

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 194

Introduced by Revenue Committee: Wickersham, 49, Chairperson;
Coordsen, 32; Landis, 46; C. Peterson, 35;
Redfield, 12;

Read first time January 8, 1999

Committee: Revenue

A BILL

1 FOR AN ACT relating to revenue and taxation; to amend sections
2 18-2147, 23-3202, 60-3006, 77-1327, 77-1330, 77-1515, and
3 77-1734.01, Reissue Revised Statutes of Nebraska, and
4 sections 13-509, 77-101, 77-123, 77-125, 77-202.03,
5 77-1233.04, 77-1233.06, 77-1301, 77-1303, 77-1315,
6 77-1315.01, 77-1317, 77-1318, 77-1501, 77-1503.01,
7 77-1504, 77-1504.01, 77-1507, and 77-1514, Revised
8 Statutes Supplement, 1998; to change provisions relating
9 to property taxation; to define and redefine terms; to
10 provide duties for the Property Tax Administrator; to
11 eliminate provisions relating to county officials,
12 omitted property, and mortgages; to harmonize provisions;
13 to repeal the original sections; to outright repeal
14 sections 77-378, 77-1336, and 77-1401 to 77-1409, Reissue
15 Revised Statutes of Nebraska, and sections 77-425 and
16 77-1233.05, Revised Statutes Supplement, 1998; and to

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1 declare an emergency.

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

1 Section 1. Section 13-509, Revised Statutes Supplement,
2 1998, is amended to read:

3 13-509. On or before August 20 of each year, the county
4 assessor shall certify to each governing body or board empowered to
5 levy or certify a tax levy the current taxable value of the taxable
6 real and personal property subject to the applicable levy. Current
7 taxable value for real property shall mean the value established by
8 the county assessor and equalized by the county board of
9 equalization, the agricultural and horticultural land valuation
10 board, and the Tax Equalization and Review Commission. Current
11 taxable value for tangible personal property ~~other than motor~~
12 ~~vehicles~~ shall mean the net book value reported by the taxpayer and
13 certified by the county assessor. ~~7 and current taxable value for~~
14 ~~motor vehicles shall mean the value certified by the county~~
15 ~~assessor pursuant to section 77-1514.~~

16 Sec. 2. Section 18-2147, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 18-2147. (1) Any redevelopment plan as originally
19 approved or as later modified pursuant to section 18-2117, may
20 contain a provision that any ad valorem tax levied upon real
21 property in a redevelopment project for the benefit of any public
22 body shall be divided, for a period not to exceed fifteen years
23 after the effective date of such a provision by the governing body,
24 as follows:

25 (a) That portion of the ad valorem tax which is produced
26 by the levy at the rate fixed each year by or for each such public
27 body upon the redevelopment project valuation shall be paid into
28 the funds of each such public body in the same proportion as are

1 all other taxes collected by or for the body; and

2 (b) That portion of the ad valorem tax on real property
3 in the redevelopment project in excess of such amount, if any,
4 shall be allocated to and, when collected, paid into a special fund
5 of the authority to be used solely to pay the principal of, the
6 interest on, and any premiums due in connection with the bonds of,
7 loans, notes, or advances of money to, or indebtedness incurred by,
8 whether funded, refunded, assumed, or otherwise, such authority for
9 financing or refinancing, in whole or in part, the redevelopment
10 project. When such bonds, loans, notes, advances of money, or
11 indebtedness, including interest and premiums due, have been paid,
12 the authority shall so notify the county assessor and county
13 treasurer and all ad valorem taxes upon taxable real property in
14 such a redevelopment project shall be paid into the funds of the
15 respective public bodies.

16 (2) The governing body shall not implement any plan
17 containing a provision dividing ad valorem taxes as provided in
18 subsection (1) of this section until such time as the real property
19 in the redevelopment project is within the corporate boundaries of
20 the city.

21 (3) Notice of the provision dividing ad valorem taxes
22 shall be sent in writing by the authority to the county assessor on
23 or before August 1 of the year of the effective date of the
24 provision.

25 Sec. 3. Section 23-3202, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 23-3202. No person, except the Property Tax
28 Administrator assuming the duties of a county assessor pursuant to

1 section 77-1340, shall be eligible to file for or be appointed to
2 the office of county assessor or serve as deputy assessor in any
3 county of this state unless he or she holds a county assessor
4 certificate issued pursuant to section 77-422.

5 Sec. 4. Section 60-3006, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 60-3006. (1) A veteran of the United States Armed Forces
8 who qualifies for an exemption from the motor vehicle tax under
9 subdivision (2) of section 60-3002 shall apply for the exemption to
10 the county treasurer or designated county official pursuant to
11 section 23-186 not more than fifteen days before and not later than
12 thirty days after the registration date for the motor vehicle. A
13 renewal application shall be made annually not sooner than the
14 first day of the last month of the registration period or later
15 than the last day of the registration period. The county treasurer
16 or designated county official shall approve or deny the application
17 and notify the applicant of his or her decision within twenty days
18 after the filing of the application. An applicant may appeal the
19 denial of an application to the county board within twenty days
20 after the date the notice was mailed.

21 (2) An organization which qualifies for an exemption from
22 the motor vehicle tax under subdivision (6) of section 60-3002
23 shall apply for the exemption to the county treasurer or designated
24 county official not more than fifteen days before and not later
25 than thirty days after the registration date for the motor vehicle.
26 For a newly acquired motor vehicle, an application for exemption
27 must be made within thirty days after the purchase date. A renewal
28 application shall be made annually not sooner than the first day of

1 the last month of the registration period or later than the last
2 day of the registration period. The county treasurer or designated
3 county official shall examine the application and recommend either
4 exempt or nonexempt status to the county board of equalization
5 within twenty days after receipt of the application. The county
6 board of equalization, after a hearing on ten days' notice to the
7 applicant and after considering the recommendation of the county
8 treasurer or designated county official and any other information
9 it may obtain, shall approve or deny the exemption on the basis of
10 law and of rules and regulations adopted and promulgated by the
11 Property Tax Administrator. The county board of equalization shall
12 certify its decision to the applicant, the county treasurer or
13 designated county official, and the Property Tax Administrator
14 within ten days after the hearing. The decision of the county
15 board of equalization may be appealed to the Tax Equalization and
16 Review Commission.

