

AMENDMENTS TO LB1089

Introduced by Revenue.

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

3           Section 1. Section 77-376, Revised Statutes Cumulative Supplement,  
4 2016, is amended to read:

5           77-376 (1) The Tax Commissioner may examine or cause to be examined  
6 in his or her behalf, and make memoranda from, any of the financial  
7 records of state and local subdivisions, persons, and corporations  
8 subject to the tax laws of this state. No information shall be released  
9 that is not so authorized by existing statutes. Unless otherwise  
10 prohibited by law, the Tax Commissioner may share the information  
11 examined with the taxing or law enforcement authorities of this state,  
12 other states, and the federal government.

13           (2) The audit and examination selection criteria and standards, the  
14 discovery techniques, the design of technological systems to detect fraud  
15 and inconsistencies, and all other techniques utilized by the Department  
16 of Revenue to discover fraud, misstatements, inconsistencies,  
17 underreporting, and tax avoidance shall be considered confidential  
18 information. The department may disclose this information to certain  
19 persons to further its enforcement activities and as provided under  
20 section 50-1213, but such limited disclosure shall not change the  
21 confidential nature of the information.

22           Sec. 2. Section 77-2791, Revised Statutes Cumulative Supplement,  
23 2016, is amended to read:

24           77-2791 (1) The Tax Commissioner, within the applicable period of  
25 limitations, may credit an overpayment of income tax and interest on such  
26 overpayment against any liability in respect of any tax imposed by the  
27 tax laws of this state on the person who made the overpayment, and the

1 balance shall be refunded by the State Treasurer out of the General Fund.

2 (2) If the amount allowable as a credit for income tax withheld from  
3 the taxpayer exceeds his or her tax to which the credit relates, the  
4 excess shall be considered an overpayment.

5 (3) If the amount allowable as a A refundable income tax credit  
6 exceeds the tax liability of the taxpayer, the excess is considered an  
7 overpayment even if the taxpayer has no income tax liability prior to  
8 applying the refundable credit.

9 (4) If there has been an overpayment of tax required to be deducted  
10 and withheld under section 77-2753, refund shall be made to the employer  
11 or the payor only to the extent that the amount of the overpayment was  
12 not deducted and withheld by the employer or the payor.

13 (5) The Tax Commissioner may adopt and promulgate rules and  
14 regulations providing for the crediting against the estimated income tax  
15 for any taxable year of the amount determined to be an overpayment of the  
16 income tax for a preceding taxable year.

17 (6) If any amount of income tax is assessed or collected after the  
18 expiration of the period of limitations properly applicable thereto, such  
19 amount shall be considered an overpayment.

20 Sec. 3. Section 77-3501.01, Revised Statutes Cumulative Supplement,  
21 2016, is amended to read:

22 77-3501.01 (1) For purposes of section 77-3507, exempt amount shall  
23 mean the lesser of (a) the taxable value of the homestead or (b) one  
24 hundred percent of the average assessed value of single-family  
25 residential property in the claimant's county of residence as determined  
26 in section 77-3506.02 or forty thousand dollars, whichever is greater.

27 (2) For purposes of section ~~sections~~ 77-3508 ~~and 77-3509~~, exempt  
28 amount shall mean the lesser of (a) the taxable value of the homestead or  
29 (b) one hundred twenty percent of the average assessed value of single-  
30 family residential property in the claimant's county of residence as  
31 determined in section 77-3506.02 or fifty thousand dollars, whichever is

1 greater.

2 (3) For purposes of section 77-3506, exempt amount shall mean the  
3 taxable value of the homestead.

4 Sec. 4. Section 77-3505.02, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 77-3505.02 Maximum value shall mean:

7 (1) For applicants eligible under section 77-3507, two hundred  
8 percent of the average assessed value of single-family residential  
9 property in the claimant's county of residence as determined in section  
10 77-3506.02 or ninety-five thousand dollars, whichever is greater; and

11 (2) For applicants eligible under section ~~sections~~ 77-3508—and  
12 ~~77-3509~~, two hundred twenty-five percent of the average assessed value of  
13 single-family residential property in the claimant's county of residence  
14 as determined in section 77-3506.02 or one hundred ten thousand dollars,  
15 whichever is greater.

