

AMENDMENTS TO LB51

Introduced by Revenue.

1           1. Strike original section 2 and insert the following new section:

2           Sec. 2. Section 77-1807, Revised Statutes Cumulative Supplement,  
3           2016, is amended to read:

4           77-1807 ~~(1)(a) This subsection applies until January 1, 2015.~~

5           ~~(b) Except as otherwise provided in subdivision (c) of this~~  
6           ~~subsection, the person who offers to pay the amount of taxes due on any~~  
7           ~~real property for the smallest portion of the same shall be the~~  
8           ~~purchaser, and when such person designates the smallest portion of the~~  
9           ~~real property for which he or she will pay the amount of taxes assessed~~  
10           ~~against any such property, the portion thus designated shall be~~  
11           ~~considered an undivided portion.~~

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

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

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

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

22           ~~(1) (b) If a land bank gives an automatically accepted bid for real~~  
23           ~~property pursuant to section 19-5217, the land bank shall be the~~  
24           ~~purchaser and no public or private auction shall be held under sections~~  
25           ~~77-1801 to 77-1863.~~

26           ~~(2) (c) If no land bank has given an automatically accepted bid~~  
27           ~~pursuant to section 19-5217, the person who offers to pay the amount of~~

1 taxes, delinquent interest, and costs due on any real property and who  
2 bids the lowest interest rate to be received upon the redemption of such  
3 real property shall be the purchaser.

4 (3) ~~(d)~~ The county treasurer shall announce bidding rules at the  
5 beginning of the public auction, and such rules shall apply to all  
6 bidders throughout the public auction. The first bid given at the public  
7 auction shall be a whole number, and subsequent bids shall only be given  
8 in decrements of one-half percent or one percent.

9 (4) ~~(e)~~ The sale, if conducted in a round-robin format, shall be  
10 consistent with bidding rules as announced by the county treasurer and  
11 shall be conducted in substantially the following manner:

12 (a) ~~(i)~~ At the commencement of the sale, a count shall be taken of  
13 the number of registered bidders present who want to be eligible to  
14 purchase property. Each registered bidder shall only be counted once. If  
15 additional registered bidders appear at the sale after the commencement  
16 of a round, such registered bidders shall have the opportunity to  
17 participate at the end of the next following round, if any, as provided  
18 in subdivision ~~(4)(e) (v)~~ of this section subdivision;

19 (b) ~~(ii)~~ Sequentially enumerated tickets shall be placed in a  
20 receptacle. The number of tickets in the receptacle for the first round  
21 shall equal the count taken in subdivision ~~(4)(a) (i)~~ of this section  
22 subdivision, and the number of tickets in the receptacle for each  
23 subsequent round shall equal the number of the count taken in subdivision  
24 ~~(4)(a) (i)~~ of this section subdivision plus additional registered bidders  
25 as provided in subdivision ~~(4)(e) (v)~~ of this section subdivision;

26 (c) ~~(iii)~~ In a manner determined by the county treasurer, tickets  
27 shall be selected from the receptacle by hand for each registered bidder  
28 whereby each ticket has an equal chance of being selected. Tickets shall  
29 be selected until there are no tickets remaining in the receptacle;

30 (d) ~~(iv)~~ The number on the ticket selected for a registered bidder  
31 shall represent the order in which a registered bidder may bid on

1 purchase property consisting of one parcel subject to sale from the list  
2 per round; and

3 (e) ~~(v)~~ If property listed remains unsold at the end of a round, a  
4 new round shall commence until all property listed is either sold or, if  
5 any property listed remains unsold, each registered bidder has  
6 consecutively passed on the opportunity to make a purchase. Registered  
7 bidders who are not present when it is their turn to bid purchase  
8 property shall be considered to have passed on the opportunity to make a  
9 purchase. At the beginning of the second and any subsequent rounds, the  
10 county treasurer shall inquire whether there are additional registered  
11 bidders. If additional registered bidders are present, tickets for each  
12 such bidder shall be placed in a receptacle and selected as provided in  
13 subdivisions (4)(b) ~~(ii)~~ through (d) ~~(iv)~~ of this section subdivision.  
14 The second and any subsequent rounds shall proceed in the same manner and  
15 bidding purchase order as the last preceding round, except that any  
16 additional registered bidders shall be given the opportunity to bid  
17 purchase at the end of the round in the order designated on their ticket.

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

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

25 (7) If any bidder at a public auction held pursuant to this section  
26 knowingly and willfully colludes with another bidder to obtain an  
27 interest rate under this section that he or she would not have obtained  
28 had the auction been conducted fairly, such sale shall, after notice,  
29 hearing, and a finding of collusion, be voidable by the county board, and  
30 the bidder shall in all counties be forever barred from participating in  
31 any future public auctions under this section. Such determination by the

1 county board may be appealed to the district court of such county.