17 Sec. 5. Section 77-101, Revised Statutes Supplement,
18 1998, is amended to read:

19 77-101. For purposes of Chapter 77 and any statutes
20 dealing with taxation, unless the context otherwise requires, the
21 definitions found in sections 77-102 to 77-127 and sections 7 and 8
22 of this act shall be used.

23 Sec. 6. Section 77-123, Revised Statutes Supplement,
24 1998, is amended to read:

25 77-123. Omitted property means, for the current tax
26 year, any taxable real property that was not assessed on ~~April 1~~
27 March 20 and any taxable tangible personal property that was not
28 assessed on May 1. Omitted property also means any taxable real or

1 tangible personal property that was not assessed for any prior tax
 2 year. Omitted property does not include property exempt under
 3 subdivisions (1)(a) through (c) of section 77-202, ~~or~~ listing
 4 errors of an item of property on the assessment roll of the county
 5 assessor, or clerical errors as defined in section 7 of this act.

6 Sec. 7. Clerical error means transposition of numbers,
 7 mathematical error, computer malfunction causing programming and
 8 printing errors, data entry error, items of real property other
 9 than land identified on the wrong parcel, incorrect ownership, or
 10 certification of an incorrect valuation to political subdivisions.

11 Sec. 8. Assessment roll means a complete and verified
 12 list of the taxable and exempt personal and real property in a
 13 county and the associated assessments as defined in section 77-126.

14 Sec. 9. Section 77-125, Revised Statutes Supplement,
 15 1998, is amended to read:

16 77-125. Tax situs means the tax district wherein taxable
 17 real property is located or taxable tangible personal property
 18 ~~other than motor vehicles taxed pursuant to sections 77-1239 to~~
 19 ~~77-1242.02~~ is located for fifty percent or more of the calendar
 20 year. Taxable tangible personal property of a business shall be
 21 assessed at the location of the business unless the property has
 22 acquired tax situs elsewhere.

23 Sec. 10. Section 77-202.03, Revised Statutes Supplement,
 24 1998, is amended to read:

25 77-202.03. (1) A properly granted exemption of real or
 26 tangible personal property, except real property used for cemetery
 27 purposes, provided for in subdivisions (1)(b) and (1)(c) of section
 28 77-202 shall continue for a period of four years if the affidavit

1 required by subsection (2) of this section is filed when due. The
2 four-year period shall begin with years evenly divisible by four.

3 (2) In each intervening year occurring between
4 application years, the organization or society which filed the
5 granted exemption application for the real or tangible personal
6 property, except real property used for cemetery purposes, shall
7 file an affidavit with the county assessor on or before December 31
8 of the year preceding the year for which the exemption is sought,
9 on forms prescribed by the Property Tax Administrator, certifying
10 that the ownership and use of the exempted property has not changed
11 during the year. Any organization or society which misses the
12 December 31 deadline for filing the affidavit may file the
13 affidavit by June 30. Such filing shall maintain the tax-exempt
14 status of the property without further action by the county and
15 regardless of any previous action by the county board to deny the
16 exemption due to late filing of the affidavit. Upon any such late
17 filing, the county board shall assess a penalty against such
18 organization or society of ten percent of the tax that would have
19 been assessed had the affidavit not been filed or one hundred
20 dollars, whichever is less, for each calendar month or fraction
21 thereof for which the filing of the affidavit is late.

22 (3)(a) If any organization or society seeks a tax
23 exemption for any real or tangible personal property acquired on or
24 after January 1 of any year or converted to exempt use on or after
25 January 1 of any year, the organization or society shall make
26 application for exemption on or before August 1 of that year as
27 provided in section 77-202.01. The procedure for reviewing the
28 application shall be as in sections 77-202.01 to 77-202.07, except

1 that the exempt use shall be determined as of the date of
2 application and the review by the county board of equalization
3 shall be completed by August 15.

4 (b) If an organization as defined in subdivision (1)(b)
5 or (c) of section 77-202 purchases, between August 1 and levy date,
6 property that has been granted tax exemption and the property
7 continues to be qualified for a property tax exemption, the
8 purchaser shall on or before December 1 make application for
9 exemption as provided in section 77-202.01. The procedure for
10 reviewing the application shall be as in sections 77-202.01 to
11 77-202.07, and the review by the county board of equalization shall
12 be completed by December 15.

13 (4) In any year, the county assessor or the county board
14 of equalization may cause a review of any exemption to determine
15 whether the exemption is proper. Such a review may be taken even
16 if the ownership or use of the property has not changed from the
17 date of the allowance of the exemption. The review shall follow
18 the procedure set out in section 77-202.02. If it is determined
19 that a change in an exemption is warranted, the procedure for
20 hearing set out in section 77-202.02 shall be followed. If an
21 exemption is denied, the county board of equalization shall place
22 the property on the tax rolls retroactive to January 1 of that year
23 if on the date of the decision of the county board of equalization
24 the property no longer qualifies for an exemption.

25 The county board of equalization shall give notice of the
26 assessed value of the real property in the same manner as outlined
27 in section 77-1507, and the procedures for filing a protest shall
28 be the same as those in section 77-1502.