16 Sec. 5. Section 77-3506, Revised Statutes Cumulative Supplement,  
17 2016, is amended to read:

18 77-3506 (1) All homesteads in this state shall be assessed for  
19 taxation the same as other property, except that there shall be exempt  
20 from taxation, on any homestead described in subsection (2) of this  
21 section, one hundred percent of the exempt amount.

22 (2) The exemption described in subsection (1) of this section shall  
23 apply to homesteads of:

24 (a) A veteran who was discharged or otherwise separated with a  
25 characterization of honorable or general (under honorable conditions),  
26 who is drawing compensation from the United States Department of Veterans  
27 Affairs because of one hundred percent service-connected disability, and  
28 who is not eligible for total exemption under sections 77-3526 to  
29 77-3528, an unremarried surviving spouse of such a veteran, or a  
30 surviving spouse of such a veteran who remarries after attaining the age  
31 of fifty-seven years;

1 (b) An unremarried surviving spouse of any veteran, including a  
2 veteran other than a veteran described in section 80-401.01, who was  
3 discharged or otherwise separated with a characterization of honorable or  
4 general (under honorable conditions) and who died because of a service-  
5 connected disability or a surviving spouse of such a veteran who  
6 remarries after attaining the age of fifty-seven years;~~and~~

7 (c) An unremarried surviving spouse of a serviceman or servicewoman,  
8 including a veteran other than a veteran described in section 80-401.01,  
9 whose death while on active duty was service-connected or a surviving  
10 spouse of such a serviceman or servicewoman who remarries after attaining  
11 the age of fifty-seven years; and -

12 (d) An unremarried surviving spouse of a serviceman or servicewoman  
13 who died while on active duty during the periods described in section  
14 80-401.01 or a surviving spouse of such a serviceman or servicewoman who  
15 remarries after attaining the age of fifty-seven years.

16 (3) Application for exemption under this section shall include  
17 certification of the status set forth in subsection (2) of this section  
18 from the United States Department of Veterans Affairs.

19 Sec. 6. Section 77-3506.02, Revised Statutes Cumulative Supplement,  
20 2016, is amended to read:

21 77-3506.02 After county board of equalization action pursuant to  
22 sections 77-1502 to 77-1504.01 and on or before September 1 each year,  
23 the county assessor shall certify to the Department of Revenue the  
24 average assessed value of single-family residential property in the  
25 county for the current year for purposes of sections 77-3507 and ~~7~~  
26 77-3508, ~~and 77-3509.~~

27 The county assessor shall determine the current average assessed  
28 value of single-family residential property from all real property  
29 records containing dwellings, mobile homes, and duplexes all of which are  
30 designed for occupancy as single-family residential property and any  
31 associated land not to exceed one acre.

1 The county assessor shall also report to the Department of Revenue  
2 the computed exempt amounts pursuant to section 77-3501.01.

3 Sec. 7. Section 77-3506.03, Revised Statutes Cumulative Supplement,  
4 2016, is amended to read:

5 77-3506.03 For homesteads valued at or above the maximum value, the  
6 exempt amount for any exemption under section 77-3507 or ~~77-3508~~  
7 ~~77-3509~~ shall be reduced by ten percent for each two thousand five  
8 hundred dollars of value by which the homestead exceeds the maximum value  
9 and any homestead which exceeds the maximum value by twenty thousand  
10 dollars or more is not eligible for any exemption under section 77-3507  
11 or ~~77-3508~~~~, or 77-3509~~. This section shall not apply to any exemption  
12 under section 77-3506.

13 Sec. 8. Section 77-3507, Revised Statutes Cumulative Supplement,  
14 2016, is amended to read:

15 77-3507 (1) All homesteads in this state shall be assessed for  
16 taxation the same as other property, except that there shall be exempt  
17 from taxation on homesteads of qualified claimants a percentage of the  
18 exempt amount as limited by section 77-3506.03. The percentage of the  
19 exempt amount shall be determined based on the household income of a  
20 claimant pursuant to subsections (2) through (4) of this section.

21 (2) For 2014, for a qualified married or closely related claimant,  
22 the percentage of the exempt amount for which the claimant shall be  
23 eligible shall be the percentage in Column B which corresponds with the  
24 claimant's household income in Column A in the table found in this  
25 subsection.

