

**Ninety-ninth Legislature
Second Session
Legislation Passed in 2006**

LB 808. contains the emergency clause, became effective when approved by the Governor.

Section 1. Requires a city with a tax-increment financing to provide the Property Tax Administrator with the effective date for dividing the property taxes on approved redevelopment projects. Also removes duplication of information required in the report filed with the Property Tax Administrator, by a city concerning a redevelopment project.

Section 2. Requires that in the case where there is not an redevelopment project valuation (assessed value) on a parcel, the county assessor shall determine the redevelopment project valuation based upon the market value of the property as of January 1 of the year prior to the year the property taxes are to be divided.

The assessor shall send written notice of value to the community redevelopment authority and the owner. Either or both parties may protest the valuation to the county board of equalization within thirty days after the date of the notice. All provisions of Neb. Rev. Stat. Section 77-1502 are applicable to a protest filed pursuant to this section with the exception of the dates for filing, the dates for the hearing and the dates for mailing the county board of equalization's decision.

The county board of equalization shall decide any protest filed pursuant to this section within thirty days after the filing of the protest. The county clerk shall mail a copy of the county board of equalization's decision to the authority or owner within seven days after the date of the decision.

Any decision of the county board of equalization may be appealed to the Tax Equalization and Review Commission pursuant to Neb. Rev. Stat. Section 77-5013, within thirty days after the date of the decision.

On August 1, 2006 and thereafter all notices for dividing the property taxes shall be sent to the county assessor on forms prescribed by the Property Tax Administrator.

Section 3. Requires the assessor to certify to the authority and the county treasurer, on or before August 20 the current assessed value of the real property in the redevelopment project.

Section 4. When the assessed valuation of the real property is less than the redevelopment project valuation the total assessed valuation will be certified to the political subdivisions and there is no excess valuation available for the redevelopment project for payment of debt financing.

The redevelopment project valuation will be reinstated when the assessed value for all real property in the project equals or exceeds the redevelopment project.

Section 5. Operative 1/1/07. Pertains to agricultural use zones adjacent to cities for the purpose of improvement districts for special assessments.

Section 6. Operative 7/14/07. Pertains to county zoning as to whether buildings on farmsteads used for residential purposes should be subject to the county's zoning regulations and permit requirements.

Sections 7 through 23. Pertain to the transferring of a state employee or an employee from a political subdivision to a county of a 150,000 to 300,000 population. (Lancaster County)

Section 24. Operative 1/1/07. The recapture value on agricultural which becomes disqualified for special value is the lands actual value rather than eighty percent of the actual value.

Section 25. Any person whose assessor certificate has been invalidated by the Tax Equalization and Review Commission or the Property Tax Administrator is not eligible to hold a certificate for five years after the date of invalidation.

Section 26. Repeals from the definition of a public service entity telephones and telegraphs and inserts telecommunications.

Section 27. Operative 1/1/07. Defines applicant for special value as the owner or lessee and repeals the language defining agricultural and horticultural land since it is already defined in Neb. Rev. Stat. Section 77-1359.

Defines an owner as the owner of record. Repeals language pertaining to joint tenant or tenant in common.

Repeals the definition of taxpayer and removes zoning from the qualification of the land for special valuation.

Section 28. Operative 1/1/07. Changes levy date to July 25 for recapture purposes. Also recapture value is now at actual value rather than eighty percent of actual value.

Recapture value for disqualified property will cease to be determined after December 31, 2009.

Sections 29 and 30. Operative 1/1/07. Repeals all references to taxpayer and replaces with applicant for the purpose of the special valuation.

Section 31. Operative 1/1/07. Removes change in zoning as a disqualification of agricultural and horticultural land for special valuation.

Section 32. Operative 1/1/07. When the county assessor disqualifies agricultural and horticultural land that was receiving the special valuation on or before March 19, he or she shall send written of the determination to the applicant or the owner within fifteen days after the determination. The owner or applicant may protest the assessor's determination to the county board of equalization within thirty days after mailing the notice. The county board of

equalization shall decide the protest within thirty after the filing of the protest with the county clerk. The county clerk shall mail written notice to the protester within seven days of the board's decision. The decision of the county board of equalization may be appealed to the Tax Equalization and Review Commission within thirty days after the date of the decision. The valuation notice on the land subject to the assessor's disqualification shall be sent on or before June 1 pursuant to Neb. Rev. Stat. Section 77-1315. The valuation can be protested to the county board of equalization pursuant to Neb. Rev. Stat. Section 77-1502.

When the county assessor disqualifies agricultural and horticultural land after March 19 and on or before July 25, the assessor shall give a report to the county board of equalization setting forth the parcel, the reason for disqualification and the valuation of the property after disqualification. The county board of equalization may meet on June 1 through July 25 to review the report. The county board of equalization may issue written notice to the taxpayer of the disqualification and the valuation after disqualification. The taxpayer may protest either or both the disqualification or the valuation to the county board of equalization within thirty days after mailing of the notice. The county board of equalization shall decide the protest within thirty days after the filing of the protest. The county clerk shall mail written notice to the protester within seven days of the board's decision. The decision of the county board of equalization may be appealed to the Tax Equalization and Review Commission within thirty days after the date of the decision.