1 When personal property, which was exempt and becomes
 2 taxable because of lost exemption status, the owner or his or her
 3 agent has thirty days after the date of denial, to file a personal
 4 property return with the county assessor. Upon the expiration of
 5 the thirty days for filing a personal property return pursuant to
 6 this subsection, the county assessor shall proceed to list and
 7 value the personal property and apply the penalty pursuant to
 8 section 77-1233.04.

9 (5) During the month of September of each year, the
 10 county board of equalization shall cause to be published in a paper
 11 of general circulation in the county a list of all real estate in
 12 the county exempt from taxation for that year pursuant to
 13 subdivisions (1)(b) and (1)(c) of section 77-202. Such list shall
 14 be grouped into categories as provided by the Property Tax
 15 Administrator. A copy of the list and proof of publication shall
 16 be forwarded to the Property Tax Administrator.

17 Sec. 11. Section 77-1233.04, Revised Statutes
 18 Supplement, 1998, is amended to read:

19 77-1233.04. (1) The county assessor shall list any item
 20 of tangible personal property omitted from a personal property
 21 return of any taxpayer and change the reported valuation of any
 22 item of tangible personal property listed on the return ~~of any~~
 23 ~~taxpayer~~ to conform the valuation to net book value. The county
 24 assessor shall ~~make a change to~~ list or change the valuation of any
 25 item of tangible personal property for the current taxing period
 26 and the three previous taxing periods or any taxing period included
 27 therein.

28 (2) ~~The county assessor shall list any item of tangible~~

1 ~~personal property omitted from a personal property return of any~~
2 ~~taxpayer and value the property at its net book value. The county~~
3 ~~assessor shall list and value omitted property for the current~~
4 ~~taxing period and the three previous taxing periods or any taxing~~
5 ~~period included therein.~~

6 ~~(3) The tangible personal property so listed and valued~~
7 ~~shall be taxed at the same rate as would have been imposed upon the~~
8 ~~property in the tax district in which the property should have been~~
9 ~~returned for taxation.~~

10 ~~(4) To the tax shall be added a penalty of the greater of~~
11 ~~one hundred dollars or fifty percent of the tax due on the taxable~~
12 ~~tangible personal property.~~

13 (3) Any valuation added to a personal property return
14 after May 1 and on or before July 31 of the year the property is
15 required to be reported shall be subject to a penalty of ten
16 percent of the tax due on the value added.

17 (4) Any valuation added to a personal property return on
18 or after August 1 of the year the property is required to be
19 reported shall be subject to a penalty of twenty-five percent of
20 the tax due on the value added.

21 (5) Interest shall be assessed upon both the tax and the
22 penalty at the rate specified in section 45-104.01, as such rate
23 may from time to time be adjusted by the Legislature, from the date
24 the tax would have been delinquent until paid.

25 (6) Whenever valuation changes are made to a personal
26 property return pursuant to this section, the county assessor shall
27 correct the assessment roll and tax list, if necessary, to reflect
28 such changes. Such corrections shall be made for the current

1 taxing period and the three previous taxing periods or any taxing
2 period included therein. If the change results in a decreased
3 taxable valuation on the personal property return and the personal
4 property tax has been paid prior to a correction pursuant to this
5 section, the taxpayer may request a refund or credit of the tax in
6 the same manner prescribed in section 77-1734.01, except that such
7 requests shall be made within three years after the date the tax
8 was due.

9 Sec. 12. Section 77-1233.06, Revised Statutes
10 Supplement, 1998, is amended to read:

11 77-1233.06. For purposes of ~~sections~~ section 77-1233.04:
12 ~~and 77-1233.05.~~

13 (1) The county assessor shall notify the taxpayer, on a
14 form prescribed by the Property Tax Administrator, of the action
15 taken, the penalty, and the rate of interest. The notice shall
16 also state the taxpayer's appeal rights and the appeal procedures.
17 Such notice shall be given by first-class mail addressed to such
18 taxpayer's last-known address. The entire penalty and interest
19 shall be waived if the omission or failure to report any item of
20 tangible personal property was for the reason that the property was
21 timely reported in the wrong tax district;

22 (2) The taxpayer may appeal the action of the county
23 assessor, either as to the valuation or the penalties imposed, to
24 the county board of equalization within thirty days after the date
25 of notice. The taxpayer shall preserve his or her appeal by filing
26 a written appeal with the county clerk in the same manner as
27 prescribed for protests in section 77-1502. The action of the
28 county assessor shall become final unless a written appeal is filed

1 within the time prescribed;

2 (3) The action of the county board of equalization, in an
3 appeal of the penalties imposed, shall be limited to correcting
4 penalties which were wrongly imposed or incorrectly calculated.
5 The county board of equalization shall have no authority to waive
6 or reduce any penalty which was correctly imposed and calculated.
7 The entire penalty and interest on the penalty shall be waived if
8 the omission or failure to report any item of tangible personal
9 property was for the reason that the property was timely reported
10 in the wrong tax district;

11 (4) Upon ten days' notice to the taxpayer, the county
12 board of equalization shall set a date for hearing the appeal of
13 the taxpayer. The county board of equalization shall make its
14 determination on the appeal within thirty days after the date of
15 hearing. The county clerk shall, within seven days after the
16 determination of the county board, send notice to the taxpayer and
17 the county assessor, on forms prescribed by the Property Tax
18 Administrator, of the action of the county board. Appeal may be
19 taken within thirty days ~~from~~ after the decision of the county
20 board of equalization to the Tax Equalization and Review
21 Commission; and

22 (5) Taxes and penalties assessed for the current year, if
23 not delinquent, shall be certified to the county treasurer and
24 collected as if the property had been properly reported for
25 taxation, except that separate tax statements may be mailed. Taxes
26 and penalties assessed for the current year, if delinquent, and
27 taxes and penalties assessed for prior years shall be certified to
28 the county treasurer, and the taxes, penalties, and interest

1 thereon shall be due and collectible immediately upon
2 certification. Collection procedures shall be started immediately
3 regardless of the provisions of any other statute to the contrary.

