

LEGISLATIVE BILL 968

Approved by the Governor April 6, 2000

Introduced by Revenue Committee: Wickersham, 49, Chairperson; Bohlke, 33;
 Coordsen, 32; Dierks, 40; Hartnett, 45; Raikes, 25; Redfield, 12

AN ACT relating to government; to amend sections 10-126, 13-502, 18-2601 to 18-2603, 18-2606 to 18-2608, 23-355.01, 57-239, 60-106, 76-214, 77-115, 77-609, 77-1210, 77-1331, 77-1332, 77-1343, 77-1346 to 77-1348, 77-1371, 77-1704, 77-1705, 77-1721, 77-1738, 77-1739, 77-1801, 77-1862, 77-4105, 79-1081, 79-1082, 84-304, and 84-1411, Reissue Revised Statutes of Nebraska, sections 30-2467, 30-2469, 77-112, 77-202.02, 77-202.04, 77-202.05, 77-3,119, 77-623, 77-801, 77-801.01, 77-802.01, 77-802.02, 77-1229, 77-1249, 77-1344, 77-1345, 77-1381, 77-1716, 77-1717, 77-1718, 77-5009, and 77-5023, Revised Statutes Supplement, 1998, sections 13-501, 13-503, 13-504, 23-3202, 35-1303, 51-805, 77-101, 77-202.01, 77-202.03, 77-202.11, 77-202.12, 77-421, 77-684, 77-1233.04, 77-1504.01, 77-1514, 77-1701, 77-27,139.03, 77-5016, 77-5019, 79-1016, and 79-1072.04, Revised Statutes Supplement, 1999, section 77-1361, Revised Statutes Supplement, 1998, as amended by section 2, Legislative Bill 419, Ninety-sixth Legislature, Second Session, 2000, and Laws 1999, LB 271, section 10; to change provisions relating to political subdivision bonds and budgets, county assessors, estate filings, real estate transfer statements, tax levies, tax valuation, tax assessment, tax exemptions, payment and collection of taxes, state aid to municipalities, joint public agencies, the Tax Equalization and Review Commission, school finance, and duties of the Auditor of Public Accounts; to transfer certain duties to the Property Tax Administrator; to change the operative date of changes made by Laws 1999, LB 271; to eliminate definitions and budget and tax appraisal and collection provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 13-515, 77-110, 77-210, 77-1213, and 77-1333, Reissue Revised Statutes of Nebraska, and section 77-398, Revised Statutes Supplement, 1998; and to declare an emergency.

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

Section 1. Section 10-126, Reissue Revised Statutes of Nebraska, is amended to read:

10-126. (1) All bonds of indebtedness, issued after September 7, 1947, by any county, precinct, city, village, school district, drainage district, or irrigation district or any other municipal corporation or governmental subdivision of the state shall be redeemable at the option of the governmental subdivision or municipal corporation issuing such bonds at any time on or after five years from the date of issuance, except that this provision shall not apply to (a) bonds of public power districts, public power and irrigation districts, metropolitan utilities districts, cities of the metropolitan and primary classes, and housing authorities of any city or village, (b) and ~~except~~ issues of revenue bonds exceeding one million dollars of cities of the first and second classes and of villages, shall be redeemable at the option of the governmental subdivision or municipal corporation issuing such bonds at any time on or after five years from the date of issuance thereof or (c) issues of bonds exceeding ten million dollars of any school district of one thousand or more students in membership as provided in the fall school district membership report pursuant to subsection (4) of section 79-528 immediately preceding the issuance of bonds. Bonds of ~~districts~~ a ~~district~~ created under Chapter 31 or 39 shall in addition, after annexation of the district by any municipality, be redeemable at the option of the annexing municipality at any time after annexation of such district if at the time of redemption at least five years have elapsed from date of issuance. Such condition shall be plainly set forth in all bonds of any governmental subdivision of the state or municipal corporation hereafter issued to which it applies, and such bonds shall not be eligible for registration in the office of the Auditor of Public Accounts unless such condition appears therein.

(2) The issuer, except districts organized under Chapter 31 or 39, of any such bonds of indebtedness, when the total amount of bonds at par value authorized as a single issue is five hundred thousand dollars or more, may agree to pay a call premium of not to exceed four percent of the par value for the redemption of such bonds. ~~Districts~~ ~~7~~ ~~except~~ ~~that~~ ~~districts~~ organized

under Chapter 31 or 39 may agree to pay a call premium of not to exceed two percent of the par value of such bonds when a single issue is five hundred thousand dollars or more, and bonds of such districts shall have no other bond redemption call or prepayment restrictions except as ~~hereinafter~~ provided in this section. Bonds of ~~public power districts, public power and irrigation districts, metropolitan utilities districts, cities of the metropolitan and primary classes, and housing authorities of any city or village and issues of revenue bonds exceeding one million dollars of cities of the first and second classes and villages listed in subdivisions (1)(a) through (1)(c) of this section~~ may contain such provisions with respect to their redemption as the public power district, public power and irrigation district, metropolitan utilities district, city, village, ~~or~~ housing authority, ~~or school district~~ shall provide.

(3) All bonds ~~heretofore or hereafter~~ issued which do not provide a special procedure for calling and prepayments shall be called by a resolution passed by the governing body of the obligor, which resolution shall designate the bond or bonds to be prepaid by stating the date of the bonds, the purpose for which the bonds were issued, the bond numbers of the bonds so called, and the date set for prepayment. The issuer of any bonds which are required by this section to be issued subject to an option of redemption shall, at least thirty days prior to the date set for prepayment of such bonds, send notice by mail of the call to each holder of the called bonds as shown in its records. A true copy of the resolution shall be filed by the obligor with the Auditor of Public Accounts at least thirty days prior to call date, and a copy of the resolution shall also be filed with the paying agent on or before the call date. The Auditor of Public Accounts shall note the call of the bonds on his or her registration records. The original purchaser of any bonds registered in the office of the Auditor of Public Accounts may file with the auditor notice of their purchase identifying the bonds so purchased. The Auditor of Public Accounts shall keep a record of all such filings and send notice by mail of the call of any bonds to the original purchaser of the called bonds as shown by his or her records.

(4) If the obligor deposits sufficient funds with the paying agent to pay the called bonds and accrued interest to date of call in full on or before the call date, the bonds shall cease to be a liability of the obligor, otherwise the call shall be revoked, and the bonds continue in effect the same as though no call had been made.

Sec. 2. Section 13-501, Revised Statutes Supplement, 1999, is amended to read:

13-501. Sections 2-958, 3-504, 12-914, 13-501 to 13-512, ~~13-515, 16-702, 16-706, 16-718, 17-702, 17-703, 17-708, 17-711, 17-715, 17-718, 18-1006, 19-1302, 23-132, 23-904, 23-920, 23-3519, 23-3552, 31-513, 35-509, 39-1621, 39-1634, 46-543, 46-544, 71-1611, 79-1083, 79-10,126, and 79-1225~~ shall be known and may be cited as the Nebraska Budget Act.

Sec. 3. Section 13-502, Reissue Revised Statutes of Nebraska, is amended to read:

13-502. (1) The purpose of the Nebraska Budget Act is to require governing bodies of this state to which the act applies to follow prescribed budget practices and procedures and make available to the public pertinent information pertaining to the financial requirements and expectations of such governing bodies so that intelligent and informed support, opposition, criticism, suggestions, or observations can be made by those affected.

(2) The act shall not apply to governing bodies which have a budget of less than five thousand dollars per year.

(3) The act shall not apply to proprietary functions of municipalities for which a separate budget has been approved by the city council or village board as provided in the Municipal Proprietary Function Act.

(4) The Nebraska Budget Act shall not apply to any governing body for any fiscal year in which the governing body will have no property tax request or will not receive state aid as defined in section 13-518.

(5) The act shall not apply to any public power district or public power and irrigation district organized pursuant to Chapter 70, article 6, to any rural power district organized pursuant to Chapter 70, article 8, or to any agency created pursuant to sections 18-2426 to 18-2434.

Sec. 4. Section 13-503, Revised Statutes Supplement, 1999, is amended to read:

13-503. For purposes of the Nebraska Budget Act, unless the context otherwise requires:

(1) Governing body shall mean, ~~in the case of a city, the council, in the case of a village, cemetery district, community hospital for two or more adjoining counties, road improvement district, sanitary drainage~~

~~district, or sanitary and improvement district, the board of trustees, in the case of a county, the county board, in the case of a township, the town board, in the case of a school district, the school board, in the case of a rural or suburban fire protection district, reclamation district, natural resources district, or hospital district, the board of directors, in the case of a health district, the board of health, in the case of an educational service unit, the board, in the case of a community college, the Community College Board of Governors for the area the board serves, in the case of an airport authority, the airport authority board, in the case of a weed control authority, the board, in the case of a county agricultural society, the board of directors, and in the case of an elected county fair board, the board the governing body of any county agricultural society, elected county fair board, joint airport authority formed under the Joint Airport Authorities Act, city or county airport authority, cemetery district, city, village, community college, community redevelopment authority, county, drainage or levee district, educational service unit, rural or suburban fire protection district, historical society, hospital district, irrigation district, natural resources district, nonprofit county historical association or society for which a tax is levied under subsection (1) of section 23-355.01, public building commission, railroad transportation safety district, reclamation district, road improvement district, rural water district, school district, sanitary and improvement district, township, offstreet parking district, transit authority, metropolitan utilities district, and political subdivision with the authority to have a property tax request or that receives state aid;~~

(2) Levying board shall mean any governing body which has the power or duty to levy a tax;

(3) Fiscal year shall mean the twelve-month period used by each governing body in determining and carrying on its financial and taxing affairs;

(4) Tax shall mean any general or special tax levied against persons, property, or business for public purposes as provided by law but shall not include any special assessment;

(5) Auditor shall mean the Auditor of Public Accounts;

(6) Cash reserve shall mean funds required for the period before revenue would become available for expenditure but shall not include funds held in any special reserve fund;

(7) Public funds shall mean all money, including nontax money, used in the operation and functions of governing bodies. For purposes of a county, city, or village which has a lottery established under the Nebraska County and City Lottery Act, only those net proceeds which are actually received by the county, city, or village from a licensed lottery operator shall be considered public funds, and public funds shall not include amounts awarded as prizes;

(8) Adopted budget statement shall mean a proposed budget statement which has been adopted or amended and adopted as provided in section 13-506. Such term shall include additions, if any, to an adopted budget statement made by a revised budget which has been adopted as provided in section 13-511; and

(9) Special reserve fund shall mean any special fund set aside by the governing body for a particular purpose and not available for expenditure for any other purpose. Funds created for (a) the retirement of bonded indebtedness, (b) the funding of employee pension plans, (c) the purposes of the Political Subdivisions Self-Funding Benefits Act, (d) the purposes of the Local Option Municipal Economic Development Act, (e) voter-approved sinking funds, or (f) statutorily authorized sinking funds shall be considered special reserve funds.

Sec. 5. Section 13-504, Revised Statutes Supplement, 1999, is amended to read:

13-504. (1) Each governing body shall prepare in writing and file with its secretary or clerk, in the year of its organization and each year thereafter, not later than the first day of August of each year on forms prescribed and furnished by the auditor, a proposed budget statement containing the following information, except as provided by state law:

(a) For the immediate two prior fiscal years, the revenue from all sources, including motor vehicle taxes, other than revenue received from personal and real property taxation, allocated to ~~each of the several the funds and separately stated as to each such source: 7 and for each fund.~~ The unencumbered cash balance ~~of such fund~~ at the beginning and end of the year; the amount received by taxation of personal and real property; ~~allocated to each fund;~~ and the amount of actual ~~expenditure for each fund~~ expenditures;

(b) For the current fiscal year, actual and estimated revenue from all sources, including motor vehicle taxes, allocated to ~~each of the several the funds and separately stated as to each such source: 7 and for each fund.~~ The actual unencumbered cash balance available ~~for such fund~~ at the beginning

of the year; the amount received from personal and real property taxation; ~~allocated to each fund;~~ and the amount of actual and estimated ~~expenditure expenditures,~~ whichever is applicable. Such statement shall contain the cash reserve ~~for each such fund~~ for each fiscal year and shall note whether or not such reserve is encumbered. Such cash reserve projections shall be based upon the actual experience of prior years. The cash reserve shall not exceed fifty percent of the total budget adopted ~~for such fund~~ exclusive of capital outlay items;

(c) For the immediately ensuing fiscal year, an estimate of revenue from all sources, including motor vehicle taxes, other than revenue to be received from taxation of personal and real property, separately stated as to each such source: ~~to be allocated to each of the several funds, and for each fund.~~ The actual or estimated unencumbered cash balances, whichever is applicable, to be available at the beginning of the year; the amounts proposed to be expended during the year; and the amount of cash reserve, based on actual experience of prior years, which cash reserve shall not exceed fifty percent of the total budget adopted exclusive of capital outlay items;

(d) A statement setting out separately the amount sought to be raised from the levy of a tax on the taxable value of real property (i) for the purpose of paying the principal or interest on bonds issued by the governing body and (ii) for all other purposes;

(e) A uniform summary of the proposed budget statement, ~~which shall include a separate total for each fund,~~ including each proprietary function fund included in a separate proprietary budget statement prepared pursuant to the Municipal Proprietary Function Act, and a grand total of all funds maintained by the governing body; and

(f) For municipalities, a list of the proprietary functions which are not included in the budget statement. Such proprietary functions shall have a separate budget statement which is approved by the city council or village board as provided in the Municipal Proprietary Function Act.

(2) Any governing body required by a final order of a court, the State Board of Equalization and Assessment, the Tax Commissioner, the Tax Equalization and Review Commission, or the Property Tax Administrator from which no appeal is taken to reimburse property taxes to a taxpayer may certify to the county clerk of the county in which any part of the political subdivision is situated, not later than September 10, an itemized estimate of the amount necessary to be expended to reimburse the property taxes. Such amounts shall be levied by the county board of equalization. The taxes shall be collected by the county treasurer at the same time and in the same manner as county taxes are collected and, when collected, shall be paid to the treasurer of the political subdivision and used to cover the reimbursement of the property taxes.

Any governing body which submits an itemized estimate shall establish a property tax reimbursement fund. Taxes collected pursuant to this section shall be credited to such fund to cover the reimbursement of the property taxes.

The authority conferred by this section shall apply only to reimbursements made during fiscal years 1993-94 through 1999-2000.

(3) The actual or estimated unencumbered cash balance ~~of each fund~~ required to be included in the budget statement by this section shall include deposits and investments of the political subdivision as well as any funds held by the county treasurer for the political subdivision and shall be accurately stated on the proposed budget statement.

(4) The political subdivision shall correct any material errors in the budget statement detected by the auditor or by other sources.

Sec. 6. Section 18-2601, Reissue Revised Statutes of Nebraska, is amended to read:

18-2601. Sections 18-2601 to 18-2608 and section 12 of this act shall be known and may be cited as the Municipal Infrastructure Redevelopment Fund Act.

Sec. 7. Section 18-2602, Reissue Revised Statutes of Nebraska, is amended to read:

18-2602. The Legislature finds that the municipalities of the state face an urgent need to construct, upgrade, and develop municipal infrastructure facilities. By providing basic public facilities, the municipalities of the state provide the building blocks for economic development. Not only does the investment in infrastructure generate an immediate stream of economic activity, it also lays the groundwork for private investment that will use the facilities so provided. Municipalities in the state currently are in critical need of assistance in providing these facilities.

