

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 708

FINAL READING

Introduced by Stuthman, 22.

Read first time January 06, 2010

Committee: Revenue

A BILL

1 FOR AN ACT relating to revenue and taxation; to amend sections
2 77-202.03 and 77-202.09, Reissue Revised Statutes of
3 Nebraska; to change certain date provisions relating to
4 property tax exemptions as prescribed; to provide an
5 operative date; and to repeal the original sections.

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

1 Section 1. Section 77-202.03, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 77-202.03 (1) A properly granted exemption of real or
4 tangible personal property, except real property used for cemetery
5 purposes, provided for in subdivisions (1)(c) and (d) of section
6 77-202 shall continue for a period of four years if the statement
7 of reaffirmation of exemption required by subsection (2) of this
8 section is filed when due. The four-year period shall begin with
9 years evenly divisible by four.

10 (2) In each intervening year occurring between
11 application years, the organization or society which filed the
12 granted exemption application for the real or tangible personal
13 property, except real property used for cemetery purposes, shall
14 file a statement of reaffirmation of exemption with the county
15 assessor on or before December 31 of the year preceding the year
16 for which the exemption is sought, on forms prescribed by the
17 Tax Commissioner, certifying that the ownership and use of the
18 exempted property has not changed during the year. Any organization
19 or society which misses the December 31 deadline for filing the
20 statement of reaffirmation of exemption may file the statement of
21 reaffirmation of exemption by June 30. Such filing shall maintain
22 the tax-exempt status of the property without further action by
23 the county and regardless of any previous action by the county
24 board of equalization to deny the exemption due to late filing of
25 the statement of reaffirmation of exemption. Upon any such late

1 filing, the county assessor shall assess a penalty against the
2 property of ten percent of the tax that would have been assessed
3 had the statement of reaffirmation of exemption not been filed or
4 one hundred dollars, whichever is less, for each calendar month
5 or fraction thereof for which the filing of the statement of
6 reaffirmation of exemption is late. The penalty shall be collected
7 and distributed in the same manner as a tax on the property
8 and interest shall be assessed at the rate specified in section
9 45-104.01, as such rate may from time to time be adjusted by the
10 Legislature, from the date the tax would have been delinquent until
11 paid. The penalty shall also become a lien in the same manner as a
12 tax pursuant to section 77-203.

13 (3) (a) If any organization or society seeks a tax
14 exemption for any real or tangible personal property acquired
15 on or after January 1 of any year or converted to exempt use on or
16 after January 1 of any year, the organization or society shall make
17 application for exemption on or before ~~August~~ July 1 of that year
18 as provided in subsection (1) of section 77-202.01. The procedure
19 for reviewing the application shall be as in sections 77-202.01
20 to 77-202.05, except that the exempt use shall be determined as
21 of the date of application and the review by the county board of
22 equalization shall be completed by August 15.

23 (b) If an organization as described in subdivision (1) (c)
24 or (d) of section 77-202 purchases, between ~~August~~ July 1 and the
25 levy date, property that has been granted tax exemption and the

1 property continues to be qualified for a property tax exemption,
2 the purchaser shall on or before November 15 make application
3 for exemption as provided in section 77-202.01. The procedure for
4 reviewing the application shall be as in sections 77-202.01 to
5 77-202.05, and the review by the county board of equalization shall
6 be completed by December 15.

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

20 The county board of equalization shall give notice of the
21 assessed value of the real property in the same manner as outlined
22 in section 77-1507, and the procedures for filing a protest shall
23 be the same as those in section 77-1502.

24 When personal property which was exempt becomes taxable
25 because of lost exemption status, the owner or his or her agent

1 has thirty days after the date of denial to file a personal
2 property return with the county assessor. Upon the expiration of
3 the thirty days for filing a personal property return pursuant
4 to this subsection, the county assessor shall proceed to list
5 and value the personal property and apply the penalty pursuant to
6 section 77-1233.04.

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

15 Sec. 2. Section 77-202.09, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 77-202.09 Any cemetery organization seeking a tax
18 exemption for any real property used to maintain areas set apart
19 for the interment of human dead shall apply for exemption to
20 the county assessor on forms prescribed by the Tax Commissioner.
21 An application for a tax exemption shall be made on or before
22 December 31 of the year preceding the year for which the exemption
23 is sought. The county assessor shall examine the application
24 and recommend either taxable or exempt to the county board of
25 equalization on or before February 1 following. If a cemetery

1 organization seeks a tax exemption for any real or tangible
2 personal property acquired for or converted to exempt use on
3 or after January 1, the organization shall make application for
4 exemption on or before ~~August~~ July 1. The procedure for reviewing
5 the application shall be the same as for other exemptions pursuant
6 to subdivisions (1)(c) and (d) of section 77-202. Any cemetery
7 organization which fails to file on or before December 31 for
8 exemption may apply on or before June 30 pursuant to subsection
9 (2) of section 77-202.01, and the penalty and procedures specified
10 in section 77-202.01 shall apply.

11 Sec. 3. This act becomes operative on January 1, 2011.

12 Sec. 4. Original sections 77-202.03 and 77-202.09,
13 Reissue Revised Statutes of Nebraska, are repealed.