26	Column A	Column B
27	Household Income	Percentage
28	In Dollars	Of Relief
29	0 through 31,600	100
30	31,601 through 33,300	90

1	33,301 through 35,000	80
2	35,001 through 36,700	70
3	36,701 through 38,400	60
4	38,401 through 40,100	50
5	40,101 through 41,800	40
6	41,801 through 43,500	30
7	43,501 through 45,200	20
8	45,201 through 46,900	10
9	46,901 and over	0

10 (3) For 2014, for a qualified single claimant, the percentage of the  
11 exempt amount for which the claimant shall be eligible shall be the  
12 percentage in Column B which corresponds with the claimant's household  
13 income in Column A in the table found in this subsection.

14	Column A	Column B
15	Household Income	Percentage
16	In Dollars	Of Relief
17	0 through 26,900	100
18	26,901 through 28,300	90
19	28,301 through 29,700	80
20	29,701 through 31,100	70
21	31,101 through 32,500	60
22	32,501 through 33,900	50
23	33,901 through 35,300	40
24	35,301 through 36,700	30
25	36,701 through 38,100	20
26	38,101 through 39,500	10
27	39,501 and over	0

28 (4) For exemption applications filed in calendar years ~~year~~ 2015  
29 through 2017 ~~and each year thereafter~~, the income eligibility amounts in

1 subsections (2) and (3) of this section shall be adjusted by the  
2 percentage determined pursuant to the provisions of section 1(f) of the  
3 Internal Revenue Code of 1986, as it existed prior to December 22, 2017.  
4 For exemption applications filed in calendar year 2018 and each calendar  
5 year thereafter, the income eligibility amounts in subsections (2) and  
6 (3) of this section shall be adjusted by the percentage change in the  
7 Consumer Price Index for All Urban Consumers published by the federal  
8 Bureau of Labor Statistics from the twelve months ending on August 31,  
9 2016, to the twelve months ending on August 31 of the year preceding the  
10 applicable calendar year for inflation by the method provided in section  
11 ~~151 of the Internal Revenue Code.~~ The income eligibility amounts shall be  
12 adjusted for cumulative inflation since 2014. If any amount is not a  
13 multiple of one hundred dollars, the amount shall be rounded to the next  
14 lower multiple of one hundred dollars.

15 Sec. 9. Section 77-3508, Revised Statutes Supplement, 2017, is  
16 amended to read:

17 77-3508 (1)(a) All homesteads in this state shall be assessed for  
18 taxation the same as other property, except that there shall be exempt  
19 from taxation, on any homestead described in subdivision (b) of this  
20 subsection, a percentage of the exempt amount as limited by section  
21 77-3506.03. The exemption shall be based on the household income of a  
22 claimant pursuant to subsections (2) through (4) of this section.

23 (b) The exemption described in subdivision (a) of this subsection  
24 shall apply to homesteads of:

25 (i) Veterans as defined in section 80-401.01 who were discharged or  
26 otherwise separated with a characterization of honorable or general  
27 (under honorable conditions) and who are totally disabled by a non-  
28 service-connected accident or illness;

29 (ii) Individuals who have a permanent physical disability and have  
30 lost all mobility so as to preclude locomotion without the use of a  
31 mechanical aid or prostheses;

1 (iii) Individuals who have undergone amputation of both arms above  
2 the elbow or who have a permanent partial disability of both arms in  
3 excess of seventy-five percent; and

4 (iv) Beginning January 1, 2015, individuals who have a developmental  
5 disability as defined in section 83-1205.

6 (c) Application for the exemption described in subdivision (a) of  
7 this subsection shall include certification from a qualified medical  
8 physician, physician assistant, or advanced practice registered nurse for  
9 subdivisions (b)(i) through (b)(iii) of this subsection, certification  
10 from the United States Department of Veterans Affairs affirming that the  
11 homeowner is totally disabled due to non-service-connected accident or  
12 illness for subdivision (b)(i) of this subsection, or certification from  
13 the Department of Health and Human Services for subdivision (b)(iv) of  
14 this subsection. Such certification from a qualified medical physician,  
15 physician assistant, or advanced practice registered nurse or from the  
16 Department of Health and Human Services shall be made on forms prescribed  
17 by the Department of Revenue. If an individual described in subdivision  
18 (b)(i), (ii), (iii), or (iv) of this subsection is granted a homestead  
19 exemption pursuant to this section for any year, such individual shall  
20 not be required to submit the certification required under this  
21 subdivision in succeeding years if no change in medical condition has  
22 occurred, except that the county assessor or the Tax Commissioner may  
23 request such certification to verify that no change in medical condition  
24 has occurred.

