

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 812

Introduced by McCollister, 20; Erdman, 47.

Read first time January 08, 2020

Committee: Revenue

1 A BILL FOR AN ACT relating to the Tax Equalization and Review Commission
2 Act; to amend sections 77-5001, 77-5017, and 77-5023, Reissue
3 Revised Statutes of Nebraska; to authorize the commission to order a
4 reconsideration or rehearing as prescribed; to change provisions
5 relating to acceptable ranges; to harmonize provisions; and to
6 repeal the original sections.

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

1 Section 1. Section 77-5001, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 77-5001 Sections 77-5001 to 77-5031 and section 3 of this act shall
4 be known and may be cited as the Tax Equalization and Review Commission
5 Act.

6 Sec. 2. Section 77-5017, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 77-5017 (1) In resolving an appeal or petition, the commission may
9 make such orders as are appropriate for resolving the dispute, including
10 an order to reconsider or rehear a matter pursuant to section 3 of this
11 act, but in no case shall the relief be excessive compared to the
12 problems addressed. The commission may make prospective orders requiring
13 changes in assessment practices which will improve assessment practices
14 or affect the general level of assessment or the measures of central
15 tendency in a positive way. If no other relief is adequate to resolve
16 disputes, the commission may order a reappraisal of property within a
17 county, an area within a county, or classes or subclasses of property
18 within a county.

19 (2) In an appeal specified in subdivision (10) or (11) of section
20 77-5016 for which the commission determines exempt property to be
21 taxable, the commission shall order the county board of equalization to
22 determine the taxable value of the property, unless the parties stipulate
23 to such taxable value during the hearing before the commission. The order
24 shall require the county board of equalization to determine the taxable
25 value of the property pursuant to section 77-1507, send notice of the
26 taxable value pursuant to section 77-1507 within ninety days after the
27 date the commission's order is certified pursuant to section 77-5018, and
28 apply interest at the rate specified in section 45-104.01, but not
29 penalty, to the taxable value as of the date the commission's order was
30 issued or the date the taxes were delinquent, whichever is later.

31 (3) A determination of the taxable value of the property made by the

1 county board of equalization pursuant to subsection (2) of this section
2 may be appealed to the commission within thirty days after the board's
3 decision as provided in section 77-1507.

4 Sec. 3. In an appeal of any decision, action, order, or
5 determination made by a county board of equalization or the Property Tax
6 Administrator, the commission may order the county board of equalization
7 or Property Tax Administrator to reconsider or rehear the matter. If the
8 commission does so, the reconsideration or rehearing shall be completed
9 within sixty days after the commission's order. Written notice of the
10 decision, action, order, or determination made after reconsideration or
11 rehearing shall be mailed to all parties within seven days after the
12 decision, action, order, or determination is made or entered. Any
13 decision, action, order, or determination made after reconsideration or
14 rehearing may be appealed to the commission in accordance with section
15 77-5013 within thirty days after the date of the decision, action, order,
16 or determination. If any decision, action, order, or determination made
17 by a county board of equalization after reconsideration or rehearing
18 involves taxation or the taxable value of real or personal property and
19 is not appealed, a copy of the decision, action, order, or determination
20 shall be certified by the county clerk to the county treasurer and the
21 officer charged with the duty of preparing the tax list, and the county
22 treasurer and such officer shall adjust the records accordingly.

23 Sec. 4. Section 77-5023, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 77-5023 (1) Pursuant to section 77-5022, the commission shall have
26 the power to increase or decrease the value of a class or subclass of
27 real property in any county or taxing authority or of real property
28 valued by the state so that all classes or subclasses of real property in
29 all counties fall within an acceptable range.

30 (2) An acceptable range is the percentage of variation from a
31 standard for valuation as measured by an established indicator of central

1 tendency of assessment. Acceptable ranges are: (a) For agricultural land
2 and horticultural land as defined in section 77-1359, sixty-nine to
3 seventy-five percent of actual value; (b) for lands receiving special
4 valuation, sixty-nine to seventy-five percent of special valuation as
5 defined in section 77-1343; and (c) for all other real property, ninety-
6 four ~~ninety-two~~ to one hundred percent of actual value.

7 (3) Any increase or decrease shall cause the level of value
8 determined by the commission to be at the midpoint of the applicable
9 acceptable range.

10 (4) Any decrease or increase to a subclass of property shall also
11 cause the level of value determined by the commission for the class from
12 which the subclass is drawn to be within the applicable acceptable range.

13 (5) Whether or not the level of value determined by the commission
14 falls within an acceptable range or at the midpoint of an acceptable
15 range may be determined to a reasonable degree of certainty relying upon
16 generally accepted mass appraisal techniques.

17 Sec. 5. Original sections 77-5001, 77-5017, and 77-5023, Reissue
18 Revised Statutes of Nebraska, are repealed.