The Legislature determines that it is in the public interest to

establish a Municipal Infrastructure Redevelopment Fund to provide funds to municipalities in the state to use to provide infrastructure facilities and to permit municipalities in the state to issue bonds secured by amounts payable from the Municipal Infrastructure Redevelopment Fund and other sources.

Sec. 8. Section 18-2603, Reissue Revised Statutes of Nebraska, is amended to read:

18-2603. For purposes of the Municipal Infrastructure Redevelopment Fund Act:

(1) Bond means any evidence of indebtedness, including, but not limited to, bonds, notes including notes issued pending long-term financing arrangements, warrants, debentures, obligations under a loan agreement or a lease-purchase agreement, or any similar instrument or obligation;

(2) ~~Fund shall mean~~ means the Municipal Infrastructure Redevelopment Fund;

~~(3)~~ (3) Infrastructure project ~~shall mean~~ means any of the following projects, or any combination thereof, to be owned or operated by a municipality: Solid waste management facilities; wastewater, storm water, and water treatment works and systems, water distribution facilities, and water resources projects, including, but not limited to, pumping stations, transmission lines, and mains and their appurtenances; hazardous waste disposal systems; resource recovery systems; airports; port facilities; buildings and capital equipment used in the ~~operation~~ operations and activities of municipal government and to provide services to the residents of the municipality; convention and tourism facilities; redevelopment projects as defined in section 18-2103; and mass transit and other transportation systems, including parking facilities and excluding public highways and bridges and municipal roads, streets, and bridges;

~~(4)~~ (4) Municipal allocation amount ~~shall mean~~ means, for each municipality, the amount derived by multiplying the amount to be allocated by the fraction determined by dividing the total population of the municipality by the total population of the state living in municipalities, each as determined by the most recent federal census figures certified by the Tax Commissioner as provided in section 77-3,119; and

~~(5)~~ (5) Municipality ~~shall mean~~ means any city of any class or any village in the state.

Sec. 9. Section 18-2606, Reissue Revised Statutes of Nebraska, is amended to read:

18-2606. Money received by a municipality or credited to its account from the fund shall be used for one of the following purposes:

(1) To pay for the construction, acquisition, or equipping of infrastructure projects or portions thereof; or

(2) To pay principal, interest, premium, and costs of issuance on ~~bonds debt incurred or securities~~ issued by the municipality to finance the construction, acquisition, or equipping of infrastructure projects or portions thereof.

Sec. 10. Section 18-2607, Reissue Revised Statutes of Nebraska, is amended to read:

18-2607. Each municipality shall be permitted to pledge the amounts on deposit or to be deposited in its account of the fund, as and when appropriated by the Legislature, to the holders of any ~~bonds debt incurred or securities~~ issued by the municipality to finance the construction, acquisition, or equipping of infrastructure projects as long as the lien of such pledge does not attach until funds are actually deposited into the municipality's account, and in no event shall such a pledge be construed as an obligation of the Legislature to appropriate such funds. Any such pledge shall be valid and binding from the time when the pledge is made. The money so pledged and thereafter received by the municipality or deposited into its respective account shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the municipality, irrespective of whether the parties have notice thereof. Neither the resolution nor any other instrument by which a pledge is created need be recorded.

Sec. 11. Section 18-2608, Reissue Revised Statutes of Nebraska, is amended to read:

18-2608. No ~~securities bonds~~ issued by any municipality ~~and pledging which pledges~~ funds to be deposited in its account of the fund shall constitute a debt, liability, or general obligation of this state or a pledge of the faith and credit of this state but shall be payable, to the extent payable from state revenue, solely from amounts credited to the accounts of the fund as provided by the Municipal Infrastructure Redevelopment Fund Act, as and when appropriated by the Legislature. Each ~~security bond~~ issued by any

municipality ~~and pledging~~ which pledges funds to be deposited in its account of the fund shall contain on the face thereof a statement that neither the faith and credit nor the taxing power of this state is pledged to the payment of the principal of or the interest on such ~~security bond~~.

Sec. 12. Any municipality may by ordinance issue bonds in one or more series for the construction or acquisition of an infrastructure project or any portion thereof and pay the principal of and interest on any such bonds by pledging funds received from the fund. Such bonds shall have a final maturity not later than August 1, 2009, and the aggregate debt service payments and related expenses with respect to all series of such bonds for any twelve-month period during which such bonds are outstanding shall not exceed the anticipated receipts from the fund by such municipality. For purposes of this section, anticipated receipts means the amount received by the municipality from the fund for the twelve-month period immediately preceding the date of issuance of such bonds.

Any municipality which has or may issue bonds under this section may dedicate a portion of its property tax levy authority as provided in section 77-3442 to meet debt service obligations under the bonds, but only to the extent the receipts from the fund pledged to the payment of such bonds and any other money made available and used for that purpose are insufficient to pay the principal of and interest on such bonds as they mature.

Sec. 13. Section 23-355.01, Reissue Revised Statutes of Nebraska, is amended to read:

23-355.01. (1) Whenever there is organized within any county in this state a nonprofit county historical association or society organized under the corporation laws of this state, a tax of not more than three-tenths of one cent on each one hundred dollars upon the taxable value of all the taxable property in such county may be levied, ~~subject to section 77-3443,~~ for the purpose of establishing a fund to be used for the establishment, management, and purchase of exhibits, equipment, and other personal property and real property and maintenance of such nonprofit county historical association or society, including the construction and improvement of necessary buildings therefor. The levy shall be part of the levy of the county subject to section 77-3442. Such fund shall be paid by the county treasurer to the treasurer of such nonprofit county historical association or society and shall be disbursed under the direction and supervision of the board of directors and officers of such nonprofit county historical association or society. No initial levy shall be made for such purpose unless the proposition to make such levy is first submitted to a vote of the people of the county at a general election and the same is ordered by a majority of the legal voters voting thereon. The proposition to make such levy shall be placed on the ballot by the county board of such county at the next general election following the receipt of a request from the board of directors of such nonprofit county historical association or society to submit such proposition to the voters of the county. After the proposition has been sanctioned by a vote of the people, such levy shall be made to carry out the purposes for which the fund was established. A nonprofit county historical association or society for which a tax is levied under this subsection is subject to the Nebraska Budget Act. The electors of the county may discontinue such levy by a vote of the people in the same manner that the initial levy was authorized. The proposition to discontinue such levy shall be placed on the ballot by the county board of such county at a general election only when requested so to do by a petition signed by at least twenty percent of the legal voters of such county based on the total vote cast for Governor at the last general election in the county.

(2) A nonprofit county historical association or society that is not receiving funds from a levy under subsection (1) of this section may request funding from the county. Approval of part or the entire funding request by the county board shall result in inclusion of the funding request in the county budget and an obligation to provide the funding set out in the county budget. The failure by the county to provide the funding for an approved request may be enforced by making a claim against the county. The funding shall be paid to the treasurer of the nonprofit county historical association or society. A nonprofit county historical association or society that is receiving funding under this subsection shall not be subject to the Nebraska Budget Act unless the approved request is more than five thousand dollars. If the approved request is more than five thousand dollars, the county shall include the budget and audit of the nonprofit county historical association or society with the county budget and audit.

Sec. 14. Section 23-3202, Revised Statutes Supplement, 1999, is amended to read:

23-3202. No person, except the Property Tax Administrator ~~assuming~~

~~the duties of a county assessor performing the assessment function pursuant to section 77-1340, shall be eligible to file for or be appointed to the office of county assessor or serve as deputy assessor in any county of this state unless he or she holds a county assessor certificate issued pursuant to section 77-422.~~

Sec. 15. Section 30-2467, Revised Statutes Supplement, 1998, is amended to read:

30-2467. Within three months after appointment, a personal representative, who is not a special administrator or a successor to another representative who has previously discharged this duty, shall prepare and file an inventory of property owned by the decedent at the time of death, listing it with reasonable detail and indicating as to each listed item its fair market value as of the date of the decedent's death and the type and amount of any encumbrance that may exist with reference to any item.

The personal representative shall send a copy of the inventory to interested persons who request it, ~~and shall file the original of the inventory with the court. 7 and shall file a duplicate original with the county assessor or county clerk as provided in section 77-398.~~

Sec. 16. Section 30-2469, Revised Statutes Supplement, 1998, is amended to read:

30-2469. If any property not included in the original inventory comes to the knowledge of a personal representative or if the personal representative learns that the value or description indicated in the original inventory for any item is erroneous or misleading, the personal representative shall make a supplementary inventory or appraisal showing the market value as of the date of the decedent's death of the new item or the revised market value or descriptions and the appraisers or other data relied upon, if any, and file it with the court ~~and the county assessor or county clerk as provided in section 77-398~~ and furnish copies thereof or information thereof to persons interested in the new information.

Sec. 17. Section 35-1303, Revised Statutes Supplement, 1999, is amended to read:

35-1303. For purposes of the Volunteer Emergency Responders Recruitment and Retention Act:

(1) Active emergency responder means a person who has been approved by the duly constituted authority in control of a volunteer department as a volunteer member of the department who is performing service as both a firefighter and on a rescue squad in the protection of life, health, or property from fire or other emergency, accident, illness, or calamity in connection with which the services of such volunteer department are required and whose services and activities during a year of service meet the minimum requirements for qualification as an active member of his or her volunteer department as established by the board;

(2) Active rescue squad member means a person who has been approved by the duly constituted authority in control of a volunteer department as a volunteer member of the department who is performing service as part of a rescue squad in the protection of life or health from emergency, accident, illness, or calamity in connection with which the services of such volunteer department are required and whose services and activities during a year of service meet the minimum requirements for qualification as an active member of his or her volunteer department as established by the board;

(3) Active volunteer firefighter means a person who has been approved by the duly constituted authority in control of a volunteer department as a volunteer member of the department who is performing service as a firefighter in the protection of life or property from fire or other emergency, accident, or calamity in connection with which the services of such volunteer department are required and whose services and activities during a year of service meet the minimum requirements for qualification as an active member of his or her volunteer department as established by the board;

(4) Annual account means a separate account of a city, village, or rural or suburban fire protection district conducting a service award benefit program established for each year of service in which such program is being conducted to which is credited all funds, from whatever source, furnished for the purpose of providing service award benefits to qualifying participants in the service award benefit program during that year of service, with the funds in the account to be held in trust and invested for ultimate payment as service award benefits to those qualifying participants;

(5) Board means the Volunteer Service Award Benefit Review Board;

(6) City of the first class, city of the second class, village, rural fire protection district, and suburban fire protection district means such political subdivisions as they are defined in statute, and when such political subdivisions are granted authority pursuant to the Volunteer

Emergency Responders Recruitment and Retention Act to engage in any conduct authorized by the act, the use of these terms shall be construed to mean and include any combination of two or more of these political subdivisions acting in concert pursuant to an agreement entered into under the terms of the Interlocal Cooperation Act or the Joint Public Agency Act;

(7) Emergency response services means the services provided by a volunteer department in the protection of life, health, or property from fire or other emergency, accident, illness, or calamity;

(8) Nonforfeitable means the unconditional and legally enforceable right by a participant or beneficiary to receive service award benefits pursuant to a service award benefit program at the entitlement age or under the circumstances specified in the Volunteer Emergency Responders Recruitment and Retention Act;

(9) Participant means an active emergency responder, active rescue squad member, or active volunteer firefighter who is currently eligible or who will, upon the completion of the requirements of the act, be eligible to receive a service award benefit;

(10) Service award benefit program means a program established, governed, administered, and maintained pursuant to the act which provides service award benefits for active emergency responders, active rescue squad members, and active volunteer firefighters, as provided for in the act, for each year of active service, as defined by the standard criteria for qualified active service, and which program meets the length of service award plan requirements of section 457(e)(11) of the Internal Revenue Code as modified by the Small Business Job Protection Act of 1996;

(11) Standard criteria for qualified active service means the initial report and any subsequent annual amendments formally adopted by the board pursuant to the Volunteer Emergency Responders Recruitment and Retention Act which establish the minimum annual service requirements for the qualification of a volunteer member of a volunteer department as an active emergency responder, active rescue squad member, or active volunteer firefighter so as to enable such person to participate in a service award benefit program;

(12) Unallocated contributions means that portion of an annual account representing the proportionate equal shares of (a) the principal amount of all contributions from whatever source deposited into the annual account for such year of service and (b) all income derived therefrom, attributable to participants listed on the certification list for that year of service who have subsequently ceased to be volunteers or participants and, in consequence, failed to qualify for a service award benefit as provided in section 35-1312 or 35-1313;

(13) Volunteer means a person who meets the requirements necessary to qualify as a bona fide volunteer as defined in section 457(e)(11)(B)(i) of the Internal Revenue Code and who, on behalf of and at the request or with the permission of a city, village, or rural or suburban fire protection district, engages in activities related to fire protection, fire suppression, or emergency response for the purpose of protecting human life, health, or property for which activities the person receives no remuneration;

(14) Volunteer department means any volunteer fire department or volunteer first-aid, rescue, ambulance, or emergency squad or volunteer fire company, association, or organization serving any city, village, or rural or suburban fire protection district by providing fire protection or emergency response services for the purpose of protecting human life, health, or property; and

(15) Year of service means the period from July 1 through the following June 30 in which the services and activities of a volunteer member of a volunteer department are monitored to determine if the volunteer qualifies for certification by the duly constituted authority of the volunteer department as meeting the standard criteria for qualified active service.

Sec. 18. Section 51-805, Revised Statutes Supplement, 1999, is amended to read:

51-805. (1) The public library federation board shall be responsible for the general governance of the public library federation, but affiliated libraries shall retain governance of all aspects of local library operations. The board shall make and adopt bylaws, rules, and regulations for the board's guidance and for the governance of the federation. The board shall develop a long-range public library service plan for the provision of public library service to the area included in the federation.

(2) The board may designate and determine the compensation of a library federation director. The director shall be responsible to the board only in relationship to federation operations.

(3) The board shall develop and present an annual budget in support

of the annual public library plan to each participating county board. The public library federation board shall administer and authorize the expenditure of all money received from taxes and other sources in support of federation public library service.

(4) The board may contract with other public entities for services.

(5) The method of federating libraries provided in sections 51-801 to 51-811 shall not be the exclusive way to provide joint or cooperative library services. Nothing in sections 51-801 to 51-811 shall prohibit a county, city, village, or township from entering into an agreement pursuant to the Interlocal Cooperation Act or the Joint Public Agency Act concerning library services.

Sec. 19. Section 57-239, Reissue Revised Statutes of Nebraska, is amended to read:

57-239. ~~The Department of Revenue~~ Property Tax Administrator shall adopt and promulgate rules and regulations necessary for the implementation of sections 57-235 to 57-239. ~~The Department of Revenue~~ Property Tax Administrator shall also prescribe necessary forms for the implementation of sections 57-235 to 57-239.

Sec. 20. Section 60-106, Reissue Revised Statutes of Nebraska, is amended to read:

60-106. (1)(a) The Department of Motor Vehicles in conjunction with the Department of Administrative Services and the counties shall develop an implementation plan to provide for adequate planning preceding a mandate for the implementation of the vehicle titling and registration component system of the statewide county automation project. The implementation plan shall include installation costs, training, and any other costs associated with the project.

