

AMENDMENTS TO LB851

Introduced by Mello

1 1. Insert the following new sections:

2 Section 1. Section 19-5217, Revised Statutes Supplement,
3 2013, is amended to read:

4 19-5217 (1)(a) At any sale of real property for the
5 nonpayment of taxes conducted pursuant to sections 77-1801 to
6 77-1863, a land bank may:

7 (i) Bid on such real property in an amount equal to
8 the total amount of taxes, interest, and costs due on the real
9 property. If a bid is given pursuant to this subdivision, the bid
10 shall not receive any special treatment by the county treasurer and
11 shall be accepted or rejected in the same manner as any other bid
12 on such real property; or

13 (ii) Give an automatically accepted bid on such real
14 property in an amount equal to the total amount of taxes,
15 interest, and costs due on the real property. If an automatically
16 accepted bid is given, it shall be accepted by the county
17 treasurer regardless of any other bids on such real property. An
18 automatically accepted bid may be given only if the conditions for
19 making such a bid prescribed by the board pursuant to subsection
20 (11) of section 19-5205 have been met.

21 (b) If a land bank's bid pursuant to subdivision (1)(a)
22 of this section is accepted by the county treasurer, the land bank
23 shall pay the county treasurer and shall be entitled to a tax sale

1 certificate for such real property.

2 (2) If a county holds a tax sale certificate pursuant to
3 section 77-1809, a land bank may purchase such tax sale certificate
4 from the county by paying the county treasurer the amount expressed
5 on the face of the certificate and interest thereon at the rate
6 specified in section 45-104.01, as such rate may from time to
7 time be adjusted by the Legislature, from the date the tax sale
8 certificate was first issued to the county to the date such
9 certificate was purchased by the land bank.

10 (3) (a) Subdivision (b) of this subsection applies until
11 January 1, 2015. Subdivision (c) of this subsection applies
12 beginning January 1, 2015.

13 (b) Within six months after the expiration of three years
14 from the date of sale of real property for the nonpayment of taxes
15 pursuant to sections 77-1801 to 77-1863, a land bank that has
16 acquired a tax sale certificate for such real property under this
17 section may:

18 ~~(a)~~ (i) Apply to the county treasurer for a tax deed for
19 the real property described in the tax sale certificate. A land
20 bank applying for a tax deed shall comply with all the requirements
21 of sections 77-1801 to 77-1863 relating to such tax deed; or

22 ~~(b)~~ (ii) Foreclose the lien represented by the tax sale
23 certificate as authorized in section 77-1902.

24 (c) Within nine months after the expiration of three
25 years from the date of sale of real property for the nonpayment of
26 taxes pursuant to sections 77-1801 to 77-1863, a land bank that has
27 acquired a tax sale certificate for such real property under this

1 section may:

2 (i) Apply to the county treasurer for a tax deed for the
3 real property described in the tax sale certificate. A land bank
4 applying for a tax deed shall comply with all the requirements of
5 sections 77-1801 to 77-1863 relating to such tax deed; or

6 (ii) Foreclose the lien represented by the tax sale
7 certificate as authorized in section 77-1902.

8 Sec. 6. Section 77-1807, Revised Statutes Supplement,
9 2013, is amended to read:

10 77-1807 (1) (a) This subsection applies until January 1,
11 2015.

12 (b) Except as otherwise provided in subdivision ~~(b)~~ (c)
13 of this subsection, the person who offers to pay the amount of
14 taxes due on any real property for the smallest portion of the
15 same shall be the purchaser, and when such person designates the
16 smallest portion of the real property for which he or she will pay
17 the amount of taxes assessed against any such property, the portion
18 thus designated shall be considered an undivided portion.

19 ~~(b)~~ (c) If a land bank gives an automatically accepted
20 bid for the real property pursuant to section 19-5217, the land
21 bank shall be the purchaser, regardless of the bid of any other
22 person.