25 (2) For 2014, for a married or closely related claimant as described  
26 in subsection (1) of this section, the percentage of the exempt amount  
27 for which the claimant shall be eligible shall be the percentage in  
28 Column B which corresponds with the claimant's household income in Column  
29 A in the table found in this subsection.

30

Column A

Column B



1	Household Income	Percentage
2	In Dollars	Of Relief
3	0 through 34,700	100
4	34,701 through 36,400	90
5	36,401 through 38,100	80
6	38,101 through 39,800	70
7	39,801 through 41,500	60
8	41,501 through 43,200	50
9	43,201 through 44,900	40
10	44,901 through 46,600	30
11	46,601 through 48,300	20
12	48,301 through 50,000	10
13	50,001 and over	0

14 (3) For 2014, for a single claimant as described in subsection (1)  
15 of this section, the percentage of the exempt amount for which the  
16 claimant shall be eligible shall be the percentage in Column B which  
17 corresponds with the claimant's household income in Column A in the table  
18 found in this subsection.

19	Column A	Column B
20	Household Income	Percentage
21	In Dollars	Of Relief
22	0 through 30,300	100
23	30,301 through 31,700	90
24	31,701 through 33,100	80
25	33,101 through 34,500	70
26	34,501 through 35,900	60
27	35,901 through 37,300	50
28	37,301 through 38,700	40
29	38,701 through 40,100	30

1	40,101 through 41,500	20
2	41,501 through 42,900	10
3	42,901 and over	0

4 (4) For exemption applications filed in calendar ~~years~~ year 2015  
5 ~~through 2017 and each year thereafter~~, the income eligibility amounts in  
6 subsections (2) and (3) of this section shall be adjusted by the  
7 percentage determined pursuant to the provisions of section 1(f) of the  
8 Internal Revenue Code of 1986, as it existed prior to December 22, 2017.  
9 For exemption applications filed in calendar year 2018 and each calendar  
10 year thereafter, the income eligibility amounts in subsections (2) and  
11 (3) of this section shall be adjusted by the percentage change in the  
12 Consumer Price Index for All Urban Consumers published by the federal  
13 Bureau of Labor Statistics from the twelve months ending on August 31,  
14 2016, to the twelve months ending on August 31 of the year preceding the  
15 applicable calendar year for inflation by the method provided in section  
16 151 of the Internal Revenue Code. The income eligibility amounts shall be  
17 adjusted for cumulative inflation since 2014. If any amount is not a  
18 multiple of one hundred dollars, the amount shall be rounded to the next  
19 lower multiple of one hundred dollars.

20 Sec. 10. Section 77-3509.01, Revised Statutes Cumulative Supplement,  
21 2016, is amended to read:

22 77-3509.01 ~~If an~~ The owner of a homestead applies for ~~which has~~  
23 ~~been granted an exemption under section provided in sections 77-3506, and~~  
24 77-3507, or 77-3508 for any year and such owner subsequently to 77-3509,  
25 ~~who~~ becomes the owner of another homestead prior to August 15 of such  
26 during the year, the owner ~~for which the exemption was granted,~~ may file  
27 an application with the county assessor of the county where the new  
28 homestead is located, ~~on or before August 15 of such year,~~ for a transfer  
29 of the exemption to the new homestead. The owner shall file the  
30 application for transfer with the county assessor on or before August 15

1 of such year or within thirty days after receiving a notice of rejection  
2 on the owner's application for exemption for the original homestead. The  
3 county assessor shall examine each application for transfer and determine  
4 whether or not the new homestead, except for the January 1 through August  
5 15 ownership and occupancy requirement and the income requirements, is  
6 eligible for exemption under section sections 77-3506, and 77-3507, or  
7 77-3508 to 77-3509. If the application for transfer is approved by the  
8 county assessor, he or she shall make a deduction upon the assessment  
9 rolls using the same criteria as previously applied to the original  
10 homestead. The county assessor may allow the application for transfer to  
11 also be considered an application for a homestead exemption for the  
12 subsequent year.