(b) The Department of Motor Vehicles shall submit the implementation plan on or before December 1, 1993, to the Governor and the Clerk of the Legislature. Each member of the Legislature shall receive a copy of such report by making a request for it to the Director of Motor Vehicles or the Director of Administrative Services.

(c) Each county shall issue and file certificates of title using the vehicle titling and registration computer system prescribed by the Department of Motor Vehicles by January 1, 1996.

(2)(a) Application for a certificate of title shall be made upon a form prescribed by the Department of Motor Vehicles. All applications shall be accompanied by the fee prescribed in section 60-115.

(b) All applications for a certificate of title to a mobile home as defined in subdivision (2) of section 60-614 shall be accompanied by a mobile home transfer statement prescribed by the ~~Tax Commissioner~~ Property Tax Administrator. The mobile home transfer statement shall be filed by the applicant with the county clerk of the county of application for title. The county clerk shall issue a certificate of title to a mobile home but shall not deliver the certificate of title unless the mobile home transfer statement accompanies the application for title, except that the failure to provide the mobile home transfer statement shall not prevent the notation of a lien on the face of the certificate of title to the mobile home pursuant to section 60-110 and delivery to the holder of the first lien. ~~The mobile home transfer statement and the information contained in the statement shall be confidential and only available to tax officials.~~ The county clerk shall retain the original copy of the mobile home transfer statement, forward two copies to the county assessor, and provide a copy to the applicant.

(3)(a) If the motor vehicle has situs in Nebraska, the application shall be filed with the county clerk of the county in which the vehicle has situs as defined in section 60-3001.

(b) If the applicant is a nonresident, the application shall be filed in the county in which the transaction is consummated.

(c) All applicants registering a vehicle pursuant to section 60-305.09 shall file the application for title to the vehicle with the Division of Motor Carrier Services of the Department of Motor Vehicles. The division shall deliver the certificate to the applicant if there are no liens on the vehicle. If there are any liens on the vehicle, the division shall deliver or mail the certificate of title to the holder of the first lien on the day of issuance. All certificates of title issued by the division shall be issued in the manner prescribed for the county clerk in section 60-107.

(4) If a certificate of title has previously been issued for the motor vehicle in this state, the application for a new certificate of title shall be accompanied by the certificate of title duly assigned unless otherwise provided for in sections 60-102 to 60-117. If a certificate of title has not previously been issued for the motor vehicle in this state or if a certificate of title is unavailable pursuant to subsection (4) of section

52-1801, the application, unless otherwise provided for in sections 60-102 to 60-117, shall be accompanied by a manufacturer's or importer's certificate, as provided for in such sections, a duly certified copy thereof, a certificate of title, a court order issued by a court of record, a manufacturer's certificate of origin, or an assigned registration certificate, if the law of the state from which the motor vehicle was brought into this state does not have a certificate of title law. For purposes of this subsection, certificate of title shall include a salvage certificate, a salvage certificate of title, or any other document of ownership issued by another state or jurisdiction for a salvage vehicle. Only a salvage certificate of title shall be issued to any vehicle conveyed upon a salvage certificate, a salvage certificate of title, or any other document of ownership issued by another state or jurisdiction for a salvage vehicle. If a certificate of title has not previously been issued for the vehicle in this state and the applicant is unable to provide such documentation, the applicant may apply for a bonded certificate of title as prescribed in section 60-111.01. The county clerk shall retain the evidence of title presented by the applicant and on which the certificate of title is issued. In addition to any other required information, beginning on January 1, 1998, the application shall also provide in a clear and conspicuous manner a notice that the personal information on the application is subject to disclosure as a motor vehicle record unless the individual chooses to prohibit such disclosure by filing a prescribed form with the department.

(5) The county clerk shall use reasonable diligence in ascertaining whether or not the statements in the application for a certificate of title are true by checking the application and documents accompanying the same with the records of motor vehicles in his or her office. If he or she is satisfied that the applicant is the owner of such motor vehicle and that the application is in the proper form, the county clerk shall issue a certificate of title over his or her signature and sealed with his or her seal.

(6) In the case of the sale of a motor vehicle, the certificate of title shall be obtained in the name of the purchaser upon application signed by the purchaser, except that (a) for titles to be held by husband and wife, applications may be accepted upon the signature of either one as a signature for himself or herself and as agent for his or her spouse and (b) for an applicant providing proof that he or she is a handicapped or disabled person as defined in section 18-1738, applications may be accepted upon the signature of the applicant's parent, legal guardian, foster parent, or agent.

(7) In all cases of transfers of motor vehicles, commercial trailers, semitrailers, or cabin trailers, the application for a certificate of title shall be filed within thirty days after the delivery of such vehicle or trailer. A licensed dealer need not apply for certificates of title for motor vehicles, commercial trailers, semitrailers, or cabin trailers in stock or acquired for stock purposes, but upon transfer of such vehicle or trailer in stock or acquired for stock purposes, the licensed dealer shall give the transferee a reassignment of the certificate of title on such vehicle or trailer or an assignment of a manufacturer's or importer's certificate. If all reassignments on the certificate of title have been used, the licensed dealer shall obtain title in his or her name prior to any subsequent transfer.

(8) An application for a certificate of title shall include a statement that an identification inspection has been conducted on the vehicle unless (a) the title sought is a salvage certificate of title as defined in section 60-129 or a nontransferable certificate of title provided for in section 60-131, (b) the surrendered ownership document is a Nebraska certificate of title, a manufacturer's statement of origin, an importer's statement of origin, a United States Government Certificate of Release of a motor vehicle, or a nontransferable certificate of title issued under section 60-131, (c) the application for a certificate of title contains a statement that such vehicle is to be registered under section 60-305.09, (d) the vehicle is a cabin trailer, (e) the title sought is the first title for a motor vehicle sold directly by the manufacturer of the motor vehicle to a licensed dealer franchised by the manufacturer, or (f) the vehicle was sold at an auction authorized by the manufacturer and purchased by a licensed dealer franchised by the manufacturer of the motor vehicle. The Department of Motor Vehicles shall prescribe a form to be executed by a dealer and submitted with an application for a certificate of title for vehicles exempt from inspection pursuant to subdivision (8)(e) or (f) of this section, which form shall clearly identify the vehicle and state under penalty of law that the vehicle is exempt from inspection. The statement that an identification inspection has been conducted shall be furnished by the county sheriff of any county or by any other holder of a current certificate of training issued pursuant to section 60-121 and shall be in a format as determined by the department. The county clerk shall accept a certificate of inspection, approved by the

Superintendent of Law Enforcement and Public Safety, from an officer of a state police agency of another state. For each inspection a fee of ten dollars shall be paid to the county treasurer. All such fees shall be credited to the county sheriff's vehicle inspection account within the county general fund. The identification inspection required by this subsection shall include examination and notation of the current odometer reading and a comparison of the vehicle identification number with the number listed on the ownership records, except that if a lien is registered against a vehicle and recorded on the vehicle's ownership records, the county clerk shall provide a copy of the ownership records for use in making such comparison. If such numbers are not identical, if there is reason to believe further inspection is necessary, or if the inspection is for a Nebraska assigned number, the person performing the inspection shall make a further inspection of the vehicle which may include, but shall not be limited to, examination of other identifying numbers placed on the vehicle by the manufacturer and an inquiry into the numbering system used by the state issuing such ownership records to determine ownership of a vehicle. The identification inspection shall also include a statement that the vehicle identification number has been checked for entry in the National Crime Information Center and the Nebraska Crime Information Service. If there is cause to believe that odometer fraud exists, written notification shall be given to the office of the Attorney General. If after such inspection the sheriff or his or her designee determines that the vehicle is not the vehicle described by the ownership records, no statement shall be issued. In the case of an assembled vehicle such inspection shall include, but not be limited to, an examination of the records showing the date of receipt and source of each major component part as defined in section 60-2601.

(9) If a county board consolidates services under the office of a designated county official other than the county clerk pursuant to section 23-186:

(a) Applications under subsections (2) and (3) of this section shall be submitted to the designated county official;

(b) The designated county official shall perform the duties imposed on the county clerk under subsections (2) and (5) of this section;

(c) The designated county official may accept certificates of inspection under the conditions described in subsection (8) of this section; and

(d) The designated county official shall act as office of record for title documents, applications, odometer statements, certificates of inspections, and lien and cancellation of lien notations.

Sec. 21. Section 76-214, Reissue Revised Statutes of Nebraska, is amended to read:

76-214. (1) Every grantee who has a deed to real estate recorded which was executed after July 21, 1965, and every purchaser of real estate who has a memorandum of contract or land contract recorded which was executed after July 16, 1994, shall, at the time such deed, memorandum of contract, or land contract is presented for recording, file with the register of deeds a completed statement as prescribed by the Property Tax Administrator. For all deeds executed and recorded after January 1, 1986, and for all memoranda of contract and land contracts executed and recorded after July 16, 1994, and prior to January 1, 2001, the statement shall contain the social security number of the grantee or purchaser, if living, or the federal employer identification number of the grantee or purchaser. For all deeds and all memoranda of contract and land contracts executed and recorded on and after January 1, 2001, the statement shall not require the social security number of the grantee or purchaser or the federal employer identification number of the grantee or purchaser. This statement may require the recitation of any information contained in the deed, memorandum of contract, or land contract, the total consideration paid, the amount of the total consideration attributable to factors other than the purchase of the real estate itself, and other factors which may influence the transaction. This statement shall be signed and filed by the grantee, the purchaser, or his or her authorized agent. The statement form shall be designed so that multiple copies are generated. ~~Beginning January 1, 1995, a copy of the statement shall be provided to the county assessor which shall have the blank which would contain the social security number or the federal employer identification number obscured or removed so that this information is not on that copy.~~ Beginning January 1, 2001, the register of deeds shall forward the original copy of the statement to the Department of Revenue, two copies of the statement shall be provided to the county assessor, and a copy shall be provided to the grantee or purchaser or his or her agent. If the grantee or purchaser fails to furnish the statement, the register of deeds shall not record the deed, memorandum of contract, or land contract. The register of deeds shall

indicate on the statement the book and page or computer system reference where the deed, memorandum of contract, or land contract is recorded and shall immediately forward the statement to the county assessor. The county assessor shall process the statement according to the instructions of the Property Tax Administrator and shall, when directed, forward the statement to the Property Tax Administrator. Except as provided in subsection (2) of this section, the statement and the information contained therein shall be confidential and available to tax officials only.

(2) Any person shall have access to statements at the office of the county assessor which have been filed on or after January 1, 1995, and have not been disposed of pursuant to the records retention and disposition schedule as approved by the State Records Administrator.

Sec. 22. Section 77-101, Revised Statutes Supplement, 1999, is amended to read:

77-101. For purposes of Chapter 77 and any statutes dealing with taxation, unless the context otherwise requires, the definitions found in sections 77-102 to 77-129 and section 25 of this act shall be used.

Sec. 23. Section 77-112, Revised Statutes Supplement, 1998, is amended to read:

77-112. Actual value of real property for purposes of taxation ~~shall mean~~ means the market value of real property in the ordinary course of trade. Actual value may be determined using professionally accepted mass appraisal methods, including, but not limited to, the (1) sales comparison approach, ~~taking into account factors such as location, zoning, and current functional use,~~ (2) income approach, and (3) cost approach.

Sec. 24. Section 77-115, Reissue Revised Statutes of Nebraska, is amended to read:

77-115. County assessor includes an elected or appointed county assessor or The term county assessor shall include a county clerk who is an ex officio county assessor.

Sec. 25. Taxing official means any federal, state, or local government officer or employee who is charged with the duty of auditing, assessing, equalizing, levying, computing, and collecting taxes.

Sec. 26. Section 77-202.01, Revised Statutes Supplement, 1999, is amended to read:

77-202.01. (1) Any organization or society seeking a tax exemption provided in subdivisions (1)(c) and (d) of section 77-202 for any real or tangible personal property, except real property used for cemetery purposes, shall apply for exemption to the county assessor on or before December 31 of the year preceding the year for which the exemption is sought on forms prescribed by the Property Tax Administrator. The county assessor shall examine the application and recommend either taxable or exempt for the real property or tangible personal property to the county board of equalization on or before February 1 following. Notice that a list of the applications from organizations seeking tax exemption, descriptions of the property, and recommendations of the county assessor are available in the county assessor's office shall be published in a newspaper of general circulation in the county at least ten days prior to consideration of any application by the county board of equalization.

(2) Any organization or society which fails to file an exemption application on or before December 31 may apply on or before June 30 to the county assessor. The organization or society shall also file in writing a request with the county board of equalization for a waiver so that the county assessor may consider the application for exemption. The county board of equalization shall grant the waiver upon a finding that good cause exists for the failure to make application on or before December 31. When the waiver is granted, the county assessor shall examine the application and recommend either taxable or exempt for the real property or tangible personal property to the county board of equalization and shall assess a penalty against the property of ten percent of the tax that would have been assessed had the waiver been denied or one hundred dollars, whichever is less, for each calendar month or fraction thereof for which the filing of the exemption application missed the December 31 deadline. The penalty shall be collected and distributed in the same manner as a tax on the property and interest shall be assessed at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, from the date the tax would have been delinquent until paid. The penalty shall also become a lien in the same manner as a tax pursuant to section 77-203.

Sec. 27. Section 77-202.02, Revised Statutes Supplement, 1998, is amended to read:

77-202.02. The county board of equalization, between February 1 and June 1 after a hearing on ten days' notice to the applicant and the

publication of notice as provided in section 77-202.01, and after considering the recommendation of the county assessor and any other information it may obtain from public testimony, shall grant or withhold tax exemption for the real property or tangible personal property on the basis of law and of regulations promulgated by the Property Tax Administrator. The board shall certify its decision to the applicant, the county assessor, and the Property Tax Administrator within ten days thereafter.

For applications accepted after approval of a waiver pursuant to section 77-202.01, the county board of equalization shall hear and certify its decision on or before August 15.

Sec. 28. Section 77-202.03, Revised Statutes Supplement, 1999, is amended to read:

77-202.03. (1) A properly granted exemption of real or tangible personal property, except real property used for cemetery purposes, provided for in subdivisions (1)(c) and (d) of section 77-202 shall continue for a period of four years if the affidavit required by subsection (2) of this section is filed when due. The four-year period shall begin with years evenly divisible by four.

(2) In each intervening year occurring between application years, the organization or society which filed the granted exemption application for the real or tangible personal property, except real property used for cemetery purposes, shall file an affidavit with the county assessor on or before December 31 of the year preceding the year for which the exemption is sought, on forms prescribed by the Property Tax Administrator, certifying that the ownership and use of the exempted property has not changed during the year. Any organization or society which misses the December 31 deadline for filing the affidavit may file the affidavit by June 30. Such filing shall maintain the tax-exempt status of the property without further action by the county and regardless of any previous action by the county board of equalization to deny the exemption due to late filing of the affidavit. Upon any such late filing, the county ~~board~~ assessor shall assess a penalty against the property of ten percent of the tax that would have been assessed had the affidavit not been filed or one hundred dollars, whichever is less, for each calendar month or fraction thereof for which the filing of the affidavit is late. The penalty shall be collected and distributed in the same manner as a tax on the property and interest shall be assessed at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, from the date the tax would have been delinquent until paid. The penalty shall also become a lien in the same manner as a tax pursuant to section 77-203.