Section 33. Operative 1/1/07. Amends Neb. Rev. Stat. Section 77-1348 to reflect how the additional taxes on disqualified agricultural and horticultural land is to be collected. If land is disqualified for tax year 2007, recapture will take place for 2007, 2006 and 2005, if applicable. If land is disqualified for tax year 2008, recapture will take place for 2008 and 2007, if applicable. If land is disqualified for tax year 2009, recapture will take place for 2009 only. Starting 2010 recapture shall no longer result in additional taxes.

Section 34. Operative 1/1/07. Removes zoning from Neb. Rev. Stat. Section 77-1355.

Section 35. Operative 1/1/07. Amends Neb. Rev. Stat. Section 77-1359 to define agricultural and horticultural land as a separate class of land of which its valuation is not uniform and proportionate with other classes but shall be uniform and proportionate within the class of agricultural and horticultural land.

Agricultural and horticultural land is now defined as land used for agricultural and horticultural purposes. Agricultural and horticultural land does not include any land directly associated with buildings and enclosed structures.

Defines agricultural and horticultural purposes as land used for the commercial production of any plant or animal product in a raw or unprocessed state that is derived from the science and art of agriculture, aquaculture, or horticulture. Agricultural or horticultural purposes also includes land retained or protected for future agricultural or horticultural purposes under a conservation easement, except when the parcel or a portion thereof is being used for purposes other than agricultural or horticultural purposes. Agricultural and horticultural purposes includes land enrolled in a federal or state program in which payments are received for removing such land from production.

Section 36. Operative 1/1/07. Amends Neb. Rev. Stat. Section 77-1363 to remove obsolete language.

Section 37. Requires a protest to be filed for each parcel of real property being protested. All protests must be signed.

Section 38. Amends Neb. Rev. Stat. Section 77-1504 to require the county board of equalization to only consider the report of the county assessor for property which is undervalued or overvalued.

Requires the county clerk to mail written notice of the board's decision to the protester within seven days after the board's decision. The notice shall contain a statement advising the protester that a report of the decision is available and that a copy of the report may be used to complete an appeal to the Tax Equalization and Review Commission.

Section 39. Amends Neb. Rev. Stat. Section 77-1507 to allow the county board to assess any omitted real property that was not reported to the assessor pursuant to Neb. Rev. Stat. Section 77-1318.01.

Advises the protester that a report of the county board of equalization's action is available for use to complete an appeal to the Tax Equalization and Review Commission.

Section 40. Amends Neb. Rev. Stat. Section 77-1843 to repeal Neb. Rev. Stat. Section 77-1515.

Sections 41 through 45. Pertain to the Tax Equalization and Review Commission.

Section 46. Amends Neb. Rev. Stat. Section 79-1016 to remove the definition of clerical error, since it is already defined in Neb. Rev. Stat. Section 77-128.

Section 47. Operative dates.

Sections 48 through 52. Repealers. Section 51 repeals the penalties for late filing of the abstract and certificate of taxes levied.

Section 53. Emergency clause.

LB 968 contains the emergency clause and became effective when signed by the Governor.

Section 1. Pertains to the State Treasurer.

Section 2. Operative 1/1/07. Changes the assessed value of agricultural and horticultural land to seventy-five percent of actual value.

Sections 3 through 11. Pertain to sales and income taxes.

Section 12. Amends Neb. Rev. Stat. Section 77-3442 to keep the school levy at one dollar and five cents per one hundred dollars of taxable value.

Section 13. Operative 1/1/07. Changes the exempt amount for the homestead exemption for qualified claimants from eighty to one hundred percent of the average assessed value of single family residential property in the county.

Increases the exempt amount for the homestead exemption for disabled individuals and veterans from one hundred to one hundred and twenty percent of the average assessed value of single family residential property in the county.

Section 14. Operative 1/1/07. Increases the maximum value for applicants eligible for the homestead exemption under Neb. Rev. Stat. Section 3507 from one hundred and fifty to two hundred percent of the average assessed value for single residential property in the county.

Increases the maximum value for applicants eligible for the homestead exemption under Neb. Rev. Stat. Sections 77-3508 and 77-3509 from one hundred seventy-five to two hundred twenty-five percent of the average assessed value for single residential property in the county.

Section 15. Operative 1/1/07. Amends Neb. Rev. Stat. Section 77-5023 to change the range for agricultural and horticultural land from seventy-four to eighty to sixty-nine to seventy-five percent of actual value. .

Section 16. Amends Neb. Rev. Stat. Section 79-1016 to change the range for agricultural and horticultural land from seventy-four to eighty to sixty-nine to seventy-five percent of actual value.

Section 17. Operative dates.

Sections 18, 19, 20 and 21. Repealers.

Section 22. Emergency clause.

LB 1175 contains the emergency clause and became effective when signed by the Governor.

Section 1. Does not pertain to property taxes.

Section 2. Amends Neb. Rev. Stat. Section 18-2147 to provide that if the Community Redevelopment Authority fails to provide the notice to divide the project real property tax to the assessor the taxes collected and allocated to the political subdivisions entitled thereto, shall remain as allocated for the years of failure to satisfy the notice requirement.

When the notice to divide the real property tax is provided to the assessor on or before August 1, the project real property tax from that time forward shall be divided. The division will be based

upon the last certified valuation for the year prior to the effective date of the provision by the authority, to divide the tax.

Sections 3 through 6. Do not pertain to property taxes.

Section 7. Repealer.

Section 7. Emergency clause.