4 Sec. 13. The Property Tax Administrator shall:

5 (1) Establish, implement, and maintain a required system
6 of educational courses for the certification and recertification
7 for all county assessors; and

8 (2) Establish the required educational standards and
9 criteria for certification and recertification.

10 In order to promote compliance with the requirements of
11 this section, the Property Tax Administrator shall adopt and
12 promulgate, and from time to time amend or revise, rules and
13 regulations containing the necessary educational standards and
14 criteria for certification and recertification.

15 Sec. 14. Section 77-1301, Revised Statutes Supplement,
16 1998, is amended to read:

17 77-1301. (1) All real property in this state subject to
18 taxation shall be assessed as of January 1 at 12:01 a.m., which
19 assessment shall be used as a basis of taxation until the next
20 assessment.

21 (2) The county assessor shall complete the assessment of
22 real property on or before ~~April 1~~ March 20 of each year.

23 Sec. 15. Section 77-1303, Revised Statutes Supplement,
24 1998, is amended to read:

25 77-1303. (1) On or before ~~April 1~~ March 20 of each year,
26 the county assessor or county clerk shall make up an assessment
27 roll of the taxable real property in the county.

28 (2) If a whole section, half section, quarter section, or

1 half quarter section belongs to the same owner, it shall be
2 included in one description. If all the lots in the same block
3 belong to the same owner, they shall be included in one
4 description. If several adjoining lots in the same block belong to
5 the same owner, they shall be included in one description. If any
6 item of real property is situated in more than one tax district,
7 the portion thereof in each district shall be listed separately.

8 (3) The county assessor or county clerk shall enter in
9 the proper column, opposite each respective item, the name of the
10 owner thereof so far as he or she is able to ascertain the same.
11 The assessment roll shall contain columns in which may be shown the
12 number of acres or lots and the value thereof, the improvements and
13 the value thereof, the total value of the acres or lots and
14 improvements, and the improvements on leased lands and the value
15 and owner thereof and such other columns as may be required.

16 Sec. 16. Section 77-1315, Revised Statutes Supplement,
17 1998, is amended to read:

18 77-1315. (1) The county assessor shall, after ~~April 1~~
19 March 20 and on or before June 1, implement adjustments to the real
20 property assessment roll for actions of the agricultural and
21 horticultural land valuation board and the Tax Equalization and
22 Review Commission.

23 (2) On or before June 1, the county assessor shall notify
24 the record owner of every item of real property which has been
25 assessed at a value different than in the previous year. Such
26 notice shall be given by first-class mail addressed to such owner's
27 last-known address. It shall identify the item of real property
28 and state the old and new valuation, the date of convening of the

1 county board of equalization, the dates for filing a protest, and
2 the average level of value of all classes and subclasses of real
3 property in the county as determined by the Tax Equalization and
4 Review Commission.

5 (3) Immediately upon completion of the assessment roll,
6 the county assessor or county clerk shall cause to be published in
7 a newspaper of general circulation in the county a certification
8 that the assessment roll is complete and notices of valuation
9 changes have been mailed and provide the final date for filing
10 valuation protests with the county board of equalization.

11 Sec. 17. Section 77-1315.01, Revised Statutes
12 Supplement, 1998, is amended to read:

13 77-1315.01. After ~~April 1~~ March 20 and on or before July
14 25, the county assessor shall report to the county board of
15 equalization any overvaluation or undervaluation of any real
16 property. The county board of equalization shall consider the
17 report in accordance with section 77-1504.

18 The current year's assessed valuation of any real
19 property shall not be changed by the county assessor after ~~April 1~~
20 March 20 except by action of the agricultural and horticultural
21 land valuation board, the Tax Equalization and Review Commission,
22 or the county board of equalization.

23 Sec. 18. Section 77-1317, Revised Statutes Supplement,
24 1998, is amended to read:

25 77-1317. It shall be the duty of the county assessor to
26 report to the county board of equalization all real property in his
27 or her county that, for any reason, was omitted from the assessment
28 roll for the current year, after ~~April 1~~ March 20, or any former

1 year. The assessment shall be made by the county board of
2 equalization in accordance with sections 77-1504 and 77-1507.
3 After county board of equalization action pursuant to section
4 77-1504 or 77-1507, the county assessor shall correct the
5 assessment and tax rolls as provided in section 77-1613.02. No
6 real property shall be assessed for any prior year under this
7 section when such real property has changed ownership otherwise
8 than by will, inheritance, or gift.

9 Sec. 19. Section 77-1318, Revised Statutes Supplement,
10 1998, is amended to read:

11 77-1318. All taxes charged under section 77-1317 shall
12 be exempt from any back interest or penalty and shall be collected
13 in the same manner as other taxes levied upon real estate, except
14 for taxes charged on improvements to real property made after
15 September 1, 1980. Interest at the rate provided in section 77-207
16 and the following penalties and interest on penalties for late
17 reporting or failure to report such improvements pursuant to
18 section 77-1318.01 shall be collected in the same manner as other
19 taxes levied upon real property. The penalty for late reporting or
20 failure to report improvements made to real property after
21 September 1, 1980, shall be as follows: (1) A penalty of twelve
22 percent of the tax due on the improvements for each taxing period
23 for improvements voluntarily filed or reported after ~~April 1~~ March
24 20 has passed; and (2) a penalty of twenty percent of the tax due
25 on improvements for each taxing period for improvements not
26 voluntarily reported for taxation purposes after ~~April 1~~ March 20
27 has passed. Interest at the rate specified in section 45-104.01,
28 as such rate may from time to time be adjusted by the Legislature,

1 shall be assessed upon such penalty from the date of delinquency of
2 the tax until paid. No penalty excluding interest shall be charged
3 in excess of one thousand dollars per year. For purposes of this
4 section, improvement shall mean any new construction of or change
5 to an item of real property as defined in section 77-103.