(3)(a) If any organization or society seeks a tax exemption for any real or tangible personal property acquired on or after January 1 of any year or converted to exempt use on or after January 1 of any year, the organization or society shall make application for exemption on or before August 1 of that year as provided in subsection (1) of section 77-202.01. The procedure for reviewing the application shall be as in sections 77-202.01 to 77-202.07, except that the exempt use shall be determined as of the date of application and the review by the county board of equalization shall be completed by August 15.

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

(4) In any year, the county assessor or the county board of equalization may cause a review of any exemption to determine whether the exemption is proper. Such a review may be taken even if the ownership or use of the property has not changed from the date of the allowance of the exemption. The review shall follow the procedure set out in section 77-202.02, except that beginning January 1, 2001, the published notice shall state that the list provided in the county assessor's office only includes those properties being reviewed. If it is determined that a change in an exemption is warranted, the procedure for hearing set out in section 77-202.02 shall be followed. If an exemption is denied, the county board of equalization shall place the property on the tax rolls retroactive to January 1 of that year if on the date of the decision of the county board of equalization the property no longer qualifies for an exemption.

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

77-1502.

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

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

Sec. 29. Section 77-202.04, Revised Statutes Supplement, 1998, is amended to read:

77-202.04. Persons, corporations, or organizations denied exemption from taxation for real or tangible personal property by a county board of equalization may appeal to the Tax Equalization and Review Commission. Only the county assessor may appeal the grant of an exemption from taxation for real or tangible personal property by a county board of equalization to the Tax Equalization and Review Commission. The Property Tax Administrator may in his or her discretion intervene in any such appeal pursuant to this section.

Sec. 30. Section 77-202.05, Revised Statutes Supplement, 1998, is amended to read:

77-202.05. The Property Tax Administrator shall prescribe forms for distribution to the county assessors on which persons, corporations, and organizations may apply for tax-exempt status for real or tangible personal property. The forms shall include the following information:

(1) Name of owner or owners of the property, and if a corporation, the names of the officers and directors, and place of incorporation;

(2) Legal description of real property and a general description as to class and use of all tangible personal property; and

(3) The precise statutory provision under which exempt status for such property is claimed. ~~and~~

~~(4) A statement that all taxes levied on such property have been paid up to the year for which exempt status is being claimed.~~

Sec. 31. Section 77-202.11, Revised Statutes Supplement, 1999, is amended to read:

77-202.11. (1) Leased public property, other than property leased for a public purpose as set forth in subdivision (1)(a) of section 77-202, shall be taxed or exempted from taxation as if the property was owned by the leaseholder. The value of the property shall be determined as provided under section 77-201. ~~Taxes shall be paid by the leaseholder and shall be a lien against the leaseholder's interest.~~

(2) By January 31, 2001, the state and each governmental subdivision shall provide to the appropriate county assessor a copy of each lease in effect on January 1 of that year for property owned by the state or governmental subdivision. In years after 2001, the state and each governmental subdivision shall provide to the appropriate county assessor each new lease or preexisting lease which has been materially changed which went into effect during the previous year and a listing of previously reported leases that are still in effect.

~~(3) Notice of delinquent taxes shall be timely sent to the lessee and to the state or its governmental subdivision. No lien or attachment shall be attached to the property of the state or its government subdivisions for failure of the lessee to pay the taxes due. Taxes on property assessed to the lessee shall be due and payable in the same manner as other property taxes and shall be a first lien upon the personal property of the person to whom assessed until paid and shall be collected in the same manner as personal property taxes as provided in sections 77-1711 to 77-1724. The state or its governmental subdivisions shall not be obligated to pay the taxes upon failure of the lessee to pay. Notice of delinquent taxes shall be timely sent to the lessee and to the state or the governmental subdivision. No lien or attachment shall be attached to the property of the state or the governmental subdivisions for failure of the lessee to pay the taxes due.~~

(4) The state or any governmental subdivision may, if it chooses to do so in its discretion, provide the appropriate county assessor a description of the property rather than a copy of the lease; request that the assessor notify it of the amount of tax which would be assessed to the leaseholder; voluntarily pay that tax; and collect that tax from the leaseholder as part of

the rent.

(5) Except as provided in Article VIII, section 11, of the Constitution of Nebraska, no in lieu of tax payments provided for in any other section of law shall be made with respect to any leased public property to which this section applies.

Sec. 32. Section 77-202.12, Revised Statutes Supplement, 1999, is amended to read:

77-202.12. (1) On or before March 1, the county assessor shall send notice to the state or to any governmental subdivision if it has ~~unleased~~ property not being used for a public purpose upon which a payment in lieu of taxes is not made. Such notice shall inform the state or governmental subdivision that the property will be subject to taxation for property tax purposes. The written notice shall contain the legal description of the property and be given by first-class mail addressed to the state's or governmental subdivision's last-known address. If the property is leased by the state or the governmental subdivision to another entity and the lessor does not intend to pay the taxes for the lessee as allowed under subsection (4) of section 77-202.11, the lessor shall immediately forward the notice to the lessee.

(2) The state, ~~or~~ governmental subdivision, or lessee may protest ~~such the~~ determination of the county assessor that the property is not used for a public purpose to the county board of equalization on or before April 1. The county board of equalization shall issue its decision on the protest on or before May 1.

(3) The decision of the county board of equalization may be appealed to the Tax Equalization and Review Commission on or before June 1.

Sec. 33. Section 77-3,119, Revised Statutes Supplement, 1998, is amended to read:

77-3,119. (1) The Tax Commissioner shall certify the population of cities and villages to be used for purposes of calculations made pursuant to subdivision ~~(3)~~ (4) of section 18-2603, subdivisions (3)(a) and (b) of section 35-1205, subdivision (1) of section 39-2517, and sections 39-2513 and 77-27,137.01. The Tax Commissioner shall transmit copies of such certification to all interested parties upon request.

(2) The Tax Commissioner shall certify the population of each city and village based upon the most recent federal census. The Tax Commissioner shall determine the most recent federal census for each city and village by using the most recent federal census figures available from (a) the most recent federal decennial census, (b) the most recent federal census update or recount certified by the United States Bureau of the Census, or (c) the most recent federal census figure of the city or village plus the population of territory annexed as calculated in sections 18-1753 and 18-1754.

(3) The Tax Commissioner may adopt and promulgate rules and regulations to carry out this section.

Sec. 34. Section 77-421, Revised Statutes Supplement, 1999, is amended to read:

77-421. The Property Tax Administrator shall, in February, ~~May, August, and November~~ and ~~September~~ of each year, hold an examination of applicants for certification as county assessor. An applicant for the examination shall, not less than ten days before an examination, present to the Property Tax Administrator a written application on forms provided by the Property Tax Administrator. Such application shall not be considered by the Property Tax Administrator unless accompanied by a payment of a fee to the order of the Property Tax Administrator. The fees shall be credited to the Department of Property Assessment and Taxation Cash Fund. The amount of such fee shall be determined annually by the Property Tax Administrator and shall be sufficient to cover the costs of the administration of the examination. Such examination shall be written and shall be of such character as fairly to test and determine the qualifications, fitness, and ability of the person tested actually to perform the duties of county assessor. The Property Tax Administrator shall prepare such examination.

Sec. 35. Section 77-609, Reissue Revised Statutes of Nebraska, is amended to read:

77-609. ~~Beginning January 1, 1980, and each third year thereafter, the Property Tax Administrator shall recalculate the density factors used in distributing value along the line.~~ Beginning January 1, 2001, the Property Tax Administrator shall annually calculate the density factor used in distributing value along the line based upon an average of the most recent three years. If a density factor cannot be determined in this manner, the Property Tax Administrator may use other information to develop a fair and reasonable factor in lieu of the density factor.

Sec. 36. Section 77-623, Revised Statutes Supplement, 1998, is

amended to read:

77-623. For purposes of certifying values pursuant to section 13-509, the county assessor shall include the railroad company value as certified by the Property Tax Administrator pursuant to section 77-621. The taxes so levied shall be ~~due and payable in the same manner as other property taxes pursuant to section 77-203~~ included upon the personal property tax roll and be due and payable in the same manner as personal property taxes pursuant to sections 77-203 and 77-204. From the date the taxes are due and payable, the taxes shall be a first lien upon the personal property of the railroad company to whom assessed until paid. The procedure for the collection of any delinquent tax pursuant to this section shall be that used for the collection of personal property tax.

Sec. 37. Section 77-684, Revised Statutes Supplement, 1999, is amended to read:

77-684. The Property Tax Administrator shall, on or before January 15 each year, establish a tax rate for purposes of taxation against the taxable value as provided in sections 77-682 and 77-683 at a rate which shall be equal to the total property taxes levied in the state divided by the total taxable value of all taxable property in the state as certified pursuant to section 77-1613.01. The date when such tax rate is determined shall be deemed to be the levy date for the property. The Property Tax Administrator shall send to each car line company a statement showing the taxable value, the tax rate, and the amount of the tax and a statement that such tax is due and payable to the Property Tax Administrator on January 31 next following the levy thereof. If a car line company feels aggrieved, such company may, on or before ~~March 1~~ February 15, file an appeal with the Property Tax Administrator. The Property Tax Administrator shall act upon the appeal and shall issue an order. The order may be appealed in accordance with the Tax Equalization and Review Commission Act. The Property Tax Administrator shall remit the tax collected, less a three-percent collection fee, to the State Treasurer for distribution among the taxing subdivisions in proportion to all railroad taxes levied by taxing subdivisions. The collection fee shall be remitted to the State Treasurer for credit to the Department of Property Assessment and Taxation Cash Fund.

Sec. 38. Section 77-801, Revised Statutes Supplement, 1998, is amended to read:

77-801. All public service entities shall, on or before April ~~30~~ 15 of each year, furnish a statement specifying such information as may be required by the Property Tax Administrator on forms prescribed by the Property Tax Administrator to determine and distribute the entity's total taxable value including the franchise value. All information reported by the public service entities, not available from any other public source, and any memorandum thereof shall be confidential and available to taxing officials only. For good cause shown, the Property Tax Administrator may allow an extension of time in which to file such statement. Such extension shall not exceed thirty days after April ~~30~~ 15.

The returns of public service entities shall not be held to be conclusive as to the taxable value of the property, but the Property Tax Administrator shall, from all the information which he or she is able to obtain, find the taxable value of all such property, including tangible property and franchises, and shall assess such property on the same basis as other property is required to be assessed.

The county assessor shall assess all nonoperating property of any public service entity. A public service entity operating within the State of Nebraska shall, on or before January 1 of each year, report to the county assessor of each county in which it has situs all nonoperating property belonging to such entity which is not subject to assessment and assessed by the Property Tax Administrator under section 77-802.

Sec. 39. Section 77-801.01, Revised Statutes Supplement, 1998, is amended to read:

77-801.01. As used in sections 77-801 to 77-804:

(1) Nonoperating property means property owned or leased by a public service entity that does not contribute to the entity's function;

(2) Operating property means property owned or leased that contributes to a public service entity's function; and

(3) Public service entity means any person as defined in section 49-801 or entity, organized for profit under the laws of this state or any other state or government and engaged in the business of waterworks, electrical power, gas works, natural gas, telegraphs, telephones, pipelines used for the transmission of oil, heat, steam, or any substance to be used for lighting, heating, or power, and pipelines used for the transmission of articles by pneumatic or other power and all other similar or like entities.

Sec. 40. Section 77-802.01, Revised Statutes Supplement, 1998, is amended to read:

77-802.01. For purposes of certifying values pursuant to section 13-509, the county assessor shall include the public service entity value as certified by the Property Tax Administrator pursuant to section 77-802. The taxes so levied shall be included upon the personal property tax roll and be due and payable in the same manner as other personal property taxes pursuant to ~~section 77-203~~ sections 77-203 and 77-204. From the date the taxes are due and payable, the taxes shall be a first lien upon the personal property of the public service entity to whom assessed until paid. The procedure for the collection of any delinquent tax pursuant to this section shall be that used for the collection of personal property tax.

Sec. 41. Section 77-802.02, Revised Statutes Supplement, 1998, is amended to read:

77-802.02. On or before September ~~15~~ 10, if a public service entity feels aggrieved, such public service entity may file an appeal with the Property Tax Administrator. The Property Tax Administrator shall act upon the appeal and shall issue an order. The order may be appealed in accordance with the Tax Equalization and Review Commission Act.

Sec. 42. Section 77-1210, Reissue Revised Statutes of Nebraska, is amended to read:

77-1210. Personal property in transit shall be listed and assessed in the ~~county, township, precinct, city, village or school district tax district~~ where the owner resides, but if such property is intended for a business, it shall be listed and assessed at the place in the tax district where the property of such business is required to be listed.

Sec. 43. Section 77-1229, Revised Statutes Supplement, 1998, is amended to read:

77-1229. (1) Every person required by section 77-1201 to list and value taxable tangible personal property shall list such property upon the forms prescribed by the Property Tax Administrator. The forms shall be available from the county assessor and when completed shall be signed by each person or his or her agent and be filed with the county assessor. The forms shall be filed on or before May 1 of each year.

(2) Any person seeking a personal property exemption pursuant to subsection (2) of section 77-4105 shall annually file a copy of the forms required pursuant to section 77-4105 with the county assessor in each county in which the person is requesting exemption. The copy shall be filed on or before May 1. Failure to timely file the required forms shall cause the forfeiture of the exemption for the tax year. If a taxpayer pursuant to this subsection also has taxable tangible personal property, such property shall be listed and valued as required under subsection (1) of this section.

Sec. 44. Section 77-1233.04, Revised Statutes Supplement, 1999, is amended to read:

77-1233.04. (1) The county assessor shall list and value at net book value any item of tangible personal property omitted from a personal property return of any taxpayer and change the reported valuation of any item of tangible personal property listed on the return to conform the valuation to net book value. If a taxpayer fails or refuses to file a personal property return, the assessor shall, on behalf of the taxpayer, file a personal property return which shall list and value all of the taxpayer's taxable personal property at net book value. The county assessor shall list or change the valuation of any item of tangible personal property for the current taxing period and the three previous taxing periods or any taxing period included therein.

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

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

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

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

(6) Whenever valuation changes are made to a personal property return or a personal property return is filed pursuant to this section, the

county assessor shall correct the assessment roll and tax list, if necessary, to reflect such changes. Such corrections shall be made for the current taxing period and the three previous taxing periods or any taxing period included therein. If the change results in a decreased taxable valuation on the personal property return and the personal property tax has been paid prior to a correction pursuant to this section, the taxpayer may request a refund or credit of the tax in the same manner prescribed in section 77-1734.01, except that such request shall be made within three years after the date the tax was due.

Sec. 45. Section 77-1249, Revised Statutes Supplement, 1998, is amended to read:

77-1249. The Property Tax Administrator shall, on or before January 15 each year, establish a tax rate for purposes of taxation against the taxable value as provided in section 77-1248 at a rate which shall be equal to the total property taxes levied in the state divided by the total taxable value of all taxable property in the state as certified pursuant to section 77-1613.01. The date when such tax rate is determined shall be deemed to be the levy date for the property. The Property Tax Administrator shall send to each air carrier a statement showing the taxable value, the tax rate, and the amount of the tax and a statement that the tax is due and payable to the Property Tax Administrator on January 31 next following the levy thereof. If an air carrier feels aggrieved, such carrier may, on or before ~~March 1~~ February 15, file an appeal with the Property Tax Administrator. The Property Tax Administrator shall act upon the appeal and shall issue an order. The order may be appealed in accordance with the Tax Equalization and Review Commission Act.

