

LEGISLATIVE BILL 197

Approved by the Governor March 15, 1995

Introduced by Maurstad, 30

AN ACT relating to cities of the second class and villages; to amend section 17-503.01, Reissue Revised Statutes of Nebraska, and section 17-953.01, Revised Statutes Supplement, 1994; to change provisions relating to the sale and purchase of property; and to repeal the original sections.

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

Section 1. Section 17-503.01, Reissue Revised Statutes of Nebraska, is amended to read:

17-503.01. ~~Subject to the conditions of this section, section 17-503 shall not apply to the sale of real and personal property if the authorizing resolution directs the sale of an item or items of real and personal property the total fair market value of which is less than one five thousand dollars. Following passage of the resolution directing the sale of such the property, notice of such the sale shall be posted in a three prominent place places within the city or village for a period of not less than seven days prior to the sale of such the property. Such The notice shall give a general description of the property offered for sale and state the terms and conditions of sale. Confirmation of the sale by passage of an ordinance may be required.~~

Sec. 2. Section 17-953.01, Revised Statutes Supplement, 1994, is amended to read:

17-953.01. If the funds to be used to finance the purchase or construction of a building under section 17-953 are available other than through a bond issue, then either:

(1) Notice notice of the proposed purchase or construction shall be published in a newspaper of general circulation in the city or village and no election shall be required to approve such the purchase or construction unless within thirty days after the publication of the notice a remonstrance against such the purchase or construction is signed by registered voters of the city or village equal in number to fifteen percent of the registered voters of such the city or village voting at the last regular municipal election held therein and is filed with the governing body of the city or village. If the date for filing the remonstrance falls upon a Saturday, Sunday, or legal holiday, the signatures shall be collected within the thirty-day period, but the filing shall be considered timely if filed or postmarked on or before the next business day. If a remonstrance with the necessary number of qualified signatures is timely filed, the question shall be submitted to the voters of such the city or village at a general municipal election or a special election duly called for that purpose. If such the purchase or construction is not approved, the property involved shall not then, nor within one year thereafter following the election, be purchased or constructed; or

(2) The governing body may proceed without providing the notice and right of remonstrance required in subdivision (1) of this section if the property can be purchased below the fair market value as determined by an appraisal, and there is a willing seller, and the purchase price is less than twenty-five thousand dollars. The purchase shall be approved by the governing body after notice and public hearing as provided in section 18-1755.

Sec. 3. Original section 17-503.01, Reissue Revised Statutes of Nebraska, and section 17-953.01, Revised Statutes Supplement, 1994, are repealed.