6 Any additional taxes, penalties, or interest on penalties
7 imposed pursuant to this section may be appealed in the same manner
8 as appeals are made under section 77-1233.06.

9 Sec. 20. Section 77-1327, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 77-1327. (1) It is the intent of the Legislature that
12 accurate and comprehensive information be made accessible to the
13 taxpayer in order to ensure the quality and uniformity of
14 assessment practices on both intercounty and intracounty
15 valuations.

16 (2) The Property Tax Administrator annually shall make
17 and issue comprehensive assessment ratio studies of the average
18 level of assessment, the degree of assessment uniformity, and
19 overall compliance with assessment requirements for each major
20 class of real property ~~and for mobile homes and cabin trailers~~
21 subject to the property tax in each county in the state. In order
22 to determine the degree of assessment uniformity and compliance in
23 the assessment of major classes of property within each county, the
24 Property Tax Administrator shall compute measures of central
25 tendency and dispersion and shall employ such standard statistical
26 analysis as deemed appropriate by him or her.

27 (3) The Property Tax Administrator may require assessors
28 and other local officers to report to him or her data on taxable

1 valuations and other features of the property tax for such periods
2 and in such form and content as the Property Tax Administrator
3 shall require. The Property Tax Administrator shall so construct
4 and maintain his or her system for the collection and analysis of
5 property tax facts as to enable him or her to make intracounty
6 comparisons, including school districts, as well as intercounty
7 comparisons, including school districts, based on property tax and
8 assessment ratio data. The Property Tax Administrator shall
9 include analysis of real estate sales pursuant to land contracts
10 and similar transfers at the time of execution of the contract or
11 similar transfer. The property tax division of the Department of
12 Revenue shall assist those county officials who require
13 supplemental information to perform the duties necessary to carry
14 out this section. The information requested may include, but shall
15 not be limited to, sample appraisals, statistical analyses,
16 arm's-length sales transactions, or any other information necessary
17 to complete such analysis.

18 (4) The Property Tax Administrator shall verify the
19 accuracy of information, including the selection of form 521
20 comparable sales, if any, that are not arm's-length transactions.

21 (5) The Property Tax Administrator shall annually publish
22 a summary of the findings of the assessment ratio studies together
23 with digests of property tax data.

24 (6) The county assessor shall annually, within five days
25 after certifying the assessment rolls pursuant to section 77-1315,
26 post in his or her office and, as designated by the county board,
27 mail to a newspaper of general circulation and to licensed
28 broadcast media in the county the assessment ratios as found in his

1 or her county as determined by the Property Tax Administrator and
2 any other statistical measures, including, but not limited to, the
3 assessment-to-sales ratio, the coefficient of dispersion, and the
4 price-related differential.

5 Sec. 21. Section 77-1330, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 77-1330. ~~(1) The Property Tax Administrator shall~~
8 ~~prepare, issue, and annually revise guides for county assessors in~~
9 ~~the form of handbooks of rules and regulations, appraisal manuals,~~
10 ~~special manuals and studies, cost and price schedules, news and~~
11 ~~reference bulletins, property tax laws, and memoranda. County~~
12 ~~assessors shall continually use such guides in the performance of~~
13 ~~their duties. All appraisals or reappraisals of property for tax~~
14 ~~purposes shall be in compliance with such manuals and guides.~~

15 ~~(2) At any time after an examination has been conducted~~
16 ~~of the county books and records by the property tax division of the~~
17 ~~Department of Revenue and when it is apparent that the county has~~
18 ~~failed or neglected to implement any guide prescribed or issued~~
19 ~~pursuant to subsection (1) of this section, the Property Tax~~
20 ~~Administrator may, after notice and a hearing conducted in~~
21 ~~accordance with the Administrative Procedure Act, order whatever~~
22 ~~corrective measures the Property Tax Administrator deems necessary~~
23 ~~to secure compliance with subsection (1) of this section. The~~
24 ~~values resulting from such corrective measures shall be placed upon~~
25 ~~the assessment rolls and used as a basis for taxation for the~~
26 ~~current tax year if deemed possible by the Property Tax~~
27 ~~Administrator, otherwise for the next calendar year. Each property~~
28 ~~owner shall be notified of the valuations to be used in the manner~~

1 required by section 77-1315, and individual protests may be taken
2 from such valuations in the manner prescribed by section 77-1502,
3 except that if the Property Tax Administrator determines that
4 corrective measures are able to be made for the current tax year,
5 the Property Tax Administrator shall have authority to extend
6 statutory due dates and filing requirements corresponding to the
7 correction. Any current year corrections shall be completed no
8 later than August 10. The performance of such corrective measures
9 shall be a charge on the county and, upon completion, the Property
10 Tax Administrator shall notify the county board of the cost and
11 make demand for such cost. If payment is not received within sixty
12 days after the mailing of such demand, the Property Tax
13 Administrator shall forthwith report such fact to the State
14 Treasurer. The State Treasurer shall immediately make payment to
15 the Department of Revenue for the costs incurred by the department
16 for such corrective measures. The payment shall be made out of any
17 money to which such county may be entitled under Chapter 77,
18 articles 27 and 35, and Chapter 66, articles 4 and 6. (1) In order
19 to promote compliance with the requirements of law, the Property
20 Tax Administrator shall issue and, from time to time, may amend or
21 revise rules and regulations containing minimum standards of
22 assessment and appraisal performance. Such standards may relate
23 to: (a) Adequacy of tax maps and records; (b) types and
24 qualifications of personnel; (c) methods and specifications for the
25 appraisal of property; (d) compliance with state manuals and
26 directives; and (e) administration. The Property Tax Administrator
27 shall also prepare, issue, and annually revise guides for county
28 assessors in the form of property tax laws, rules, regulations,