Sec. 46. Section 77-1331, Reissue Revised Statutes of Nebraska, is amended to read:

77-1331. The Property Tax Administrator shall develop, maintain, and enforce a uniform system of statewide applicability for the preparation of property record cards, property record files, assessment rolls, and tax rolls, tax bills, and all other county revenue functions through data processing facilities as needed by the county or multicounty assessment district pursuant to rules and regulations. ~~Until such time as a uniform system of statewide applicability is developed, counties or multicounty assessment districts may utilize data processing facilities by obtaining joint approval from the Property Tax Administrator and Auditor of Public Accounts in order to insure system compatibility and uniformity. The Property Tax Administrator shall not require the use of specific computer software or hardware if the existing system produces data and reports in compliance with rules and regulations.~~

Sec. 47. Section 77-1332, Reissue Revised Statutes of Nebraska, is amended to read:

77-1332. Whenever a county by or pursuant to action of its county board requests the Property Tax Administrator to provide engineering, professional, or technical services for the appraisal ~~or reappraisal~~ of major commercial or industrial properties, the Property Tax Administrator may, within his or her available resources, ~~and in accord with his or her determination of the need therefor,~~ provide such services. The county shall pay to the Property Tax Administrator the actual cost of such services. ~~in accordance with a schedule of standard fees and charges furnished and from time to time revised by the Property Tax Administrator.~~

Sec. 48. Section 77-1343, Reissue Revised Statutes of Nebraska, is amended to read:

77-1343. The purpose of sections 77-1343 to 77-1348 and section 51 of this act is to provide a special valuation for qualified agricultural or horticultural land so that the current assessed valuation of the land for property tax purposes is the value that the land would have without regard to the value the land would have for other purposes or uses. For purposes of sections 77-1343 to 77-1348 and section 51 of this act:

(1) Agricultural or horticultural land shall mean that land as defined in section 77-1359;

(2) Agricultural or horticultural use shall mean the use of land as defined in section 77-1359, so that incidental use of the land for nonagricultural purposes shall not disqualify the land;

(3) Owner shall mean an owner of agricultural or horticultural land who holds an estate in fee simple or for life, any one of tenants in common or joint tenants who hold an estate in fee simple or for life, or the purchaser of agricultural or horticultural land under a contract for sale;

(4) Recapture valuation shall mean eighty percent of the actual value of the land pursuant to section 77-112;

(5) Special valuation shall mean eighty percent of the value that the land would have for agricultural or horticultural purposes or uses without

regard to the actual value the land would have for other purposes or uses;

(6) Subdivision shall mean the division of a parcel of land into two or more parcels, either of which is ten acres or less; and

(7) ~~(2)~~ Zoned for agricultural or horticultural use shall mean designation of any land predominantly for agricultural or horticultural use by any political subdivision pursuant to sections 19-924 to 19-933, Chapter 14, article 4, Chapter 15, article 9, Chapter 16, article 9, Chapter 17, article 10, Chapter 18, article 13, or Chapter 23, article 1. The primary objective of the agricultural or horticultural use zoning shall be to preserve and protect agricultural activities and the potential for the agricultural, horticultural, or open use of land. Uses to be allowed on such lands shall include primarily agricultural-related or horticultural-related uses, and nonagricultural industrial, commercial, or residential uses allowed on such lands shall be restricted so that they do not conflict with or detract from this objective.

Sec. 49. Section 77-1344, Revised Statutes Supplement, 1998, is amended to read:

77-1344. (1) Any land which has an actual value as defined in section 77-112 reflecting a potential use purposes or uses other than agricultural or horticultural use, is located outside the corporate boundaries of any sanitary and improvement district, city, or village, is used exclusively for agricultural or horticultural use, and is zoned for agricultural or horticultural use shall be valued at eighty percent of its actual value for agricultural or horticultural use pursuant to sections 77-1359 to 77-1363 and not at the actual value it would have if applied to other than agricultural or horticultural use shall be assessed at its special valuation and not at its recapture value if the land meets the qualifications of this subsection and an application for such special valuation is made and approved pursuant to sections 77-1343 to 77-1348 section 77-1345. In order for the land to qualify for special valuation all of the following criteria shall be met: (a) The land is located outside the corporate boundaries of any sanitary and improvement district, city, or village, (b) the land is used for agricultural or horticultural purposes, (c) the land is zoned predominantly for agricultural or horticultural use, and (d) the land is not subdivided.

(2) The special valuation provisions may be applicable to real property included within the corporate boundaries of a city or village if the real property land is subject to a conservation or preservation easement as provided in the Conservation and Preservation Easements Act and the governing body of the city or village approves the agreement creating the easement. The special valuation provisions shall not be applicable to that portion of lands zoned predominantly for agricultural or horticultural use if such lands have been subdivided. No land which has an actual value as defined in section 77-112 reflecting a potential use other than agricultural or horticultural use shall be valued at eighty percent of its actual value for agricultural or horticultural use unless it receives the special valuation pursuant to sections 77-1343 to 77-1348.

~~(2)~~ (3) The eligibility of land for the special valuation provisions of this section shall be determined as of January 1, but if land so qualified becomes disqualified prior to the levy date of the same year, it shall be valued at its actual value as defined by section 77-112 without regard to this section. If the land becomes disqualified after the date of levy, its valuation for that year shall continue as provided in this section.

(4) The special valuation and recapture valuation placed on such land by the county assessor under this section shall be subject to equalization by the agricultural and horticultural land valuation board, the county board of equalization, and the Tax Equalization and Review Commission.

Sec. 50. Section 77-1345, Revised Statutes Supplement, 1998, is amended to read:

77-1345. (1) Any owner of lands eligible for special valuation under subsection (1) of section 77-1344 shall, to secure such valuation, make application to the county assessor on or before August 1 June 30 of the first year in which such valuation is requested.

(2)(a) The application shall be made upon forms prepared prescribed by the Property Tax Administrator and supplied by available from the county assessor and shall include such information as may reasonably be required to determine the eligibility of the applicant and the land.

(b) The application may shall be signed by any one of the following:
 (i) The owner, of the agricultural or horticultural land who holds an estate in fee simple or for life,

(ii) Any one of tenants in common or joint tenants, holding an estate in the agricultural or horticultural land in fee simple or for life,

~~(iii)~~ Any person of legal age duly authorized in writing to sign an

application on behalf of ~~any person described in subdivisions (b)(i) and (ii) of this subsection the owner~~; or

(iii) ~~(iv)~~ The guardian or conservator of an owner or the executor or administrator of an owner's estate. ~~or~~

~~(v) The purchaser of the fee simple or life estate of an owner under a contract of sale.~~

(c) The assessor shall not approve an application signed by a person whose authority to sign is not a matter of public record unless there is filed with the assessor a true copy of the deed, contract of sale, power of attorney, or other appropriate instrument evidencing the signer's interest or authority.

Sec. 51. (1) On or before July 15 in the year of application, the county assessor shall approve or deny the application for special valuation filed pursuant to section 77-1345. The county assessor shall send notification of his or her action to the applicant by regular mail to the address on the application. If the application is approved, the county assessor shall value the land as provided in section 77-1344.

(2) If the application is denied, the applicant may protest the disapproval to the county board of equalization on or before August 15. The county board of equalization shall decide the protest on or before September 15.

(3) Within thirty days after the decision of the county board of equalization, its decision may be appealed to the Tax Equalization and Review Commission pursuant to the Tax Equalization and Review Commission Act.

Sec. 52. Section 77-1346, Reissue Revised Statutes of Nebraska, is amended to read:

77-1346. The Property Tax Administrator shall adopt and promulgate rules and regulations ~~to establish standards~~ to be used by county assessors in determining eligibility for special valuation under ~~subsection (1) of section 77-1344~~ and in determining the special valuation of such land for agricultural or horticultural purposes under section 77-1344. ~~Such standards shall not be designed to exclude from the special valuation those lands which are in agricultural or horticultural use for which tax relief is intended.~~

Sec. 53. Section 77-1347, Reissue Revised Statutes of Nebraska, is amended to read:

77-1347. Upon approval of an application, the county assessor shall value the land as provided in ~~subsection (1) of section 77-1344~~ and shall also enter on the valuation the notation and potential additional tax liability until the land becomes disqualified for such valuation by:

(1) Notification by the ~~taxpayer~~ owner to the assessor to remove such special valuation;

(2) Sale or transfer to an ownership making it exempt from ~~ad valorem~~ property taxation;

(3) A change in zoning so that the land is no longer zoned predominantly for agricultural or horticultural use;

(4) Subdivision of the land;

(5) ~~Inclusion~~ Except as provided in subsection (2) of section 77-1344, inclusion of the land within the corporate boundaries of any sanitary and improvement district, city, or village; or

(6) The land is no longer ~~being~~ in used for agricultural or horticultural use purposes.

Sec. 54. Section 77-1348, Reissue Revised Statutes of Nebraska, is amended to read:

77-1348. (1) Whenever land which has received special valuation ~~under subsection (1) of section 77-1344~~ becomes disqualified for such special valuation, ~~pursuant to section 77-1347~~, the assessor shall notify the owner and there shall be added to the tax extended against the land on the ~~next general~~ respective property tax roll or rolls, to be collected and distributed in the same manner as other taxes levied upon real estate property, an amount equal to the sum of the following:

(a) If the land was disqualified for ~~the~~ special valuation ~~pursuant to section 77-1347~~ before the levy date of the year of disqualification, the total amount by which the taxes assessed against the land would have been increased if it had been valued ~~without regard to subsection (1) of section 77-1344~~ at its recapture value during the last three or lesser number of years in which such ~~agricultural or horticultural~~ special valuation was in effect for the land, and, if the land was disqualified on or after the levy date of the year of disqualification, the total amount by which the taxes assessed against the land would have increased if it had been valued ~~without regard to subsection (1) of section 77-1344~~ at its recapture value during the last four or lesser number of years in which ~~such agricultural or horticultural~~ special valuation was in effect for the land; and

(b) Interest upon the amounts of additional tax from each year included in subdivision (1)(a) of this section at the rate of six percent from the dates at which such additional taxes would have been payable if no special valuation ~~under subsection (1) of section 77-1344~~ had been in effect through sixty days after the notice sent pursuant to subsection (1) of this section. Upon expiration of the sixty days, the additional taxes and interest shall be delinquent and interest shall accrue at the rate provided in section 45-104.01 until paid.

(2) In cases when the designation of ~~specialy valued land special valuation~~ is removed as a result of a sale or transfer described in subdivision (2) of section 77-1347 other than an acquisition described in subsection ~~(4)~~ (3) of this section, the lien for such increased taxes and interest shall attach as of the day preceding such sale or transfer.

(3) ~~Land receiving special assessment as agricultural use land immediately prior to August 26, 1983, which becomes disqualified on August 26, 1983, solely because of the amendment of sections 77-1343, 77-1344, and 77-1347 by Laws 1983, LB 26, shall not be subject to subsection (1) of this section at that time, but shall be subject to subsection (1) of this section if any other event occurs which would disqualify such land if it were receiving the special valuation under subsection (1) of section 77-1344.~~

~~(4)~~ The provisions of subsection (1) of this section do not apply if the land was acquired by eminent domain or if the land was sold to a public entity which would have had the authority to acquire the land by eminent domain.

Sec. 55. Section 77-1361, Revised Statutes Supplement, 1998, as amended by section 2, Legislative Bill 419, Ninety-sixth Legislature, Second Session, 2000, is amended to read:

77-1361. (1) Agricultural land and horticultural land used solely for agricultural or horticultural purposes shall constitute a separate and distinct class of property for purposes of property taxation. Agricultural land and horticultural land shall be classified using the agricultural land valuation manual issued by the Property Tax Administrator pursuant to section 77-1330 which shall be developed using the methods prescribed in section 77-1362.

(2) No residential, commercial, industrial, or agricultural building or enclosed structure or the directly associated land or site of the building or enclosed structure shall be assessed as agricultural land or horticultural land, except that beginning January 1, 2002, land currently in use as a farm site not currently occupied or used for any other nonagricultural purpose shall be valued at the same assessed value as the contiguous agricultural land which is under the same ownership and is in use as agricultural land.

Sec. 56. Section 77-1371, Reissue Revised Statutes of Nebraska, is amended to read:

77-1371. When using comparable sales in any method of determining actual value provided in section 77-112, the following guidelines shall be considered in determining what constitutes a comparable sale:

(1) Whether the sale was financed by the seller and included any special financing considerations or the value of improvements;

(2) Whether zoning affected the sale price of the property;

(3) For sales of agricultural land or horticultural land as defined in section 77-1359, whether a premium was paid to acquire nearby property. Land within one mile of currently owned property shall be considered nearby property;

(4) Whether sales or transfers made in connection with foreclosure, bankruptcy, or condemnations, in lieu of foreclosure, or in consideration of other legal actions should be excluded from comparable sales analysis as not reflecting current market value;

(5) Whether sales between family members within the third degree of consanguinity include considerations that fail to reflect current market value;

(6) Whether sales to or from federal or state agencies or local political subdivisions reflect current market value;

(7) Whether sales of undivided interests in real property or parcels less than forty acres or sales conveying only a portion of the unit assessed reflect current market value;

(8) Whether sales or transfers of property in exchange for other real estate, stocks, bonds, or other personal property reflect current market value;

(9) Whether deeds recorded for transfers of convenience, transfers of title to cemetery lots, mineral rights, and rights of easement reflect current market value;

(10) Whether sales or transfers of property involving railroads or

other public utility corporations reflect current market value;

(11) Whether sales of property substantially improved subsequent to assessment and prior to sale should be adjusted to reflect current market value or eliminated from such analysis; and

(12) For agricultural land or horticultural land as defined in section 77-1359 which is or has been receiving the special valuation pursuant to sections 77-1343 to 77-1348 and section 51 of this act, whether the sale price reflects a value which the land has for purposes or uses other than as agricultural land or horticultural land and therefor does not reflect current market value of other agricultural land or horticultural land.

The Property Tax Administrator may issue guidelines for assessing officials for use in determining what constitutes a comparable sale. Guidelines shall take into account the factors listed in this section and other relevant factors as prescribed by the Property Tax Administrator.

Sec. 57. Section 77-1381, Revised Statutes Supplement, 1998, is amended to read:

77-1381. Each board may:

(1) Employ such full-time or part-time clerical, professional, legal, or other personnel and maintain an office as deemed necessary by the board to carry out the board's duties. All original files, records, and property of the board shall be maintained at such office;

(2) In addition to the annual meeting, hold meetings and hearings as called by the chairperson of the board or upon the request of a majority of the board;

(3) After April 1 and on or before April 15 of each year, (a) increase or decrease by percentage the value of a class or subclass of agricultural and horticultural land, including agricultural and horticultural land granted special valuation under section 77-1344, in any county in its land manual area in order to establish separately the equalization of the value of both the special value and recapture value of agricultural or horticultural land between the various counties in its land manual area effective for that year, (b) make necessary changes in classification of agricultural and horticultural land within its land manual area if the evidence discloses incorrect classification, (c) report to the Tax Equalization and Review Commission the action taken or that no action was taken, (d) order the county assessor to implement the board's action, and (e) within ten days after the action taken by the board, publish, in newspapers of general circulation in the affected counties, the board's action along with a notice that appeals of the board's action must be filed with the Tax Equalization and Review Commission;

(4) Make recommendations to the Property Tax Administrator as to changes in the agricultural land valuation manual and to the Legislature concerning changes in laws necessary to obtain valuation of agricultural and horticultural land; and

(5) Participate in appeals of its actions.