13 Sec. 11. Section 77-3509.02, Revised Statutes Cumulative Supplement,  
14 2016, is amended to read:

15 77-3509.02 If the owner of a any homestead files an application for  
16 transfer of the homestead exemption granted an exemption under sections  
17 77-3506 and 77-3507 to 77-3509 becomes the owner of another homestead on  
18 or before August 15 of any year pursuant to section 77-3509.01 and makes  
19 the application for transfer of the homestead exemption and such  
20 application for transfer is approved, the owner's application for  
21 exemption for the original homestead shall be rejected disallowed for  
22 such year as applied to the original homestead if the application  
23 exemption was granted based on the status of such owner. If the transfer  
24 involves property in more than one county, the county assessor of the  
25 county where the new homestead is located shall notify the other county  
26 assessor and the Department of Revenue of the application for transfer  
27 within ten days after receipt of such ~~the~~ application.

28 Sec. 12. Section 77-3509.03, Revised Statutes Cumulative Supplement,  
29 2016, is amended to read:

30 77-3509.03 All property tax statements for homesteads granted an  
31 exemption in sections 77-3506, and 77-3507, and 77-3508 to 77-3509 shall

1 show the amount of the exemption, the tax that would otherwise be due,  
2 and a statement that the tax loss shall be reimbursed by the state as a  
3 homestead exemption.

4 Sec. 13. Section 77-3510, Revised Statutes Supplement, 2017, is  
5 amended to read:

6 77-3510 On or before February 1 of each year, the Tax Commissioner  
7 shall prescribe forms to be used by all claimants for homestead exemption  
8 or for transfer of homestead exemption. Such forms shall contain  
9 provisions for the showing of all information which the Tax Commissioner  
10 may deem necessary to (1) enable the county officials and the Tax  
11 Commissioner to determine whether each claim for exemption under sections  
12 77-3506, and 77-3507, and 77-3508 ~~to 77-3509~~ should be allowed and (2)  
13 enable the county assessor to determine whether each claim for transfer  
14 of homestead exemption pursuant to section 77-3509.01 should be allowed.  
15 It shall be the duty of the county assessor of each county in this state  
16 to furnish such forms, upon request, to each person desiring to make  
17 application for homestead exemption or for transfer of homestead  
18 exemption. The forms so prescribed shall be used uniformly throughout the  
19 state, and no application for exemption or for transfer of homestead  
20 exemption shall be allowed unless the applicant uses the prescribed form  
21 in making an application. The forms shall require the attachment of an  
22 income statement for any applicant seeking an exemption under section  
23 77-3507 or 77-3508, ~~or 77-3509~~ as prescribed by the Tax Commissioner  
24 fully accounting for all household income. The Tax Commissioner shall  
25 provide to each county assessor claim forms and address lists of  
26 applicants from the prior year in the manner approved by the Tax  
27 Commissioner. The application and information contained on any  
28 attachments to the application shall be confidential and available to tax  
29 officials only.

30 Sec. 14. Section 77-3512, Revised Statutes Cumulative Supplement,  
31 2016, is amended to read:

1           77-3512 It shall be the duty of each owner who wants a ~~applies for~~  
2 ~~the homestead exemption under section provided in sections~~ 77-3506, and  
3 ~~77-3507, or 77-3508 to 77-3509~~ to file an application therefor with the  
4 county assessor of the county in which the homestead is located after  
5 February 1 and on or before June 30 of each year. Failure to do so shall  
6 constitute a waiver of the exemption for that year, except that:

7           (1) The county board of the county in which the homestead is located  
8 may, by majority vote, extend the deadline for an applicant to on or  
9 before July 20. An extension shall not be granted to an applicant who  
10 received an extension in the immediately preceding year; and

11           (2) An owner may file a late application pursuant to section  
12 77-3514.01 if he or she includes documentation of a medical condition  
13 which impaired the owner's ability to file the application in a timely  
14 manner.

15           Sec. 15. Section 77-3513, Revised Statutes Cumulative Supplement,  
16 2016, is amended to read:

17           77-3513 ~~(1) Except as required by section 77-3514, if an owner is~~  
18 ~~granted a homestead exemption as provided in section 77-3506, 77-3507, or~~  
19 ~~77-3509 or subdivision (1)(b)(ii), (iii), or (iv) of section 77-3508, no~~  
20 ~~reapplication need be filed for succeeding years, in which case the~~  
21 ~~county assessor and Tax Commissioner shall determine whether the claimant~~  
22 ~~qualifies for the homestead exemption in such succeeding years as~~  
23 ~~otherwise provided in sections 77-3501 to 77-3529 as though a claim were~~  
24 ~~made.~~