1 manuals, and directives. The Property Tax Administrator may issue
2 such manuals and directives without the necessity of compliance
3 with the terms of the Administrative Procedure Act relating to the
4 promulgation of rules and regulations. The assessment and
5 appraisal function performed by counties shall comply with the
6 standards promulgated by the Property Tax Administrator and county
7 assessors shall continually use the materials prepared by the
8 Property Tax Administrator in the performance of their duties. All
9 assessments and appraisals of property for tax purposes shall be in
10 compliance with such statutes, rules, regulations, manuals, and
11 directives.

12 (2) The Property Tax Administrator, or his or her agent
13 or representative, may examine or cause to have examined any books,
14 papers, records, or memoranda of any county relating to the
15 assessment of property to determine compliance with the statutes,
16 regulations, manuals, and directives described in subsection (1) of
17 this section. The production of such records may be required by
18 the Property Tax Administrator by administrative order or summons.
19 Failure to provide such records to the Property Tax Administrator
20 shall constitute grounds for the suspension of the assessor's
21 certificate of any county assessor who willfully fails to make
22 requested records available to the Property Tax Administrator.

23 (3) After an examination of the books and records of a
24 county, the Property Tax Administrator shall provide a written
25 report of the results of the examination to the county assessor and
26 county board. If the examination indicates a failure to meet the
27 standards contained in the laws, rules, regulations, manuals, and
28 directives issued by the Property Tax Administrator, the Property

1 Tax Administrator shall, in the report of the examination, set
2 forth the facts and nature of such failures as well as corrective
3 measures the county or assessor should implement to correct those
4 failures.

5 (4) After an examination of the books and records of a
6 county and the issuance of the report of the results of the
7 examination, the Property Tax Administrator may seek to order a
8 county or county assessor to take corrective measures to remedy any
9 failure to comply with the materials described in subsection (1) of
10 this section. Such corrective orders may only be issued after
11 written notice and a hearing before the Property Tax Administrator
12 conducted at least ten days after the issuance of the written
13 notice of hearing. If such a corrective order would have an impact
14 on property values in the county, the values resulting from such
15 corrective measures shall be placed upon the assessment rolls and
16 used as a basis for taxation for the current tax year, if deemed
17 possible by the Property Tax Administrator, otherwise for the next
18 calendar year. Each property owner shall be notified of the
19 valuations to be used in the manner required by section 77-1315,
20 and individual protests may be taken from such valuations in the
21 manner prescribed by section 77-1502, except that if the Property
22 Tax Administrator determines that corrective measures are able to
23 be made for the current tax year, the Property Tax Administrator
24 shall have authority to extend statutory due dates and filing
25 requirements corresponding to the correction. Any current year
26 corrections shall be completed no later than August 10. The
27 performance of such corrective measures shall be implemented by the
28 county to which the order is issued. If the county fails to

1 implement such corrective measures, the Property Tax Administrator
2 may seek to suspend the assessment function of the county under the
3 terms of subsection (5) of this section and shall implement the
4 corrective measures pursuant to subsection (6) of this section.
5 The performance of such corrective measures shall be a charge on
6 the county and, upon completion, the Property Tax Administrator
7 shall notify the county board of the cost and make demand for such
8 cost. If payment is not received within sixty days after the
9 mailing of such demand, the Property Tax Administrator shall report
10 such fact to the State Treasurer. The State Treasurer shall
11 immediately make payment to the property tax division of the
12 Department of Revenue for the costs incurred by the division for
13 such corrective measures. The payment shall be made out of any
14 money to which such county may be entitled under Chapter 77,
15 articles 27 and 35, and Chapter 66, articles 4 and 6.

16 (5) If, within one year from the service of the report of
17 an examination described in subsection (3) of this section setting
18 forth a failure to comply with laws, rules, regulations, manuals,
19 directives, or a corrective order as described in subsection (4) of
20 this section, the failure set forth in the report has not been
21 remedied or the measures in the corrective order have not been
22 taken, the Property Tax Administrator (a) may, at any time during
23 the continuance of such failure, issue an order requiring the
24 county assessor and county board to show cause why the authority of
25 the county with respect to assessments or any matter related
26 thereto should not be suspended; (b) shall set a time and place at
27 which the Property Tax Administrator or his or her representative
28 shall hear the county assessor and county board on the question of

1 compliance by the assessor or county with the laws, rules,
2 regulations, manuals, directives, or corrective orders described
3 above; and (c) after such hearing shall determine whether and to
4 what extent the assessment function of the county shall be so
5 suspended. Such hearing shall be held at least ten days after the
6 issuance of such notice in the county.

7 (6) During the continuance of a suspension pursuant to
8 subsection (5) of this section, the Property Tax Administrator
9 shall succeed to the authority and duties from which the county has
10 been suspended and shall exercise and perform the same. Such
11 exercise and performance shall be a charge on the suspended county.
12 The suspension shall continue until the Property Tax Administrator
13 finds that the conditions responsible for the failure to meet the
14 minimum standards contained in the laws, rules, regulations,
15 manuals, and directives of the Property Tax Administrator have been
16 corrected.