Sec. 58. Section 77-1504.01, Revised Statutes Supplement, 1999, is amended to read:

77-1504.01. (1) After completion of its actions and based upon the hearings conducted pursuant to sections 77-1502 and 77-1504, a county board of equalization may petition the Tax Equalization and Review Commission to consider an adjustment to a class or subclass of real property within the county. Petitions must be filed with the commission on or before July 26.

(2) The commission shall hear and take action on a petition filed by a county board of equalization on or before August 10. ~~The commission, in issuing such an order to adjust a class or subclass, may exclude individual properties from that order whose value has already been adjusted by a county board of equalization in the same manner as the commission directs in its order. In implementing the order of the commission, the county assessor shall adjust the values of the class or subclass that is the subject of the order. For properties that have already received an adjustment from the county board of equalization, no additional adjustment may be made applying the commission's order, but such an exclusion from the commission's order shall not preclude adjustments to those properties for corrections or omissions.~~ Hearings held pursuant to this section may be held by means of videoconference and shall comply with section 84-1411, except that a member of the commission need not be present at each videoconference site. A duly appointed representative of the commission shall be present at each videoconference site to take custody of any exhibits and keep a record of persons who appear at the hearing. Hearings conducted pursuant to this section shall be in the manner prescribed in section 77-5026. The burden of proof is on the petitioning county to show that failure to make an adjustment would result in values that are not equitable and in accordance with the law.

(3) After a hearing the commission shall enter its order based on evidence presented to it at such hearing and the hearings held pursuant to section 77-5022 for that year. The order shall specify the percentage increase or decrease and the class or subclass of real property affected or any corrections or adjustments to be made to the class or subclass of real property affected. When issuing an order to adjust a class or subclass of real property, the commission may exclude individual properties from that order whose value has already been adjusted by a county board of equalization in the same manner as the commission directs in its order. On or before August 10 of each year, the commission shall send its order by certified mail to the county assessor and by regular mail to the county clerk and chairperson of the county board.

(4) The county assessor shall make the specified changes to each item of property in the county as directed by the order of the commission. In implementing such order, the county assessor shall adjust the values of the class or subclass that is the subject of the order. For properties that have already received an adjustment from the county board of equalization, no additional adjustment shall be made applying the commission's order, but such an exclusion from the commission's order shall not preclude adjustments to those properties for corrections or omissions. The county assessor of the county adjusted by an order of the commission shall recertify the abstract of assessment to the Property Tax Administrator on or before August 20.

Sec. 59. Section 77-1514, Revised Statutes Supplement, 1999, is amended to read:

77-1514. The county assessor shall prepare abstracts of the property assessment rolls of locally assessed property of his or her county on forms prescribed and furnished by the Property Tax Administrator, showing the values of all taxable property as determined by the county assessor for the current year. The county assessor shall forward the real property abstract to the Property Tax Administrator on or before March 20 and the personal property abstract on or before ~~May~~ June 15. The abstract shall show the taxable property ~~by school district~~ in the county and any other information as required by the Property Tax Administrator. The Property Tax Administrator, upon written request from the county assessor, may extend the statutory due dates provided in this section and sections 77-1381, 77-1381.01, 77-1384, and 77-5027.

Sec. 60. Section 77-1701, Revised Statutes Supplement, 1999, is amended to read:

77-1701. (1) The county treasurer shall be ex officio county collector of all taxes levied within the county. The county board shall ~~direct that~~ designate a county official to mail or otherwise deliver a statement of the amount of taxes due and a notice that special assessments are due, ~~be mailed or otherwise delivered~~ to the last-known address of the person, firm, association, or corporation against whom such taxes or special assessments are assessed or to the lending institution or other party responsible for paying such taxes or special assessments. Such statement shall clearly indicate, for each political subdivision, the levy rate and the amount of taxes due as the result of principal or interest payments on bonds issued by the political subdivision and shall show such rate and amount separate from any other levy. Beginning with tax year 2000, when taxes on real property are delinquent for a prior year, the county treasurer shall indicate this information on the current year tax statement in bold letters. The information provided shall inform the taxpayer that delinquent taxes and interest are due for the prior year or years and shall indicate the specific year or years for which such taxes and interest remain unpaid. The language shall read "Back Taxes and Interest Due For", followed by numbers to indicate each year for which back taxes and interest are due. Failure to receive such statement or notice shall not relieve the taxpayer from any liability to pay such taxes or special assessments and any interest or penalties accrued thereon. In any county in which a city of the metropolitan class is located, all statements of taxes shall also include notice that special assessments for cutting weeds, removing litter, and demolishing buildings are due.

(2) Notice that special assessments are due shall not be required for special assessments levied by sanitary and improvement districts organized under Chapter 31, article 7, except that such notice may be provided by the county at the discretion of the county board or by the sanitary and improvement district with the approval of the county board.

(3) A statement of the amount of taxes due and a notice that special assessments are due shall not be required to be mailed or otherwise delivered pursuant to subsection (1) of this section if the total amount of the taxes and special assessments due is less than two dollars. Failure to receive the statement or notice shall not relieve the taxpayer from any liability to pay

the taxes or special assessments but shall relieve the taxpayer from any liability for interest or penalties. Taxes and special assessments of less than two dollars shall be added to the amount of taxes and special assessments due in subsequent years and shall not be considered delinquent until the total amount is two dollars or more.

Sec. 61. Section 77-1704, Reissue Revised Statutes of Nebraska, is amended to read:

77-1704. Whenever any person pays some or all of the taxes charged on any property, the treasurer shall enter such payment in his or her books and give a receipt therefor specifying for whom paid, the amount paid, what year paid for, and the property and value thereof on which the tax was paid, according to its description in the treasurer's books, in whole or in part of such description as the case may be. Such entry and receipts shall bear the county name and the name of the treasurer or his or her deputy receiving the payment. Whenever it appears that any receipt for the payment of taxes is lost or destroyed, the entry so made may be read in evidence in lieu thereof. The treasurer shall enter the name of the owner or of the person paying the tax opposite each tract or lot of land when he or she collects the tax thereon and the post office address of the person paying the tax. A statement shall be entered by the treasurer on such receipt showing the amount of unpaid taxes and the date of unredeemed tax sales, if any, for the previous year or years upon such land or town lot. If the treasurer fails or neglects to note on such receipt the unpaid taxes or the date of unredeemed tax sales as provided in this section, he or she shall be liable on his or her bond to the person injured thereby in the amount of the tax so omitted.

Sec. 62. (1) Any county board may pass a resolution to allow payments for the discharge of current or delinquent real property taxes, personal property taxes, or both or any charges for interest, publication, penalties, or other charges by reason of the delinquency of such taxes to be held in escrow by the county treasurer or may contract with another party to hold such payments in escrow. Upon passage of such a resolution or such other effective date as the resolution may provide, the county treasurer shall accept payments in accordance with the resolution or any subsequent amendments thereto and hold such amounts until the accumulated payments are sufficient to pay at least one-half the taxes currently due on the property or the full amount of delinquency and any interest, penalties, or other charges due to the delinquency. The resolution of the county board may require a minimum, limited, or periodic payment amount as a condition for acceptance of payments to be held in escrow. The resolution may also require that an escrow agreement be executed between the person making payment and the county treasurer as a condition for accepting payments.

(2) Payments held in escrow under this section may be held in a designated bank account or may be commingled with other county funds. Such amounts are the property of the person making payment and shall be held in trust for the benefit of such person and be accounted for with respect to the property for which the current or delinquent taxes are to be paid. The county may pay interest on amounts held in escrow at a rate to be determined by the county board or may retain any interest received. Upon sale of the property, any amounts held in escrow with respect to that property shall be returned to the person that made the payment or applied as directed by such person.

(3) Payments held in escrow for payment of delinquent taxes shall be applied to the oldest delinquencies first. Payments held in escrow for payment of delinquent taxes shall not affect any collection procedure that is underway or available to the county until the delinquency is fully satisfied.

Sec. 63. Section 77-1705, Reissue Revised Statutes of Nebraska, is amended to read:

77-1705. The tax receipt shall be substantially in the following form, with such additions and amendments thereto as may be necessary to make it conform to law:

\$..... Treasurer's Office County, Nebraska
..... 19 20....
Received of
In full or ~~one-half~~ of in part the taxes for the year 19 20.... on the following described property:
.....
..... Deputy Treasurer.

If the tax ~~be~~ is paid upon real estate property or personal property, the receipt shall describe the same as described in the tax list and give the valuation thereof. ~~+~~ and either on the reverse side of the receipt or, on a tax table sheet which the treasurer shall make available to the taxpayer in such form as prescribed by the Property Tax Administrator, there shall be a statement giving the amount of each kind of tax for each one

thousand dollars of property value and the statement shall disclose the amount of each kind of tax for each one thousand dollars of property value for the previous year; and if upon personal property, it shall state the value thereof.

Sec. 64. Section 77-1716, Revised Statutes Supplement, 1998, is amended to read:

77-1716. The county treasurer may, at any time prior to January 1 of each year, send a notice to each person on the personal tax roll and each person owing real estate taxes on mobile homes, cabin trailers, manufactured homes, or similar property assessed and taxed as improvements to leased land, advising such taxpayer of the amount of ~~personal~~ such taxes owed for that year. At any time after May 1 and before September 1 next following, the county treasurer is required to notify by mail any taxpayer, whose personal or real estate tax under this section is delinquent, on account of such taxpayer not having paid the ~~personal~~ taxes, or the first installment thereof, on May 1, as required by law, of the amount of such delinquent ~~personal~~ tax. The notice shall also recite that unless the entire tax is paid by September 1, next following, a distress warrant will be issued therefor.

Sec. 65. Section 77-1717, Revised Statutes Supplement, 1998, is amended to read:

77-1717. After September 1 of each year next after the personal taxes and real estate taxes on mobile homes, cabin trailers, manufactured homes, or similar property assessed and taxed as improvements to leased land for the last preceding year have become delinquent, the county treasurer shall collect the same, together with interest and costs of collection, by distress and sale of personal property, mobile homes, cabin trailers, manufactured homes, or similar property assessed and taxed as improvements to leased land belonging to the person against whom levied, in the manner provided by law, for the levy and sale of personal property on execution.

Sec. 66. Section 77-1718, Revised Statutes Supplement, 1998, is amended to read:

77-1718. On or before November 1 of each year, the county treasurer shall issue and deliver to the sheriff of the county distress warrants against all persons having delinquent personal tax or real estate tax on a mobile home, cabin trailer, manufactured home, or similar property assessed and taxed as improvements to leased land for that year (1) unless such a person shall have paid such delinquent ~~personal~~ taxes in full, on or before September 1, with interest at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, or (2) unless such person shall, on or before September 1, file with the treasurer an affidavit that he or she is unable by reason of poverty to pay any such tax, in which case a distress warrant shall not be issued until ordered by the county board. At least twenty days prior to the issuance of a distress warrant, the county treasurer shall mail a notice to the delinquent taxpayer that, unless payment of the delinquent tax is made within twenty days, a distress warrant will be issued. Each such distress warrant shall include all delinquent ~~personal~~ taxes of the person against whom issued. When distress warrants have been issued and turned over to the sheriff, the county treasurer shall report and certify to the county board the total number of distress warrants issued and the total amount of money involved.

Sec. 67. Section 77-1721, Reissue Revised Statutes of Nebraska, is amended to read:

77-1721. The county treasurer shall, in a book containing the personal tax list and the list of all delinquent taxes levied on mobile homes, cabin trailers, manufactured homes, or similar property assessed and taxed as improvements to leased land in columns provided therefor, keep a record of the date of issue of each distress warrant, and of the return thereon, showing in detail the amount collected, or the fact that no personal property, mobile home, cabin trailer, manufactured home, or similar property assessed and taxed as improvements to leased land belonging to the tax delinquent was found. All distress warrants shall upon their return be filed and kept by the treasurer as a part of the records of his or her office. The collection of any item of ~~said~~ taxes, ~~or~~ the showing by affidavit of poverty, duly approved, or the return of a distress warrant showing no property found, shall relieve him or her and his or her bondsperson bondsmen from responsibility of that item of taxes.

Sec. 68. Section 77-1738, Reissue Revised Statutes of Nebraska, is amended to read:

77-1738. ~~Whenever it shall appear~~ The county board shall cause delinquent taxes on personalty, mobile homes, cabin trailers, manufactured homes, or similar property assessed and taxed as improvements to leased land to be stricken from the tax list. Such delinquent taxes shall only be

~~stricken if (1) at least two years have expired, (2) the treasurer has used due diligence to collect such taxes, and (3)(a) it appears from the return of the treasurer that any person charged with the taxes on personalty has removed out of the county, or has died and left no property out of which the taxes can be paid, or if from any cause it is (b) it appears impossible to collect such taxes. 7 it shall be the duty of the county board to cause the same, after the expiration of two years, in which the treasurer shall use due diligence to collect the same, to be stricken from the tax list.~~

Sec. 69. Section 77-1739, Reissue Revised Statutes of Nebraska, is amended to read:

77-1739. All personal property taxes or real estate taxes levied on a mobile home, cabin trailer, manufactured home, or similar property assessed and taxed as improvements to leased land of any taxpayer, delinquent for more than ten years, shall be canceled upon the payment of the principal of such personal taxes, without interest, if all other personal taxes of such taxpayer in that county, due subsequent thereto, have been paid in full.

Sec. 70. Section 77-1801, Reissue Revised Statutes of Nebraska, is amended to read:

77-1801. All ~~Except for delinquent taxes on mobile homes, cabin trailers, manufactured homes, or similar property assessed and taxed as improvements to leased land, all~~ real estate on which the taxes shall not have been paid in full, as provided by law, on or before the first Monday of March, after they become delinquent, shall be subject to sale on or after such date.

Sec. 71. Section 77-1862, Reissue Revised Statutes of Nebraska, is amended to read:

77-1862. (1) Any and all taxes and special assessments, together with interest, penalty, and costs, levied upon any real property, and any lien created thereby in this state and due to this state or to any county or other political subdivision thereof, becoming delinquent in the calendar year 1943 or any prior year, are hereby released and extinguished forever.

(2) Any and all taxes and special assessments, together with interest, penalty, and costs, levied upon any real property, ~~except mobile homes, cabin trailers, manufactured homes, or similar property assessed and taxed as improvements to leased land,~~ and any lien created thereby in this state and due to this state or to any county or other political subdivision thereof, becoming delinquent in the calendar year 1944, or any subsequent year, are hereby released and extinguished forever upon the expiration of fifteen years after the date upon which the tax or special assessment became or shall become delinquent.

Sec. 72. Section 77-27,139.03, Revised Statutes Supplement, 1999, is amended to read:

77-27,139.03. (1) State aid provided to municipalities pursuant to sections 77-27,139.01 to 77-27,139.04 shall be calculated by determining the average property tax levy for operational purposes other than for principal and interest payments on the indebtedness of all incorporated municipalities. The Auditor of Public Accounts shall provide to the Department of Revenue a list of the bond and nonbond tax request amounts from the most recent budgets filed by incorporated municipalities. The information shall be used to calculate the bond and nonbond tax levies for aid purposes under this section. The auditor shall provide the information to the department by February 1 each year.

