the duty of the secretary of the Board of Educational Lands and Funds to transmit a certified copy of the award to the condemner for filing in the office of the register of deeds in the county or counties where the land is located. The filing of such certified copy of the award shall have the force and effect of a deed of conveyance of the real estate and shall constitute a transfer of the title thereto.

Sec. 2. That original section 72-224.03, Reissue Revised Statutes of Nebraska, 1943, is repealed.