

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 476

Introduced by Connealy, 16

Read first time January 16, 2003

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to cities of the second class and villages; to
2 amend sections 17-503 and 17-503.01, Reissue Revised
3 Statutes of Nebraska; to change provisions relating to
4 the sale of real and personal property; to provide
5 duties; to harmonize provisions; and to repeal the
6 original sections.
7 Be it enacted by the people of the State of Nebraska,

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

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

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

14 (b) Such property is being conveyed to another public
15 agency; or

16 (c) Such property consists of streets and alleys.

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

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

27 (4) If within thirty days after the third publication of
28 the notice a remonstrance against such sale is signed by registered

1 voters of the city or village equal in number to thirty percent of
2 the registered voters of the city or village voting at the last
3 regular municipal election held therein and is filed with the
4 governing body of such city or village, such property shall not
5 then, nor within one year thereafter, be sold. If the date for
6 filing the remonstrance falls upon a Saturday, Sunday, or legal
7 holiday, the signatures shall be collected within the thirty-day
8 period, but the filing shall be considered timely if filed or
9 postmarked on or before the next business day. Upon the receipt of
10 the remonstrance, the governing body of such city or village, with
11 the aid and assistance of the election commissioner or county
12 clerk, shall determine the validity and sufficiency of signatures
13 on the remonstrance. The governing body of such city or village
14 shall deliver the remonstrance to the election commissioner or
15 county clerk by hand carrier, by use of law enforcement officials,
16 or by certified mail, return receipt requested. Upon receipt of
17 the remonstrance, the election commissioner or county clerk shall
18 issue to the governing body a written receipt that the remonstrance
19 is in the custody of the election commissioner or county clerk.
20 The election commissioner or county clerk shall compare the
21 signature of each person signing the remonstrance with the voter
22 registration records to determine if each signer was a registered
23 voter on or before the date on which the remonstrance was filed
24 with the governing body. The election commissioner or county clerk
25 shall also compare the signer's printed name, street and number or
26 voting precinct, and city, village, or post office address with the
27 voter registration records to determine whether the signer was a
28 registered voter. The signature and address shall be presumed to

1 be valid only if the election commissioner or county clerk
2 determines that the printed name, street and number or voting
3 precinct, and city, village, or post office address matches the
4 registration records and that the registration was received on or
5 before the date on which the remonstrance was filed with the
6 governing body. The determinations of the election commissioner or
7 county clerk may be rebutted by any credible evidence which the
8 governing body finds sufficient. The express purpose of the
9 comparison of names and addresses with the voter registration
10 records, in addition to helping to determine the validity of the
11 remonstrance, the sufficiency of the remonstrance, and the
12 qualifications of the signer, shall be to prevent fraud, deception,
13 and misrepresentation in the remonstrance process. Upon completion
14 of the comparison of names and addresses with the voter
15 registration records, the election commissioner or county clerk
16 shall prepare in writing a certification under seal setting forth
17 the name and address of each signer found not to be a registered
18 voter and the signature page number and line number where the name
19 is found, and if the reason for the invalidity of the signature or
20 address is other than the nonregistration of the signer, the
21 election commissioner or county clerk shall set forth the reason
22 for the invalidity of the signature. If the election commissioner
23 or county clerk determines that a signer has affixed his or her
24 signature more than once to the remonstrance and that only one
25 person is registered by that name, the election commissioner or
26 county clerk shall prepare in writing a certification under seal
27 setting forth the name of the duplicate signature and shall count
28 only the earliest dated signature. The election commissioner or

1 county clerk shall certify to the governing body the number of
2 valid signatures necessary to constitute a valid remonstrance. The
3 election commissioner or county clerk shall deliver the
4 remonstrance and the certifications to the governing body within
5 forty days after the receipt of the remonstrance from the governing
6 body. The delivery shall be by hand carrier, by use of law
7 enforcement officials, or by certified mail, return receipt
8 requested. Not more than twenty signatures on one signature page
9 shall be counted.

10 The governing body shall, within thirty days after the
11 receipt of the remonstrance and certifications from the election
12 commissioner or county clerk, hold a public hearing to review the
13 remonstrance and certifications and receive testimony regarding
14 them. The governing body shall, following the hearing, vote on
15 whether or not the remonstrance is valid and shall uphold the
16 remonstrance if sufficient valid signatures have been received.

17 (5) Real estate now owned or hereafter owned by a city of
18 the second class or a village may be conveyed without consideration
19 to the State of Nebraska for state armory sites or, if acquired for
20 state armory sites, shall be conveyed strictly in accordance with
21 the conditions of sections 18-1001 to 18-1006.

22 (6) Following (a) passage of the resolution directing a
23 sale, (b) publishing of the notice of the proposed sale, and (c)
24 passing of the thirty-day right-of-remonstrance period, the
25 property shall then be sold. Such sale shall be confirmed by
26 passage of an ordinance stating the name of the purchaser and terms
27 of the sale. The municipal clerk shall upon passage of such
28 ordinance certify the name of the purchaser to the register of

1 deeds of the county in which the property is located.

2 Sec. 2. Section 17-503.01, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 17-503.01. Section 17-503 shall not apply to the sale of
5 real ~~and personal~~ property if the authorizing resolution directs
6 the sale of ~~an item or items~~ of real ~~and personal~~ property, the
7 total fair market value of which is less than five thousand
8 dollars. Following passage of the resolution directing the sale of
9 the property, notice of the sale shall be posted in three prominent
10 places within the city or village for a period of not less than
11 seven days prior to the sale of the property. The notice shall
12 give a general description of the property offered for sale and
13 state the terms and conditions of sale. Confirmation of the sale
14 by passage of an ordinance may be required. The municipal clerk
15 shall certify the name of the purchaser to the register of deeds of
16 the county in which the property is located.

17 Sec. 3. The power of any city of the second class or
18 village to convey any personal property owned by it shall be
19 exercised by resolution directing the sale and the manner and terms
20 thereof. Following passage of the resolution directing the sale of
21 the property, notice of the sale shall be posted in three prominent
22 places within the city or village for a period of not less than
23 seven days prior to the sale of the property. If the fair market
24 value of the property is greater than five thousand dollars, notice
25 of the sale shall also be published once in a legal newspaper
26 published in or of general circulation in such city or village at
27 least seven days prior to the sale of the property. The notice
28 shall give a general description of the property offered for sale

1 and state the terms and conditions of sale.

2 Sec. 4. Original sections 17-503 and 17-503.01, Reissue

3 Revised Statutes of Nebraska, are repealed.