

Ninety-Fifth Legislature - First Session - 1997
Introducer's Statement of Intent

LB 397

Revenue Committee

CHAIRPERSON
Jerome Warner

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

The intent of LB 397 is to supplement the provisions of LB 490 (Ninety-fourth Legislature First Session - 1995.) and Legislative Resolution 3CA (Ninety-fourth Legislature - First Session 1995). LB 490 created the Tax Equalization and Review Commission, the Office of the Property Tax Administrator, and granted some independence to the Property Tax Division. Issues have arisen after implementation of that Bill which were not addressed in the enabling legislation. Legislative Resolution 3CA, passed by the Legislature June 1, 1995, was approved by the voters on May 14, 1996, and proclaimed to amend the State Constitution June 25, 1996. That Constitutional Amendment requires the transfer of some duties formerly held by the State Board of Equalization and Assessment to the Tax Equalization and Review Commission. Finally, the Bill harmonizes the provisions of several statutes with the provisions of LB 490 and the Constitutional Amendment.

LB 397 addresses issues which have arisen since the implementation of LB 490 by: adding another category of decisions which may be appealed to the Commission (i.e., any decision of the Property Tax Administrator); changing the due date of the Statewide Plan of Equalization from January I to September I (in order to allow counties more time to address the provisions of the plan), emphasizing that informal hearings are the preferred mode of hearing appeals (since the purpose of LB 490 was to create an accessible and affordable system of review); by providing that witnesses are required under penalty of law to testify truthfully in hearings before the Property Tax Administrator and the Commission; limiting the types of orders which require Findings of Fact and Conclusions of Law to final orders, authorizing a per diem for Commissioners who reside outside of Lancaster County; and by creating a Revolving Fund for the Commission.

Finally, since some of these provisions are essential in order to promote the Legislative intent of creating an accessible and affordable hearing process. The bill contains an emergency clause.

DATE OF HEARING January 29, 1997

Senator Douglas A. Kristensen
Principal Introducer