

LEGISLATIVE BILL 489

Approved by the Governor March 10, 1997

Introduced by Hartnett, 45; Bruning, 3; Dw. Pedersen, 39; Preister, 5; Will, 8; Withem, 14

AN ACT relating to taxation; to amend sections 77-3201, 77-3203, 77-3204, and 77-3205, Reissue Revised Statutes of Nebraska; to change provisions relating to county land reutilization authorities and commissions; to harmonize provisions; and to repeal the original sections.
Be it enacted by the people of the State of Nebraska,

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

77-3201. (1) There is hereby ~~may be created~~ within each county which now has or may hereafter have a population in excess of three hundred fifty thousand inhabitants, an authority for the management, sale, transfer, and other disposition of tax-delinquent lands, which authority shall be known as the Land Reutilization Authority of the County of It shall have authority to accept the grant of any interest in real property made to it or to accept gifts and grant-in-aid assistance. ~~Such~~ The authority shall have and exercise all the powers conferred by the ~~provisions of sections 77-3201 to 77-3213~~ Land Reutilization Act necessary and incidental to the effective management, sale, transfer, or other disposition of real estate acquired under and by virtue of the foreclosure of the lien for delinquent real estate taxes, and in the exercise of ~~such its~~ powers, the authority shall be deemed to be a public corporation acting in a governmental capacity and a political subdivision of this state.

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

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

77-3203. (1) In each county ~~described in which creates an authority pursuant to section 77-3201, there is hereby created the a~~ Land Reutilization Commission which shall be composed of ~~at least~~ three members, one of whom shall be appointed by the governing body of the most populous city within the county, one of whom shall be appointed by the board of county commissioners, and one of whom shall be appointed by the board of education of the school district serving the most populous city of the county. ~~At the request of the governing body of a city of the first or second class within the county, which is not the most populous city in the county, or the board of education of a school district located predominately within the county, which is not serving the most populous city of the county, the county board shall authorize the appointment of additional members to the Land Reutilization Commission, not to exceed a maximum total of seven members of the commission. The additional members of the commission shall be appointed by the governing body of the respective city or cities of the first or second class or by the board of education of the respective school district or districts. If necessary to establish an odd number of commission members, the county board may appoint a member from a municipality or school district within the county which is not represented on the commission. The members shall serve at the pleasure of the respective appointing authority and may be employees of the appointing authority. No member shall receive compensation for serving on the commission.~~

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

Sec. 3. Section 77-3204, Reissue Revised Statutes of Nebraska, is amended to read:

77-3204. (1) ~~Such commissioners~~ The members of the Land Reutilization Commission shall meet immediately after ~~the three have been being~~ appointed and qualified and shall select a ~~chairman~~ chairperson, a ~~vice-chairman~~ vice-chairperson, and a secretary.

(2) ~~Such commissioners~~ Each commissioner shall ~~each~~ furnish a surety bond in a penal sum of not less than fifteen thousand dollars, the premium of such bond to be paid by the authority from which ~~such the~~ commissioner was appointed or which he or she represents. ~~Such The~~ the bond ~~must~~ shall be issued by a surety company licensed to do business in the State of Nebraska, shall be conditioned to guarantee the faithful performance of all duties under ~~sections~~

77-3201 to 77-3213 the Land Reutilization ACT, and shall be written to cover all the commissioners.

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

) ss.
County of)

I,, do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, that I will faithfully and impartially discharge my duties as a member of the Land Reutilization Authority of the county, that I will, according to my best knowledge and judgment, administer tax-delinquent lands held by me in trust according to the laws of this state and for the benefit of the public bodies and the tax bill owners which I represent, so help me God.

Subscribed and sworn to this day of 19.... .
My commission expires:

Notary Public

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

77-3205. (1) ~~Such~~ The authority shall be a continuing body and shall have and adopt an official seal which shall bear on its face the words Land Reutilization Authority of the County of, and shall have the power to issue deeds in its name, which deeds shall be signed by the ~~chairman or vice-chairman,~~ chairperson or vice-chairperson and attested by the secretary, and shall have the general power to administer its business as any other corporate body.

(2) The authority may convey title to any real estate sold or conveyed by it by general or special warranty deed, and may convey an absolute title in fee simple, without in any case procuring any consent, conveyance, or other instrument from the beneficiaries for which it acts. ~~Each~~ Each ~~PROVIDED;~~ PROVIDED; ~~that each~~ such deed shall recite whether the selling price represents a consideration equal to or in excess of two-thirds of the appraised value of such real estate so sold or conveyed. ~~If~~ If ~~and if~~ such selling price represents a consideration of less than two-thirds of the appraised value of such real estate, the approval of such selling price shall be by unanimous action of the authority and evidenced by a copy of such action duly certified to by its secretary, and attached to and made a part of such deed. ~~In~~ In ~~AND~~ AND ~~PROVIDED FURTHER, that in the event that unanimous action of the authority is not obtained, then the commissioners shall first procure the consent thereto to such selling price of not less than two of the three a majority of the appointing authorities, which consent shall be evidenced by a copy of the action of each such appointing authority duly certified to by its clerk or secretary and attached to and made a part of such deed.~~

Sec. 5. Original sections 77-3201, 77-3203, 77-3204, and 77-3205, Reissue Revised Statutes of Nebraska, are repealed.