17 (7) The Property Tax Administrator, subject to rules and
18 regulations to be published and furnished to every county assessor
19 and county board, shall have the power to invalidate the
20 certificate of any assessor or deputy assessor who willfully fails
21 or refuses to diligently perform his or her duties in accordance
22 with the laws, rules, regulations, manuals, and directives issued
23 by the Property Tax Administrator, governing the assessment of
24 property and the duties of each assessor and deputy assessor. No
25 certificate shall be revoked or suspended except after notice and a
26 hearing before the Property Tax Administrator or his or her
27 designee. Such hearing shall be held at least ten days after the
28 issuance of such notice in the county. If the county assessor

1 certificate of a person serving as assessor or deputy assessor is
2 revoked, such person shall be removed from office by the Property
3 Tax Administrator, the office shall be declared vacant, and such
4 person shall not be eligible to hold that office for a period of
5 five years after the date of removal.

6 (8) All hearings described in this section shall be
7 governed by the Administrative Procedure Act. Any county aggrieved
8 by a determination of the Property Tax Administrator after a
9 hearing pursuant to subsections (4) and (5) of this section or
10 alleging that its suspension is no longer justified may have review
11 of such determination or continued suspension in accordance with
12 the Tax Equalization and Review Commission Act. Any assessor or
13 deputy assessor whose county assessor certificate has been revoked
14 may appeal the decision of the Property Tax Administrator, and the
15 appeal shall be in accordance with the Tax Equalization and Review
16 Commission Act.

17 Sec. 22. Section 77-1501, Revised Statutes Supplement,
18 1998, is amended to read:

19 77-1501. The county board shall constitute the county
20 board of equalization. The county board of equalization shall
21 fairly and impartially equalize the values of all items of real
22 property in the county so that all real property is assessed
23 uniformly and proportionately. ~~For purposes of equalizing the~~
24 ~~valuation of any real property, the county board of equalization~~
25 ~~shall make its adjustment so that the value of the real property~~
26 ~~compares to the average level of value of the class or subclass of~~
27 ~~property in which the real property is classified.~~

28 The county assessor shall attend all meetings of the

1 county board of equalization when such meetings pertain to the
2 assessment or exemption of real and personal property. The county
3 treasurer or designated county official pursuant to section 23-186
4 shall attend all meetings of the county board of equalization
5 involving the exemption of motor vehicles from the motor vehicle
6 tax. All records of the county assessor's office shall be
7 available for the inspection and consideration of the county board
8 of equalization. The county clerk shall attend all meetings of the
9 county board of equalization and shall make a record of the
10 proceedings of the county board of equalization.

11 Sec. 23. Section 77-1503.01, Revised Statutes
12 Supplement, 1998, is amended to read:

13 77-1503.01. Any property valued by the state shall not
14 be subject to equalization by the jurisdiction of the county board
15 of equalization. ~~under section 77-1504.~~

16 Sec. 24. Section 77-1504, Revised Statutes Supplement,
17 1998, is amended to read:

18 77-1504. The county board of equalization may meet on or
19 after June 1 and on or before July 25 to consider and correct the
20 current year's assessment of any real property which has been
21 undervalued, overvalued, or omitted. The board shall give notice
22 of the assessed value to the record owner or agent at his or her
23 last-known address.

24 The county board of equalization in taking action
25 pursuant to this section may consider the reports of the county
26 assessor pursuant to sections 77-1315.01 and 77-1317 or any other
27 documented information known to any member of the board.

28 Action of the county board of equalization pursuant to

1 this section shall be for the current assessment year only.

2 The action of the county board of equalization may be
3 protested to the board within thirty days after the mailing of the
4 notice required by this section. If no protest is filed, the
5 action of the board shall be final. If a protest is filed, the
6 county board of equalization shall hear the protest in the manner
7 prescribed in section 77-1502, except that all protests shall be
8 heard and decided on or before September 15.

9 The action of the county board of equalization upon a
10 protest filed pursuant to this section may be appealed to the Tax
11 Equalization and Review Commission on or before October 15.

12 Sec. 25. Section 77-1504.01, Revised Statutes
13 Supplement, 1998, is amended to read:

14 77-1504.01. After completion of its actions and based
15 upon the hearings conducted pursuant to sections 77-1502 and
16 77-1504, a county board of equalization may petition the Tax
17 Equalization and Review Commission to consider an adjustment to a
18 class or subclass of real property within the county. Petitions
19 must be filed with the commission on or before August 1. The
20 commission shall hear and take action on a petition filed by a
21 county board of equalization on or before August 10. The
22 commission, in issuing such an order to adjust a class or subclass,
23 may exclude individual properties from that order whose value has
24 already been adjusted by a county board of equalization in the same
25 manner as the commission directs in its order. In implementing the
26 order of the commission, the county assessor shall adjust the
27 values of the class or subclass that is the subject of the order.
28 For properties that have already received an adjustment from the

1 county board of equalization, no additional adjustment may be made
2 applying the commission's order but such an exclusion from the
3 commission's order shall not preclude adjustments to those
4 properties for corrections or omissions. Hearings conducted
5 pursuant to this section shall be in the manner prescribed in
6 section 77-5026. The burden of proof is on the petitioning county
7 to show that failure to make an adjustment would result in values
8 that are not equitable and in accordance with the law. The county
9 assessor of the county adjusted by an order of the commission shall
10 recertify the abstract of assessment to the Property Tax
11 Administrator on or before August 20.

12 Sec. 26. Section 77-1507, Revised Statutes Supplement,
13 1998, is amended to read:

14 77-1507. (1) The county board of equalization may meet
15 at any time for the purpose of assessing any omitted real property
16 which was not reported to the county assessor pursuant to section
17 77-1318.01 and for clerical errors as defined in section 7 of this
18 act that result in a change of valuation. The county board of
19 equalization shall give notice of the assessed value of the real
20 property to the record owner or agent at his or her last-known
21 address. For real property which has been omitted in the current
22 year, the county board of equalization shall not send notice
23 pursuant to this section on or before June 1.