(2) Each municipality shall receive state aid from the Municipal Equalization Fund equal to (a) the product of the average per capita property tax of the appropriate population group multiplied by the current population of the municipality minus (b) the product of the average property tax levy multiplied by the certified valuation within the incorporated municipality, except that a municipality shall not receive any aid under this section if the calculation results in a negative number.

(3) If a municipal tax levy for operational purposes was less than the average property tax levy in the immediately preceding fiscal year, the state aid provided to such municipality shall be reduced by twenty percent for each one-cent increment the levy was below the average property tax levy.

~~(4) Aid distributed to a municipality shall not exceed the amount which would have been necessary to reduce the municipal tax levy for operational purposes below the average property tax levy in the immediately preceding fiscal year.~~

~~(5)~~ If the amount of money in the Municipal Equalization Fund is less than the total amount of state aid for all municipalities as required by the allocation formula in subsection (2) of this section, the money in the fund shall be allocated on a prorated basis to such municipalities. If the amount of money in the fund is more than the total amount of state aid for municipalities as required by the allocation formula, the excess money in the

fund shall be ~~transferred to and distributed from the Municipal Infrastructure Redevelopment Fund~~ distributed along with and in the same manner as provided in section 77-27,137.01.

Sec. 73. Section 77-4105, Reissue Revised Statutes of Nebraska, is amended to read:

77-4105. (1) A taxpayer who has signed an agreement under section 77-4104 may elect to determine taxable income for purposes of the Nebraska income tax using the sales factor only. The election may be made for the year during which the application was filed and for each year thereafter through the eighth year after the end of the entitlement period. The election shall be made for the year of the election by computing taxable income using the sales factor only on the tax return.

(2) A taxpayer who has signed an agreement under section 77-4104 shall receive the incentive provided in this subsection if the agreement contains one or more projects which together will result in the investment in qualified property of at least ten million dollars and the hiring of at least one hundred new employees. Such ten-million-dollar investment and hiring of at least one hundred new employees shall be considered a required level of investment and employment for this subsection and for the recapture of personal property tax only.

The following property used in connection with such project or projects and acquired by the taxpayer, whether by lease or purchase, after the date the application was filed shall constitute separate classes of personal property:

(a) Turbine-powered aircraft, including turboprop, turbojet, and turbofan aircraft, except when any such aircraft is used for fundraising for or for the transportation of an elected official;

(b) Mainframe business computers used for business information processing which require environmental controls of temperature and power and which are capable of simultaneously supporting more than one transaction and more than one user plus peripheral components which require environmental controls of temperature and power connected to such computers. Computer peripheral components shall be limited to additional memory units, tape drives, disk drives, power supplies, cooling units, and communication controllers; and

(c) Personal property which is business equipment located in a single project if (i) the business equipment is involved directly in the manufacture or processing of agricultural products, ~~and~~ (ii) the investment in the single project exceeds ten million dollars. ~~and (iii) the use, value, and proper classification of the business equipment has been certified by the Tax Commissioner.~~

Such property shall be ~~exempt~~ eligible for exemption from the tax on personal property from the first January 1 following the date of acquisition for property in subdivision (2)(a) of this section, or from the first January 1 following the end of the year during which the required levels were exceeded for property in subdivisions (2)(b) and (2)(c) of this section, through the sixteenth December 31 after the filing of the application. In order to receive the property tax exemptions allowed by subdivisions (2)(a), (2)(b), and (2)(c) of this section, the taxpayer shall annually file a claim for exemption with the Property Tax Administrator on or before May 1. The form and supporting schedules shall be prescribed by the Property Tax Administrator and shall list all property for which exemption is being sought under this section. A separate claim for exemption must be filed for each project and each county in which property is claimed to be exempt. A copy of this form must also be filed with the county assessor in each county in which the applicant is requesting exemption. The Property Tax Administrator shall determine the eligibility of each item listed for exemption and, on or before August 10, certify such to the taxpayer and to the affected county assessor. Notwithstanding any other provision of law, the Property Tax Administrator shall be allowed access to the applications and such other records of the Department of Revenue as necessary in order to determine the eligibility for exemption.

(3) When the taxpayer has met the required levels of employment and investment contained in the agreement, the taxpayer shall also be entitled to the following incentives:

(a) A refund of all sales and use taxes paid under the Nebraska Revenue Act of 1967, the Local Option Revenue Act, and sections 13-319 and 13-324 from the date of the application through the meeting of the required levels of employment and investment for all purchases, including rentals, of:

(i) Qualified property used as a part of the project;

(ii) Property, excluding motor vehicles, based in this state and used in both this state and another state in connection with the project

except when any such property is to be used for fundraising for or for the transportation of an elected official;

(iii) Tangible personal property by the owner of the improvement to real estate that is incorporated into real estate as a part of a project; and

(iv) Tangible personal property by a contractor or repairperson after appointment as a purchasing agent of the owner of the improvement to real estate. The refund shall be based on fifty percent of the contract price, excluding any land, as the cost of materials subject to the sales and use tax; and

(b) A refund of the sales and use taxes paid under the Nebraska Revenue Act of 1967, the Local Option Revenue Act, and sections 13-319 and 13-324 on the types of purchases, including rentals, listed in subdivision (a) of this subsection for such taxes paid during each year of the entitlement period in which the taxpayer is at or above the required levels of employment and investment.

(4) Any taxpayer who qualifies for the incentives contained in subsections (1) and (3) of this section and who has added at least thirty new employees at the project shall also be entitled to:

(a) A credit equal to five percent of the amount by which the total compensation paid during the year to employees who are either Nebraska employees or base-year employees while employed at the project exceeds the average compensation paid at the project multiplied by the number of equivalent base-year employees.

For the computation of such credit, average compensation shall mean the total compensation paid at the project divided by the total number of equivalent employees at the project; and

(b) A credit equal to ten percent of the investment made in qualified property at the project.

The credits prescribed in subdivisions (a) and (b) of this subsection shall be allowable for compensation paid and investments made during each year of the entitlement period that the taxpayer is at or above the required levels of employment and investment.

The credit prescribed in subdivision (b) of this subsection shall also be allowable during the first year of the entitlement period for investment in qualified property at the project after the date of the application and before the required levels of employment and investment were met.

Sec. 74. Section 77-5009, Revised Statutes Supplement, 1998, is amended to read:

77-5009. (1) The commission may employ legal, clerical, and other assistants as may be necessary to carry out the powers and duties of the commission.

(2)(a) For purposes of finding facts ~~or in the performance of other duties~~ with regard to any matters relating to taxation, the commission may appoint by an order in writing a special master or special masters whose duties are prescribed in the order, except that the duties of a special master shall not include the determination of conclusions of law or the final disposition of any case or controversy.

(b) Special masters may be paid a salary or fee in the discretion of the commission. If a salary is paid, the amount paid shall be fixed by the commission, and if a fee is paid, the amount paid shall be in accordance with the value of the service rendered and shall be agreed upon and approved by the commission before the special master renders service under his or her appointment.

(c) The claim for services rendered shall be certified by the commission and paid as provided by law for other claims against the state.

(3) In the discharge of his or her duties a special master shall have all the investigative and factfinding powers of the commission in deciding any tax dispute.

(4)(a) The commission may conduct a number of factfindings contemporaneously through different special masters and may delegate to a special master the taking of all testimony bearing upon any investigation or hearing.

(b) The decision of the commission shall be based upon its examination of all testimony and records.

(c) The recommendations made by any special master shall be advisory only and shall not preclude the taking of further testimony if the commission orders further investigation.

Sec. 75. Section 77-5016, Revised Statutes Supplement, 1999, is amended to read:

77-5016. All cases appealed to the commission shall be granted an informal hearing unless a formal hearing is granted as determined by the

commission according to its rules and regulations. In cases appealed to the commission:

(1) The commission may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. It shall give effect to the rules of privilege recognized by law. It may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence. ~~Any party to a formal hearing before the commission, from which a decision may be appealed to the courts of this state, may request that the commission be bound by the rules of evidence applicable in district court by delivering to the commission at least three days prior to the holding of the hearing a written request. Any party to an appeal filed under section 77-5007 may request a formal hearing by delivering a written request to the commission not more than thirty days after the appeal is filed.~~ The request shall include the requesting party's agreement to be liable for the payment of costs incurred and upon any appeal or review, including the cost of court reporting services which the requesting party shall procure for the hearing. The commission shall be bound by the rules of evidence applicable in district court in any formal hearing held by the commission. All costs of a formal hearing shall be paid by the party or parties against whom a final decision is rendered;

(2) The commission may administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents, statistical analysis, and testimony, and cause the depositions of witnesses residing either within or without the state to be taken in the manner prescribed by law for taking depositions in civil actions in the district court;

(3) All evidence including records and documents in the possession of the commission of which it desires to avail itself shall be offered and made a part of the record in the case. No other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts or by incorporation by reference;

(4) Every party shall have the right of cross-examination of witnesses who testify and shall have the right to submit rebuttal evidence;

(5) The commission may take notice of judicially cognizable facts and in addition may take notice of general, technical, or scientific facts within its specialized knowledge or statistical information regarding general levels of assessment within a county or a class or subclass of property within a county and measures of central tendency within such county or classes or subclasses within such county which have been made known to the commission. Parties shall be notified either before or during the hearing or by reference in preliminary reports or otherwise of the material so noticed. They shall be afforded an opportunity to contest the facts so noticed. The commission may utilize its experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to it;

(6) Any person testifying under oath at a hearing who knowingly and intentionally makes a false statement to the commission or its designee is guilty of perjury. For the purpose of this section, perjury is a Class I misdemeanor; and

(7) The commission shall hear appeals and cross appeals taken under section 77-5007 as in equity and without a jury and determine de novo all questions raised before the county board of equalization or the Property Tax Administrator which relate to the liability of the property to assessment or the amount thereof. The commission shall affirm the action taken by the board or Property Tax Administrator unless evidence is adduced establishing that the action of the board or the Property Tax Administrator was unreasonable or arbitrary. Any decision rendered by the commission shall be certified to the parties and, if applicable, to the county treasurer and the official charged with the duty of preparing the tax list. When such decision becomes final, any officials shall correct their records accordingly.

Sec. 76. Section 77-5019, Revised Statutes Supplement, 1999, is amended to read:

77-5019. (1) Any party aggrieved by a final decision in a case appealed to the commission and any county or other political subdivision aggrieved by an order of the commission issued pursuant to section 77-1504.01 or 77-5028 shall be entitled to judicial review in the Court of Appeals. Nothing in this section shall be deemed to prevent resort to other means of review, redress, or relief provided by law.

(2)(a) Proceedings for review shall be instituted by filing a petition and the appropriate docket fees in the Court of Appeals and delivery of a copy of the petition to the commission within thirty days after the date on which a final appealable order is entered by the commission. All parties

of record shall be made parties to the proceedings for review. ~~If the commission's only role in a case is to act as a neutral factfinding body, the commission shall not be a party of record. In all other cases, the commission shall be a party of record.~~ The commission shall only be made a party of record if the action complained of is an order issued by the commission pursuant to section 77-1504.01 or 77-5023. Summons shall be served on all parties within thirty days after the filing of the petition in the manner provided for service of a summons in section 25-510.02. If the commission is not a party of record, the petitioner shall serve a copy of the petition and a request for preparation of the official record upon the commission within thirty days after the filing of the petition. The court, in its discretion, may permit other interested persons to intervene. No bond or undertaking is required for an appeal to the Court of Appeals.

(b) A petition for review shall set forth: (i) The name and mailing address of the petitioner; (ii) the name and mailing address of the county whose action is at issue or the commission; (iii) identification of the final decision at issue together with a duplicate copy of the final decision; (iv) the identification of the parties in the case that led to the final decision; (v) the facts to demonstrate proper venue; (vi) the petitioner's reasons for believing that relief should be granted; and (vii) a request for relief, specifying the type and extent of the relief requested.

(3) The filing of the petition or the service of summons upon the commission shall not stay enforcement of a decision. The commission may order a stay. The court may order a stay after notice of the application for the stay to the commission and to all parties of record. If the commission has found that its action on an application for stay or other temporary remedies is justified to protect against a substantial threat to the public health, safety, or welfare, the court may not grant relief unless the court finds that: (a) The applicant is likely to prevail when the court finally disposes of the matter; (b) without relief, the applicant will suffer irreparable injuries; (c) the grant of relief to the applicant will not substantially harm other parties to the proceedings; and (d) the threat to the public health, safety, or welfare relied on by the commission is not sufficiently serious to justify the commission's action in the circumstances. The court may require the party requesting the stay to give bond in such amount and conditioned as the court directs.

(4) Within thirty days after service of the petition or within such further time as the court for good cause shown allows, the commission shall prepare and transmit to the court a certified copy of the official record of the proceedings had before the commission. The official record shall include: (a) Notice of all proceedings; (b) any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the commission pertaining to the case; (c) the transcribed record of the hearing before the commission, including all exhibits and evidence introduced during the hearing, a statement of matters officially noticed by the commission during the proceeding, and all proffers of proof and objections and rulings thereon; and (d) the final order appealed from. The commission shall charge the petitioner with the reasonable direct cost or require the petitioner to pay the cost for preparing the official record for transmittal to the court in all cases except when the petitioner is not required to pay a filing fee. The commission may require payment or bond prior to the transmittal of the record.

(5) The review shall be conducted by the court for error on the record of the commission. If the court determines that the interest of justice would be served by the resolution of any other issue not raised before the commission, the court may remand the case to the commission for further proceedings. The court may affirm, reverse, or modify the decision of the commission or remand the case for further proceedings.

(6) Appeals under this section shall be given precedence over all civil cases.

Sec. 77. Section 77-5023, Revised Statutes Supplement, 1998, is amended to read:

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

(2) Such increase or decrease shall be made by a percentage and shall result in an average level of assessment for the class or subclass adjusted at (a) seventy-seven percent of actual value for agricultural land, (b) beginning January 1, 2001, ninety-six percent of special or recapture value for agricultural land that receives special valuation pursuant to

section 77-1344, and (c) ninety-six percent of actual value for nonagricultural real property. If such increase or decrease is made to a subclass of real property, the increase or decrease shall also cause the average level of assessment for the class from which the subclass is drawn to fall within the acceptable range. This subsection shall become operative for all actions filed with the commission on or after the operative date of this section.

(3) For agricultural land, the acceptable range shall be from seventy-four percent to eighty percent of actual value of agricultural land; beginning January 1, 2001, for agricultural and horticultural land eligible for special valuation under section 77-1344, the acceptable range shall be from ninety-two percent to one hundred percent of the special valuation, and the recapture valuation shall be between ninety-two to one hundred percent of the recapture value; and for nonagricultural real property, the acceptable range shall be from ninety-two percent to one hundred percent of actual value of nonagricultural real property. Such increase or decrease shall be made by a percentage and shall result in an average level of assessment for the class or subclass adjusted at seventy-seven percent of actual value for agricultural land and ninety-six percent of actual value for nonagricultural real property.

Sec. 78. The changes made in sections 77-1504.01, 77-5016, and 77-5019 by this legislative bill shall become operative for all actions filed with the Tax Equalization and Review Commission on or after the operative date of this section.

