

LEGISLATIVE BILL 710

Approved by the Governor April 16, 2008

Introduced by Pahls, 31.

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

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

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

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

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

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

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

(a) Suitable for private use;

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

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

(3) Such authority shall administer all property described in subdivision (2)(a) of this section in accordance with subdivision (4) of this section. Every effort shall be made to sell such property at a price as close to its appraised value as possible. Property described in subdivisions (2)(b) and (2)(c) of this section may be transferred at no cost by the authority upon request of and to a public agency upon submission of a plan of use for the property by such public agency to the land reutilization commissioners. If the property is transferred at no cost to any public agency and such public agency shall then sell or otherwise dispose of such property within ten years for any consideration, the proceeds of such sale or disposal shall be returned to the commissioners who shall in turn distribute the proceeds in accordance with the ~~provisions of sections 77-3201 to 77-3213.~~ act. If the commissioners do not give an affirmative vote to the request for transfer, the authority may dispose of the property in accordance with subdivision (4) of this section. Properties described in subdivision (2)(c) of this section shall be studied and recommendations made to taxing authorities as to possible uses for such real estate. In furtherance of this objective, such authority shall have access to any and all city and county records at any time and may call upon any and all city and county officers, departments, boards, planning commissions, or other commissions for studies, statistics, or recommendations. Such authority shall prepare a list of all land described in subdivision (2)(a) of this section, which list shall be corrected and amended from time to time in the discretion of the commissioners. Such commissioners may make a charge not to exceed one dollar for each copy of such list, which charge shall be used to help defray the costs of preparing such list. Any person may purchase a copy of such list. Any real estate agent or broker licensed to do business in the city may, when authorized by the commissioners, sell any such property upon the terms and conditions imposed by the commissioners, and the commissioners may pay a reasonable real estate commission. Nothing in the act ~~÷ PROVIDED, that nothing in sections 77-3201 to 77-3213~~ shall prohibit the commissioners from selling or exchanging any such real estate directly to or with any purchaser;

(4) Such commissioners shall manage, maintain, protect, rent, lease, repair, insure, alter, sell, trade, exchange, or otherwise dispose of any such real estate on such terms and conditions as may be determined in the sole discretion of the commissioners in accordance with section 77-3205. Such

commissioners may assemble tracts or parcels of real estate for public parks or other public purposes and to such end may exchange parcels and otherwise effectuate such purposes by agreement with any taxing authority; and

(5) Such authority shall adopt rules and regulations consistent with ~~sections 77-3201 to 77-3213~~ the act and shall keep records of all of its transactions, which records shall be open to inspection of any taxing authority in the county at any time. There shall be an annual audit of the affairs, accounts, expenses, and financial transactions of such authority by certified public accountants as of December 31 of each year, which accountants shall be employed by the commissioners on or before November 1 of each year, and certified copies of such audit shall be furnished to the appointing authorities and shall be available for public inspection at the offices of such appointing authorities.

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

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

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

The authority shall deposit all funds received under the ~~provisions of sections 77-3201 to 77-3213~~ act with the county treasurer of the county and make disbursements therefrom upon receipt of vouchers duly authorized by the authority under the ~~provisions of sections 77-3201 to 77-3213~~ act and in accordance with standard procedures adopted by and approved by the county treasurer.

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

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

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

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

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

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

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

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

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

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