

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

January 23, 2001 LB 118, 131

Have you all voted who care to? Record, please, Mr. Clerk.

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of LB 131.

SENATOR CUDABACK: LB 131 does advance. Mr. Clerk, LB 118.

CLERK: LB 118, by Senator Wickersham. (Read title.) Bill was introduced on January 4, referred to the Revenue Committee, advanced to General File. I have no amendments to the bill, Mr. President.

SENATOR CUDABACK: Senator Wickersham, you're recognized to open on LB 118.

SENATOR WICKERSHAM: Mr. President, thank you. LB 118 is a simple bill that solves a problem with regard to tax deeds. Tax deeds are issued by county treasurers as the last step in the process of foreclosing a tax lien. In this instance, the deed would be issued at the request of an individual holding a tax sale certificate. A problem has arisen in that process because the holder of the tax sale certificate has a very limited amount of time in which to undertake a variety of steps to actually acquire the right to request the tax deed. They have to send notice to the owner of the property, et cetera, and they have a very short time frame to accomplish those steps in. Occasionally, occasionally, circumstances have arisen in which the holder of a tax certificate, going through the final steps to foreclose and actually obtain title to the property on which they paid taxes, has not been able to receive the treasurer's deed within the six-month window that is provided for that purpose. Now, it hasn't been because the holder of the certificate hasn't done everything else that they're supposed to have done. They would have sent the notices, they would have requested the deed, but if the deed hasn't been delivered by the county treasurer within that six-month period, we have, in some places in the state, judges saying that that's not a valid foreclosure and you would literally, if you were the holder of the tax sale certificate, have to start all over and lose your investment. That isn't the result that we would intend and the bill simply solves that issue by saying to the holder of the tax