25           ~~(2) It shall be the duty of each claimant who wants the homestead~~  
26 ~~exemption provided in subdivision (1)(b)(i) of section 77-3508 to file an~~  
27 ~~application therefor with the county assessor on or before June 30 of~~  
28 ~~each year. Failure to do so shall constitute a waiver of the exemption~~  
29 ~~for such year, except that:~~

30           ~~(a) The county board of the county in which the homestead is located~~  
31 ~~may, by majority vote, extend the deadline for an applicant to on or~~

1 before July 20. An extension shall not be granted to an applicant who  
2 received an extension in the immediately preceding year; and

3 (b) A claimant may file a late application pursuant to section  
4 77-3514.01 if he or she includes documentation of a medical condition  
5 which impaired the claimant's ability to file the application in a timely  
6 manner.

7 (3) The county assessor shall mail a notice on or before April 1 to  
8 claimants who are the owners of a homestead which was granted an  
9 exemption under subdivision (1)(b)(i) of section 77-3506, 77-3507, or  
10 77-3508 in the preceding year unless the claimant has already filed the  
11 application for the current year or the county assessor has reason to  
12 believe there has been a change of circumstances so that the claimant no  
13 longer qualifies. The notice shall include the claimant's name, the  
14 application deadlines for the current year, a list of documents that must  
15 be filed with the application, and the county assessor's office address  
16 and telephone number.

17 Sec. 16. Section 77-3514, Revised Statutes Cumulative Supplement,  
18 2016, is amended to read:

19 77-3514 A claimant who is the owner of a homestead which has been  
20 granted an exemption under sections 77-3506 and 77-3507 to 77-3509,  
21 except subdivision (1)(b)(i) of section 77-3508, shall certify to the  
22 county assessor on or before June 30 of each year that a change in the  
23 homestead exemption status has occurred or that no change in the  
24 homestead exemption status has occurred. The county board of the county  
25 in which the homestead is located may, by majority vote, extend the  
26 deadline for certification by a claimant to on or before July 20. An  
27 extension shall not be granted to an applicant who received an extension  
28 in the immediately preceding year. In addition, a claimant may make such  
29 certification late pursuant to section 77-3514.01 if he or she includes  
30 documentation of a medical condition which impaired the claimant's  
31 ability to certify in a timely manner. The county assessor shall mail a

1 ~~notice on or before April 1 to claimants who are the owners of a~~  
2 ~~homestead which has been granted an exemption under sections 77-3506 and~~  
3 ~~77-3507 to 77-3509, except subdivision (1)(b)(i) of section 77-3508, in~~  
4 ~~the preceding year unless the claimant has already filed the~~  
5 ~~certification for the current year or the county assessor has reason to~~  
6 ~~believe there has been a change of circumstances so that the claimant no~~  
7 ~~longer qualifies. The notice shall include the claimant's name, the~~  
8 ~~certification deadlines for the current year, a list of documents that~~  
9 ~~must be filed with the certification, and the county assessor's office~~  
10 ~~address and telephone number.~~

11 ~~A For purposes of this section, change in the homestead exemption~~  
12 ~~status shall include any change in the name of the owner, ownership,~~  
13 ~~residence, occupancy, marital status, veteran status, or rating by the~~  
14 ~~United States Department of Veterans Affairs or any other change that~~  
15 ~~would affect the qualification for or type of exemption granted, except~~  
16 ~~income checked by the Tax Commissioner under section 77-3517. The~~  
17 ~~certificate shall require the attachment of an income statement for~~  
18 ~~exemptions under sections 77-3507, 77-3508, and 77-3509 as prescribed by~~  
19 ~~the Tax Commissioner fully accounting for all household income. The~~  
20 ~~certification and the information contained on any attachments to the~~  
21 ~~certification shall be confidential and available to tax officials only.~~  
22 ~~In addition, a claimant who is the owner of a homestead which has been~~  
23 ~~granted an exemption under section sections 77-3506, and 77-3507, or~~  
24 ~~77-3508 to 77-3509 may notify the county assessor by August 15 of each~~  
25 ~~year of any change in the homestead exemption status occurring in the~~  
26 ~~preceding portion of the calendar year as a result of a transfer of the~~  
27 ~~homestead exemption pursuant to sections 77-3509.01 and 77-3509.02. If by~~  
28 ~~his or her failure to give such notice any property owner permits the~~  
29 ~~allowance of the homestead exemption for any year, or in the year of~~  
30 ~~application in the case of transfers pursuant to sections 77-3509.01 and~~  
31 ~~77-3509.02, after the homestead exemption status of such property has~~

