

LEGISLATIVE BILL 23

Approved by the Governor February 2, 1971

Introduced by C. W. Holmquist, 16th District

AN ACT to amend sections 72-258 and 72-709, Revised Statutes Supplement, 1969, relating to define a term; to eliminate unconstitutional provisions; to harmonize the provisions with previous legislation; and to repeal the original sections.

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

Section 1. As used in sections 72-1237 to 72-1259, this act shall mean and refer to sections 1-111, 2-115, 2-1503.01, 2-1506.11, 2-1547, 2-1808, 2-2317, 2-2501, 3-126, 8-1120, 19-2043, 19-2044, 24-704, 35-601, 37-206, 37-428, 39-7.136, 39-1323.01, 39-1390, 44-116, 44-333.02, 44-707.03, 45-127, 45-165, 48-617, 48-620, 48-621, 54-112, 54-147, 54-150, 54-1173, 55-131, 57-919, 60-409.01, 60-446, 60-449, 60-1409, 60-1704, 66-421, 68-301, 68-612, 70-1020, 71-1, 71-132.23, 71-1, 147.02, 71-222.02, 71-332, 71-1336, 71-2016, 71-2201, 71-3808, 71-4206, 71-4210, 72-202, 72-716.01, 72-1005, 72-1237 to 72-1260, 79-1247.07, 79-1332, 79-1345, 79-1438.01, 79-1444, 79-1501, 79-1502, 79-1503, 79-1503.01, 79-1545, 79-1556, 79-1557, 79-2107, 80-111, 80-301, 80-401, 81-263.67, 81-275.28, 81-528, 81-812.02, 81-815.30, 81-815.34, 81-815.39, 81-845, 81-880, 81-8, 107, 81-8, 112, 81-8, 162, 81-912, 81-1117, 81-1120.08, 82-108.02, 83-150, 83-169, 83-210.01, 83-304, 84-111, 84-1301, 84-1305, 84-1308, 84-1309, 85-106, 85-113, 85-122, 85-123.01, 85-161, 85-168, 85-170, 85-191, 85-192, 85-195, 85-320, and 85-403.

Sec. 2. That section 72-258, Revised Statutes Supplement, 1969, be amended to read as follows:

72-258. Such land shall be offered for sale, at public auction, by a representative of the Board of Educational Lands and Funds ~~or by the county treasurer of the county in which the land is located,~~ and sold at not less than the appraised value, to the highest bidder. The appraised value for sales purposes as provided in section 72-257 shall be the starting bid price. Notice of such sale and the time and place where the same will be held shall be given by publication three consecutive weeks in some legal newspaper published in the county where the tracts of land or the lots are located or, in case no legal newspaper is

published in said county, then in some legal newspaper of general circulation therein. The proof of such publication shall be made by the affidavit of the publisher, foreman or principal clerk of such newspaper or by some other person knowing about the same, and shall be filed in the office of the Board of Educational Lands and Funds; provided, when the land consists of an undivided interest in realty, an action to partition may be maintained in the same manner as provided by law for the partition of real property among several joint owners. All notices of sale shall be posted in the office of the Board of Educational Lands and Funds. The board may arrange for such commercial advertising of land sales as it deems in the best interest of the state. Settlement shall be made by paying cash of not less than twenty per cent of the purchase price at the time of sale and the balance shall be payable in cash within ninety days of the date of sale. If the person submitting the high bid for the land fails to pay the balance of the purchase price and complete the sale within ninety days his rights under the sale, including the twenty per cent down payment, shall be forfeited by the board and a new sale shall be authorized.

Sec. 3. That section 72-709, Revised Statutes Supplement, 1969, be amended to read as follows:

72-709. The superintendent, with the consent of the Governor, shall employ all necessary assistants, engineers, janitors, custodians, and caretakers, fix their compensation, and terminate such employment from time to time as he shall find necessary for the efficient and economical discharge of the duties hereby imposed. He shall purchase, through the Purchasing Agent materiel division of the Department of Administrative Services, such supplies, material, and equipment as may be necessary for the proper maintenance of the State Capitol and capitol grounds, Governor's Mansion and grounds, and all other buildings and lands adjacent to the capitol grounds owned or leased pursuant to section 72-718.01 by the State of Nebraska. The total expenditures for such purposes for the biennium shall not exceed the appropriations made therefor.

Sec. 4. That original sections 72-258 and 72-709, Revised Statutes Supplement, 1969, are repealed.