

ONE HUNDRED FIRST LEGISLATURE - SECOND SESSION - 2010
COMMITTEE STATEMENT
LB877

Hearing Date: Thursday January 21, 2010
Committee On: Revenue
Introducer: Cornett
One Liner: Change property assessment and tax provisions

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	6	Senators Pirsch, Utter, White, Hadley, Cornett, Adams
Nay:		
Absent:	2	Senators Dierks, Louden
Present Not Voting:		

Proponents:
Senator Abbie Cornett
Ruth Sorensen
William E. Peters

Representing:
Introducer
Property Tax Administrator
Himself

Opponents:

Representing:

Neutral:
Bob Wickersham
Mike Goodwillie
Jim Cunningham

Representing:
Tax Equalization & Review Commission
Douglas County Assessor's Office
Nebraska Catholic Conference

Summary of purpose and/or changes:

LB 877 was introduced at the request of the Tax Commissioner. The bill changes various provisions of property tax law.

Section 1. New language gives the Tax Commissioner or the Property Tax Administrator power to appeal any action or decision made by county boards or the Tax Equalization and Review Commission.

Section 2. New language gives the Property Tax Administrator authority to determine how county assessors use soil surveys.

Section 3. New language requires taxpayers to include a legal description of the real property when filing an appeal of value. Failure to include the legal description would become a basis for dismissal.

Section 4. New language on legal descriptions is added to notice provisions.

Section 5. New language allows the Tax Commissioner to review all homestead application information submitted by county assessors prior to approval. Current language limits the Tax Commissioner's review to compliance with the income guidelines. Under current law, assessors are required to send approved applications to the Tax Commissioner. Applications denied by the assessor are not required to be sent to the Tax Commissioner. The Commissioner may on his or her own action cause a review of the applications that were denied, and under new language in this bill this review

can include a review of all criteria for approval. Current language limits the Tax Commissioner's discretion to review the income guidelines.

Section 6. New language adds a type of decision to the list of those decisions which may be appealed to the Tax Equalization and Review Commission. Any decision of a county board may be appealed by the Tax Commissioner or the Property Tax Administrator under the new language. This appears to include a county board decision to alter individual property values.

Section 7. New language exempts the Tax Commissioner or the Property Tax Administrator from a filing fee. Currently, county assessors and county boards are exempt.

Section 8. New language directs that appeal costs shall be paid by the state in cases where the state is the appellant.

Section 9. Repeals amended original sections.

Section 10. Creates the emergency clause.

Explanation of amendments:

Revenue Committee amendments allow the Tax Commissioner to appeal county board final decisions on real or personal property exemptions.

The amendments allow the Tax Commissioner to appeal any final order of the Tax Equalization & Review Commission.

Language in the original bill on providing property legal descriptions in appeals was modified to allow the taxpayer to provide a description sufficient to identify the property, rather than a precise or exact legal description.

Language was added by the Committee amendments which requires county boards and the Tax Equalization & Review Commission to electronically transmit copies of final decisions to the Tax Commissioner within seven days. This language also establishes a timeline of thirty days for appealing these final decisions.

The amendments add a new section and change current language limiting exemption appeals. This language was in conflict with Committee policy of authorizing the Property Tax Administrator to appeal exemption decisions by county boards.

Abbie Cornett, Chairperson