1 changed, an amount equal to the amount of the taxes lawfully due but not  
2 paid by reason of such unlawful and improper allowance of homestead  
3 exemption, together with penalty and interest on such total sum as  
4 provided by statute on delinquent ad valorem taxes, shall be due and  
5 shall upon entry of the amount thereof on the books of the county  
6 treasurer be a lien on such property while unpaid. Such lien may be  
7 enforced in the manner provided for liens for other delinquent taxes. Any  
8 person who has permitted the improper and unlawful allowance of such  
9 homestead exemption on his or her property shall, as an additional  
10 penalty, also forfeit his or her right to a homestead exemption on any  
11 property in this state for the two succeeding years.

12 Sec. 17. Section 77-3514.01, Reissue Revised Statutes of Nebraska,  
13 is amended to read:

14 77-3514.01 (1) A late application ~~or certification~~ filed pursuant to  
15 section 77-3512, ~~77-3513, or 77-3514~~ because of a medical condition which  
16 impaired the claimant's ability to apply ~~or certify~~ in a timely manner  
17 shall only be for the current tax year. The late application ~~or~~  
18 ~~certification~~ shall be filed with the county assessor on or before the  
19 date on which the first half of the real estate taxes levied on the  
20 property for the current year become delinquent.

21 (2) The application ~~or certification~~ shall include certification of  
22 the medical condition affecting the filing from a physician, physician  
23 assistant, or advanced practice registered nurse. The medical  
24 certification shall be made on forms prescribed by the Tax Commissioner.

25 (3) The county assessor shall approve or reject the late filing  
26 within thirty days of receipt of the late filing. If approved, the county  
27 assessor shall mark it approved and sign the application—~~or~~  
28 ~~certification~~. In case he or she finds that the exemption should not be  
29 allowed by reason of not being in conformity to law, the county assessor  
30 shall mark the application ~~or certification~~ as rejected and state the  
31 reason for rejection and sign the application—~~or certification~~. In any



1 case when the county assessor rejects an exemption, he or she shall  
2 notify the applicant of such action by mailing written notice to the  
3 applicant at the address shown in the application ~~or certification~~. The  
4 notice shall be on forms prescribed by the Tax Commissioner. In any case  
5 when the county assessor rejects an exemption, such applicant may obtain  
6 a hearing before the county board of equalization in the manner described  
7 by section 77-3519.

8 Sec. 18. Section 77-3516, Revised Statutes Cumulative Supplement,  
9 2016, is amended to read:

10 77-3516 The county assessor shall examine each application for  
11 homestead exemption filed with him or her for an exemption pursuant to  
12 section sections 77-3506, and 77-3507, or 77-3508 ~~to 77-3509~~ and shall  
13 determine, except for the income requirements, whether or not such  
14 application should be approved or rejected. If the application is  
15 approved, the county assessor shall mark the same approved and sign the  
16 application. In case he or she finds that the exemption should not be  
17 allowed by reason of not being in conformity to law, the county assessor  
18 shall mark the application rejected, ~~and~~ state thereon the reason for  
19 such rejection, ~~and~~ sign the application. In any case when the county  
20 assessor rejects an application for exemption, he or she shall notify the  
21 applicant of such action by mailing written notice to the applicant at  
22 the address shown in the application within ten days after the  
23 application is rejected ~~, which notice shall be mailed not later than~~  
24 ~~July 31 of each year, except that in cases of a change in ownership or~~  
25 ~~occupancy from January 1 through August 15 or a late application~~  
26 ~~authorized by the county board or permitted because of a medical~~  
27 ~~condition which impaired the applicant's ability to file in a timely~~  
28 ~~manner, the notice shall be sent within a reasonable time. The notice~~  
29 shall be on forms prescribed by the Tax Commissioner.

30 Sec. 19. Section 77-3522, Revised Statutes Cumulative Supplement,  
31 2016, is amended to read:

1           77-3522 (1) Any person who makes any false or fraudulent claim for  
2 exemption or any false statement or false representation of a material  
3 fact in support of such claim or any person who assists another in the  
4 preparation of any such false or fraudulent claim or enters into any  
5 collusion with another by the execution of a fictitious deed or other  
6 instrument for the purpose of obtaining unlawful exemption under sections  
7 77-3501 to 77-3529 shall be guilty of a Class II misdemeanor and shall be  
8 subject to a forfeiture of any such exemption for a period of two years  
9 from the date of conviction. Any person who shall make an oath or  
10 affirmation to any false or fraudulent application for homestead  
11 exemption knowing the same to be false or fraudulent shall be guilty of a  
12 Class I misdemeanor.