Sec. 79. All transactions of real property for which the statement required in section 76-214 is filed shall be available for development of a sales file for analysis of level of value and quality of assessment for purposes of section 77-5027 and for use by assessing officials in establishing assessed valuations. All transactions with stated consideration of more than one hundred dollars or upon which more than one dollar and seventy-five cents in documentary stamp taxes are paid shall be considered sales. All sales shall be deemed to be arm's length transactions unless determined to be otherwise. The Department of Property Assessment and Taxation shall not overturn a determination made by a county assessor regarding the qualification of a sale unless the department reviews the sale and determines through the review that the determination made by the county assessor is incorrect.

Sec. 80. Section 79-1016, Revised Statutes Supplement, 1999, is amended to read:

79-1016. (1) On or before August 25, the county assessor shall certify to the Property Tax Administrator the total taxable value by school district in the county for the current assessment year on forms prescribed by the Property Tax Administrator. On or before October 10, the Property Tax Administrator shall compute and certify to the State Department of Education the adjusted valuation for the current assessment year for each class of property in each school district and each local system. The adjusted valuation of property for each school district and each local system, for purposes of determining state aid pursuant to the Tax Equity and Educational Opportunities Support Act, shall reflect as nearly as possible state aid value as defined in subsection (2) of this section. The Property Tax Administrator shall also notify each school district and each local system of its adjusted valuation for the current assessment year by class of property on or before October 10. Establishment of the adjusted valuation shall be based on assessment practices established by rule and regulation adopted and promulgated by the Property Tax Administrator. The assessment practices may include, but not be limited to, the appraisal methods listed in section 77-112.

(2) For purposes of this section, state aid value means:

(a) For real property other than agricultural land, one hundred percent of market value;

(b) For agricultural land, eighty percent of market value as provided in sections 77-1359 to 77-1363. For agricultural land that receives special valuation pursuant to section 77-1344, one hundred percent of special valuation as defined in section 77-1343; and

(c) For personal property, the net book value as defined in section 77-120.

(3) On or before November 10, any local system may file with the Property Tax Administrator written objections to the adjusted valuations prepared by the Property Tax Administrator, stating the reasons why such adjusted valuations are not the valuations required by subsection (2) of this section. The Property Tax Administrator shall fix a time for a hearing. Either party shall be permitted to introduce any evidence in reference thereto. On or before January 1, the Property Tax Administrator shall enter an order modifying or declining to modify, in whole or in part, the adjusted

valuations and shall certify the order to the State Department of Education. Modification by the Property Tax Administrator shall be based upon the evidence introduced at hearing and shall not be limited to the modification requested in the written objections or at hearing. The final determination of the Property Tax Administrator may be appealed to the Tax Equalization and Review Commission in accordance with the Tax Equalization and Review Commission Act.

(4) On or before November 10, any local system or county official may file with the Property Tax Administrator a written request for a nonappealable correction of the adjusted valuation due to clerical error or, for agricultural land, assessed value changes by reason of land qualified or disqualified for special use valuation pursuant to sections 77-1343 to 77-1348 and section 51 of this act. For purposes of this subsection, clerical error means transposition of numbers, allocation of value to the wrong school district, mathematical error, and omitted value. On or before the following January 1, the Property Tax Administrator shall approve or deny the request and, if approved, certify the corrected adjusted valuations resulting from such action to the State Department of Education.

(5) No injunction shall be granted restraining the distribution of state aid based upon the adjusted valuations pursuant to this section.

(6) A school district whose state aid is to be calculated pursuant to subsection (4) of this section and whose state aid payment is postponed as a result of failure to calculate state aid pursuant to such subsection may apply to the state board for lump-sum payment of such postponed state aid. Such application may be for any amount up to one hundred percent of the postponed state aid. The state board may grant the entire amount applied for or any portion of such amount. The state board shall notify the Director of Administrative Services of the amount of funds to be paid in a lump sum and the reduced amount of the monthly payments. The Director of Administrative Services shall, at the time of the next state aid payment made pursuant to section 79-1022, draw a warrant for the lump-sum amount from appropriated funds and forward such warrant to the district.

Sec. 81. Section 79-1072.04, Revised Statutes Supplement, 1999, is amended to read:

79-1072.04. On August 16, 2000, the State Treasurer shall transfer to the Tax Equity and Educational Opportunities Support Act Stabilization Fund any money appropriated for purposes of the Tax Equity and Educational Opportunities Support Act which is in excess of the certification made under section 79-1022 plus amounts set aside in section 79-1010 for base fiscal year incentive payments under subsection (5) of section 79-1010. The Tax Equity and Educational Opportunities Support Act Stabilization Fund is created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. On July 15, 2001, the fund shall terminate and the State Treasurer shall transfer any money in the fund on such date to the General Fund for purposes of funding the Tax Equity and Educational Opportunities Support Act.

Sec. 82. Section 79-1081 Reissue Revised Statutes of Nebraska, is amended to read:

79-1081. The tax for bond interest for a Class IV school district shall in no one year exceed such amount as will, with the balance on hand in such fund, be sufficient to pay the bond interest as it becomes due. The tax for the bond sinking fund shall not exceed a sum sufficient to pay the principal of such bonds as it becomes due or to pay each year such number of the bonds as will retire them all at or before their maturity. The amount of tax levied for the retirement plan fund and for general school purposes shall be without restriction, except that the aggregate school tax levy for all purposes shall not in any one year exceed such rate as shall be necessary to provide the sums reported in the estimate returned in accordance with section 79-1085. The amount of tax levied for the building and equipment fund shall not in any one year exceed fourteen cents on each one hundred dollars within the limits provided in section 77-3442.

Sec. 83. Section 79-1082, Reissue Revised Statutes of Nebraska, is amended to read:

79-1082. The aggregate school tax for a Class V school district exclusive of the special levy to pay accrued liabilities of the retirement fund authorized by section 79-9,112, and exclusive of the levy for the site and building fund as authorized by section 79-10,126, shall be ~~without restriction~~ subject to the limits provided in section 77-3442.

Sec. 84. Section 84-304, Reissue Revised Statutes of Nebraska, is amended to read:

84-304. It shall be the duty of the Auditor of Public Accounts:

(1) To give information in writing to the Legislature, whenever required, upon any subject relating to the fiscal affairs of the state or with regard to any duty of his or her office;

(2) To furnish offices for himself or herself and all fuel, lights, books, blanks, forms, paper, and stationery required for the proper discharge of the duties of his or her office;

(3)(a) To examine or cause to be examined, at such time as he or she shall determine, books, accounts, vouchers, records, and expenditures of all state officers, state bureaus, state boards, state commissioners, the state library, societies and associations supported by the state, state institutions, state colleges, and the University of Nebraska, except when required to be performed by other officers or persons, (b) to examine or cause to be examined, at the expense of the political subdivision, when the Auditor of Public Accounts determines such examination necessary or when requested by the political subdivision, the books, accounts, vouchers, records, and expenditures of an agricultural association formed under Chapter 2, article 20, county agricultural society, joint airport authority formed under the Joint Airport Authorities Act, city or county airport authority, cemetery district, development district, ~~regional council~~, drainage district, fire protection district, health district, historical society, hospital authority or district, county hospital, irrigation district, county or municipal library, community mental health center, railroad transportation safety district, rural water district, township, ~~or the Wyuka Cemetery~~, any political subdivision with the authority to levy a property tax, or any entity created pursuant to the Joint Public Agency Act which has separately levied a property tax based on legal authority for a joint public agency to levy such a tax independent of the public agencies forming such joint public agency, and (c) to report promptly to the Director of Administrative Services and the appropriate standing committee of the Legislature the fiscal condition shown by such examinations, including any irregularities or misconduct of officers or employees, any misappropriation or misuse of public funds or property, and any improper system or method of bookkeeping or condition of accounts. ~~An examination of any volunteer department as defined in section 35-901 shall not include an examination of the volunteer department trust fund.~~ Whenever the expenditures of a fire protection district are less than one hundred fifty thousand dollars per fiscal year, the fire protection district shall be audited no more than once every five years except as directed by the board of directors of the fire protection district or unless the Auditor of Public Accounts receives a verifiable report from a third party indicating any irregularities or misconduct of officers or employees of the fire protection district, any misappropriation or misuse of public funds or property, or any improper system or method of bookkeeping or condition of accounts of the fire protection district. In the absence of such a report, the Auditor of Public Accounts may waive the five-year audit requirement upon the submission of a written request by the fire protection district in a form prescribed by the Auditor of Public Accounts. The Auditor of Public Accounts shall notify the fire protection district in writing of the approval or denial of a request for waiver. The Auditor of Public Accounts shall appoint two assistant deputies (i) whose entire time shall be devoted to the service of the state as directed by the auditor, (ii) who shall be certified public accountants with at least five years' experience, (iii) who shall be selected without regard to party affiliation or to place of residence at the time of appointment, (iv) who shall promptly report in duplicate to the auditor the fiscal condition shown by each examination, including any irregularities or misconduct of officers or employees, any misappropriation or misuse of public funds or property, and any improper system or method of bookkeeping or condition of accounts, and it shall be the duty of the auditor to file promptly with the Governor a duplicate of such report, and (v) who shall qualify by taking an oath which shall be filed in the office of the Secretary of State; and

(4) Conduct audits and related activities for state agencies, political subdivisions of this state, or grantees of federal funds disbursed by a receiving agency on a contractual or other basis for reimbursement to assure proper accounting by all such agencies, political subdivisions, and grantees for funds appropriated by the Legislature and federal funds disbursed by any receiving agency. The Auditor of Public Accounts may contract with any political subdivision to perform the audit of such political subdivision required by or provided for in section 23-1608 or 79-1229 or this section and charge the political subdivision for conducting the audit. The fees charged by the auditor for conducting audits on a contractual basis shall be in an amount sufficient to pay the cost of the audit. The fees remitted to the auditor for such audits and services shall be deposited in the Auditor of Public Accounts Cash Fund.

All the audits and examinations conducted by the Auditor of Public Accounts shall be conducted in a timely manner and in accordance with the standards for audits of governmental organizations, programs, activities, and functions published by the Comptroller General of the United States.

Sec. 85. Section 84-1411, Reissue Revised Statutes of Nebraska, is amended to read:

84-1411. (1) Each public body shall give reasonable advance publicized notice of the time and place of each meeting by a method designated by each public body and recorded in its minutes. Such notice shall be transmitted to all members of the public body and to the public. Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Except for items of an emergency nature, the agenda shall not be altered later than (a) twenty-four hours before the scheduled commencement of the meeting or (b) forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(2) A meeting of a state agency, state board, state commission, state council, or state committee, of an advisory committee of any such state entity, of an organization created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing body of a public power district having a chartered territory of more than fifty counties in this state, or of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act may be held by means of videoconferencing or, in the case of the Judicial Resources Commission in those cases specified in section 24-1204, by telephone conference, if:

(a) Reasonable advance publicized notice is given;

(b) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio or visual recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if videoconferencing or telephone conferencing was not used;

(c) At least one copy of all documents being considered is available to the public at each site of the videoconference or telephone conference;

(d) At least one member of the state entity, advisory committee, or governing body is present at each site of the videoconference or telephone conference; and

(e) No more than one-half of the state entity's, advisory committee's, or governing body's meetings in a calendar year are held by videoconference or telephone conference.

Videoconferencing or telephone conferencing shall not be used to circumvent any of the public government purposes established in sections 84-1408 to 84-1414.

(3) A meeting of the governing body of a ~~joint~~ an entity formed under the Interlocal Cooperation Act or the Joint Public Agency Act or of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act may be held by telephone conference call if:

(a) The territory represented by the member public agencies of the entity or pool covers more than one county;

(b) Reasonable advance publicized notice is given which identifies each telephone conference location at which a member of the entity's or pool's governing body will be present;

(c) All telephone conference meeting sites identified in the notice are located within public buildings used by members of the entity or pool or at a place which will accommodate the anticipated audience;

(d) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if a telephone conference call was not used;

(e) At least one copy of all documents being considered is available to the public at each site of the telephone conference call;

(f) At least one member of the governing body of the entity or pool is present at each site of the telephone conference call identified in the public notice;

(g) The telephone conference call lasts no more than one hour; and

(h) No more than one-half of the entity's or pool's meetings in a

calendar year are held by telephone conference call.

Nothing in this subsection shall prevent the participation of consultants, members of the press, and other nonmembers of the governing body at sites not identified in the public notice. Telephone conference calls shall not be used to circumvent any of the public government purposes established in sections 84-1408 to 84-1414.

(4) The secretary or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting.

(5) When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of subsection (4) of this section shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.

(6) A public body may allow a member of the public or any other witness other than a member of the public body to appear before the public body by means of video or telecommunications equipment.

Sec. 86. Laws 1999, LB 271, section 10, is amended to read:

Sec. 10. This act becomes operative on January ~~2, 2000~~ 1, 2001.

Sec. 87. Sections 26, 27, 31, 32, 35, 38, 39, 43, 48 to 54, 56, 57, 61 to 63, 80, and 89 of this act become operative on January 1, 2001. Sections 2 to 5, 30, 34, 55, 73, 84, 88, and 91 of this act become operative on July 1, 2000. The other sections of this act become operative on their effective date.

Sec. 88. Original sections 13-502, 77-4105, and 84-304, Reissue Revised Statutes of Nebraska, section 77-202.05, Revised Statutes Supplement, 1998, sections 13-501, 13-503, 13-504, and 77-421, Revised Statutes Supplement, 1999, and section 77-1361, Revised Statutes Supplement, 1998, as amended by section 2, Legislative Bill 419, Ninety-sixth Legislature, Second Session, 2000, are repealed.

Sec. 89. Original sections 77-609, 77-1343, 77-1346 to 77-1348, 77-1371, 77-1704, and 77-1705, Reissue Revised Statutes of Nebraska, sections 77-202.02, 77-801, 77-801.01, 77-1229, 77-1344, 77-1345, and 77-1381, Revised Statutes Supplement, 1998, and sections 77-202.01, 77-202.11, 77-202.12, and 79-1016, Revised Statutes Supplement, 1999, are repealed.

Sec. 90. Original sections 10-126, 18-2601 to 18-2603, 18-2606 to 18-2608, 23-355.01, 57-239, 60-106, 76-214, 77-115, 77-1210, 77-1331, 77-1332, 77-1721, 77-1738, 77-1739, 77-1801, 77-1862, 79-1081, 79-1082, and 84-1411, Reissue Revised Statutes of Nebraska, sections 30-2467, 30-2469, 77-112, 77-202.04, 77-3,119, 77-623, 77-802.01, 77-802.02, 77-1249, 77-1716, 77-1717, 77-1718, 77-5009, and 77-5023, Revised Statutes Supplement, 1998, sections 23-3202, 35-1303, 51-805, 77-101, 77-202.03, 77-684, 77-1233.04, 77-1504.01, 77-1514, 77-1701, 77-27,139.03, 77-5016, 77-5019, and 79-1072.04, Revised Statutes Supplement, 1999, and Laws 1999, LB 271, section 10, are repealed.

Sec. 91. The following sections are outright repealed: Sections 13-515, 77-110, 77-210, 77-1213, and 77-1333, Reissue Revised Statutes of Nebraska.

Sec. 92. The following section is outright repealed: Section 77-398, Revised Statutes Supplement, 1998.

Sec. 93. Since an emergency exists, this act takes effect when passed and approved according to law.