23 ~~(2)~~ (d) If no person bids for a less quantity than
24 the whole and no land bank has given an automatically accepted
25 bid pursuant to section 19-5217, the treasurer may sell any real
26 property to any one who will take the whole and pay the taxes and
27 charges thereon.

1 ~~(3)~~ (e) If the homestead is listed separately as a
2 homestead, it shall be sold only for the taxes delinquent thereon.

3 (2) (a) This subsection applies beginning January 1, 2015.

4 (b) If a land bank gives an automatically accepted bid
5 for real property pursuant to section 19-5217, the land bank shall
6 be the purchaser and no public or private auction shall be held
7 under sections 77-1801 to 77-1863.

8 (c) If no land bank has given an automatically accepted
9 bid pursuant to section 19-5217, the person who offers to pay the
10 amount of taxes, delinquent interest, and costs due on any real
11 property shall be the purchaser.

12 (d) The county treasurer shall announce bidding rules at
13 the beginning of the public auction, and such rules shall apply to
14 all bidders throughout the public auction.

15 (e) The sale, if conducted in a round-robin format, shall
16 be conducted in the following manner:

17 (i) At the commencement of the sale, a count shall be
18 taken of the number of registered bidders present who want to be
19 eligible to purchase property. Each registered bidder shall only
20 be counted once. If additional registered bidders appear at the
21 sale after the commencement of a round, such registered bidders
22 shall have the opportunity to participate at the end of the next
23 following round, if any, as provided in subdivision (v) of this
24 subdivision;

25 (ii) Sequentially enumerated tickets shall be placed in
26 a receptacle. The number of tickets in the receptacle for the
27 first round shall equal the count taken in subdivision (i) of

1 this subdivision, and the number of tickets in the receptacle for
2 each subsequent round shall equal the number of the count taken
3 in subdivision (i) of this subdivision plus additional registered
4 bidders as provided in subdivision (v) of this subdivision;

5 (iii) In a manner determined by the county treasurer,
6 tickets shall be selected from the receptacle by hand for each
7 registered bidder whereby each ticket has an equal chance of being
8 selected. Tickets shall be selected until there are no tickets
9 remaining in the receptacle;

10 (iv) The number on the ticket selected for a registered
11 bidder shall represent the order in which a registered bidder may
12 purchase property consisting of one parcel subject to sale from the
13 list per round; and

14 (v) If property listed remains unsold at the end of
15 a round, a new round shall commence until all property listed
16 is either sold or, if any property listed remains unsold, each
17 registered bidder has consecutively passed on the opportunity to
18 make a purchase. Registered bidders who are not present when it
19 is their turn to purchase property shall be considered to have
20 passed on the opportunity to make a purchase. At the beginning
21 of the second and any subsequent rounds, the county treasurer
22 shall inquire whether there are additional registered bidders. If
23 additional registered bidders are present, tickets for each such
24 bidder shall be placed in a receptacle and selected as provided in
25 subdivisions (ii) through (iv) of this subdivision. The second and
26 any subsequent rounds shall proceed in the same manner and purchase
27 order as the last preceding round, except that any additional

1 registered bidders shall be given the opportunity to purchase at
2 the end of the round in the order designated on their ticket.

3 (f) Any property remaining unsold upon completion of the
4 public auction shall be sold at a private sale pursuant to section
5 77-1814.

6 (g) A bidder shall (i) register with the county treasurer
7 prior to participating in the sale, (ii) provide proof that it
8 maintains a registered agent for service of process with the
9 Secretary of State if the bidder is a foreign corporation, and
10 (iii) pay a twenty-five-dollar registration fee. The fee is not
11 refundable upon redemption.

12 2. Renumber the remaining sections and correct internal
13 references accordingly.

14 3. Correct the operative date and repealer sections so
15 that the sections added by this amendment become operative three
16 calendar months after the adjournment of this legislative session.