13           (2) In addition to the penalty provided in subsection (1) of this  
14 section, if any person files a claim for exemption as provided in section  
15 77-3506, 77-3507, or 77-3508,~~or 77-3509~~ which is excessive due to  
16 misstatements by the owner filing such claim, the claim may be disallowed  
17 in full and, if the claim has been allowed, an amount equal to the amount  
18 of taxes lawfully due but not paid by reason of such unlawful and  
19 improper allowance of homestead exemption shall be due and shall upon  
20 entry of the amount thereof on the books of the county treasurer be a  
21 lien on such property until paid and a penalty equal to the amount of  
22 taxes lawfully due but claimed for exemption shall be assessed.

23           Sec. 20. Section 77-3523, Revised Statutes Cumulative Supplement,  
24 2016, is amended to read:

25           77-3523 The county treasurer and county assessor shall, on or before  
26 November 30 of each year, certify to the Tax Commissioner the total tax  
27 revenue that will be lost to all taxing agencies within the ~~his or her~~  
28 county from taxes levied and assessed in that year because of exemptions  
29 allowed under sections 77-3501 to 77-3529. The county treasurer and  
30 county assessor may amend the certification to show any change or  
31 correction in the total tax that will be lost until May 30 of the next

1 succeeding year. If a homestead exemption is approved, denied, or  
2 corrected by the Tax Commissioner under subsection (2) of section 77-3517  
3 after May 1 of the next year, the county treasurer and county assessor  
4 shall prepare and submit amended reports to the Tax Commissioner and the  
5 political subdivisions covering any affected year and shall adjust the  
6 reimbursement to the county and the other political subdivisions by  
7 adjusting the reimbursement due under this section in later years. The  
8 Tax Commissioner shall, on or before January 1 next following such  
9 certification or within thirty days of any amendment to the  
10 certification, notify the Director of Administrative Services of the  
11 amount so certified to be reimbursed by the state. Reimbursement of the  
12 funds lost shall be made to each county according to the certification  
13 and shall be distributed in six as nearly as possible equal monthly  
14 payments on the last business day of each month beginning in January. The  
15 State Treasurer shall, on the business day preceding the last business  
16 day of each month, notify the Director of Administrative Services of the  
17 amount of funds available in the General Fund for payment purposes. The  
18 Director of Administrative Services shall, on the last business day of  
19 each month, draw warrants against funds appropriated. Out of the amount  
20 so received the county treasurer shall distribute to each of the taxing  
21 agencies within his or her county the full amount so lost by such agency,  
22 except that one percent of such amount shall be deposited in the county  
23 general fund and that the amount due a Class V school district shall be  
24 paid to the district and the county shall be compensated pursuant to  
25 section 14-554. Each taxing agency shall, in preparing its annual or  
26 biennial budget, take into account the amount to be received under this  
27 section.

28       Sec. 21. Sections 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17,  
29 18, 19, 23, and 24 of this act become operative on January 1, 2019. The  
30 other sections of this act become operative on their effective date.

31       Sec. 22. Original sections 77-376, 77-2791, 77-3507, and 77-3523,

1 Revised Statutes Cumulative Supplement, 2016, and section 77-3508,  
2 Revised Statutes Supplement, 2017, are repealed.

3 Sec. 23. Original sections 77-3505.02 and 77-3514.01, Reissue  
4 Revised Statutes of Nebraska, sections 77-3501.01, 77-3506, 77-3506.02,  
5 77-3506.03, 77-3509.01, 77-3509.02, 77-3509.03, 77-3512, 77-3513,  
6 77-3514, 77-3516, and 77-3522, Revised Statutes Cumulative Supplement,  
7 2016, and section 77-3510, Revised Statutes Supplement, 2017, are  
8 repealed.

9 Sec. 24. The following section is outright repealed: Section  
10 77-3509, Revised Statutes Cumulative Supplement, 2016.

11 Sec. 25. Since an emergency exists, this act takes effect when  
12 passed and approved according to law.