24 Protests for omitted real property pursuant to this
25 section and clerical errors shall be filed with the county board of
26 equalization within thirty days after the mailing of the notice.
27 The procedures for filing a protest under this section shall be the
28 same as those in section 77-1502 except for date restrictions.

1 (2) The county clerk shall, within seven days after the
2 board's final decision, send:

3 (a) For protested action, a notification to the protester
4 of the board's final action; and

5 (b) For protested and nonprotested action, a report to
6 the Property Tax Administrator which shall state the description of
7 the property, the reason such property was not assessed pursuant to
8 section 77-1301, and a statement of the board's justification for
9 its action. A copy of the report shall be available for public
10 inspection in the office of the county clerk.

11 (3) The action of the county board of equalization upon a
12 protest filed pursuant to this section may be appealed to the Tax
13 Equalization and Review Commission within thirty days after the
14 board's final decision.

15 (4) No omitted real property which was properly reported
16 to the county assessor pursuant to section 77-1318.01 shall be
17 added to the assessment roll after July 25 of the year or years in
18 which the property was omitted.

19 Sec. 27. Section 77-1514, Revised Statutes Supplement,
20 1998, is amended to read:

21 77-1514. The county assessor shall prepare abstracts of
22 the property assessment rolls of locally assessed property of his
23 or her county on forms prescribed and furnished by the Property Tax
24 Administrator, showing the values of all taxable property as
25 determined by the county assessor for the current year. The county
26 assessor shall forward the real property abstract to the Property
27 Tax Administrator on or before ~~April 1~~ March 20 and the personal
28 property ~~and motor vehicle~~ abstract on or before May 15. The

1 abstract shall show the taxable property by school district in the
2 county and any other information as required by the Property Tax
3 Administrator.

4 Sec. 28. Section 77-1515, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 77-1515. If any county assessor refuses or neglects to
7 prepare an abstract of the assessment roll of his or her county and
8 forward it to the Property Tax Administrator as required in section
9 77-1514, he or she shall forfeit to the state the sum of one
10 hundred dollars, to be recovered in a ~~civil action in the name of~~
11 ~~the state. The certificate~~ an action before the Tax Equalization
12 and Review Commission. The petition of the Property Tax
13 Administrator, setting forth the failure of the county assessor to
14 comply with the provisions of such section, shall be prima facie
15 evidence of such refusal or neglect on the trial of such action.

16 Sec. 29. The county assessor after July 25 and with
17 approval of the county board of equalization shall correct the
18 assessment roll and the tax list, if necessary, in the case of
19 clerical error as defined in section 7 of this act that results in
20 a change in the value of the real property. Clerical errors that
21 do not result in a change of value on the assessment roll may be
22 corrected at any time by the county assessor. All corrections to
23 the tax list shall be made as provided in section 77-1613.02.

24 Sec. 30. Section 77-1734.01, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 77-1734.01. ~~(1)~~ In case of payment made of any property
27 taxes or any payments in lieu of taxes with respect to property as
28 a result of a clerical error or honest mistake or misunderstanding,

1 of which the taxpayer had no notice, on the part of a county or
2 other political subdivision of the state or any taxpayer, the
3 county treasurer to whom the tax was paid may refund or credit that
4 portion of the tax paid as a result of the clerical error or honest
5 mistake or misunderstanding. Before the refund or credit may be
6 made, the county treasurer shall receive verification from the
7 county assessor or other taxing official that such error or mistake
8 was made, and the claim for refund or credit shall be submitted to
9 the county board. The county board shall pass upon the claim as
10 any other claim made against the county. The refund shall be made
11 in the manner prescribed in section 77-1736.06. The claim for a
12 refund or credit pursuant to this section shall be made in writing
13 to the county treasurer to whom the tax was paid within two years
14 from the date the tax was due. The ordering of a refund or credit
15 by the county board pursuant to this section shall not have a
16 dispositional effect on any similar claim for refund or credit made
17 by another taxpayer. This section may not be used to challenge the
18 valuation of property, the equalization of property, or the
19 constitutionality of a tax.

20 (2) A taxpayer who paid taxes upon personal property for
21 tax year 1992 as a result of the acceleration of the due date
22 pursuant to section 77-1214 shall be eligible to claim a refund or
23 credit of any taxes paid which are in excess of the amount which
24 subsequently would have been due for tax year 1992. The claim for
25 a refund or credit pursuant to this subsection shall be made in
26 writing to the county treasurer to whom the tax was paid within two
27 years from the date the tax was due. Before the refund or credit
28 may be made, the county treasurer shall receive verification from

1 ~~the county assessor that the taxpayer is entitled to the refund or~~
2 ~~credit, and the claim shall be submitted to the county board. The~~
3 ~~county board shall pass upon the claim as any other claim made~~
4 ~~against the county. The refund or credit shall be made in the~~
5 ~~manner prescribed in section 77-1736.06.~~

6 Sec. 31. Original sections 18-2147, 23-3202, 60-3006,
7 77-1327, 77-1330, 77-1515, and 77-1734.01, Reissue Revised Statutes
8 of Nebraska, and sections 13-509, 77-101, 77-123, 77-125,
9 77-202.03, 77-1233.04, 77-1233.06, 77-1301, 77-1303, 77-1315,
10 77-1315.01, 77-1317, 77-1318, 77-1501, 77-1503.01, 77-1504,
11 77-1504.01, 77-1507, and 77-1514, Revised Statutes Supplement,
12 1998, are repealed.

13 Sec. 32. The following sections are outright repealed:
14 Sections 77-378, 77-1336, and 77-1401 to 77-1409, Reissue Revised
15 Statutes of Nebraska, and sections 77-425 and 77-1233.05, Revised
16 Statutes Supplement, 1998.

17 Sec. 33. Since an emergency exists, this act takes
18 effect when passed and approved according to law.