

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 894

Introduced by Harr, 8.

Read first time January 14, 2014

Committee: Revenue

A BILL

1 FOR AN ACT relating to revenue and taxation; to amend sections
2 77-202.03 and 77-202.09, Revised Statutes Cumulative
3 Supplement, 2012; to change provisions relating to
4 applying for property tax exemptions; 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, Revised Statutes Cumulative
2 Supplement, 2012, 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 of
7 reaffirmation of exemption required by subsection (2) of this section
8 is filed when due. The four-year period shall begin with years evenly
9 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 file
14 a statement of reaffirmation of exemption with the county assessor on
15 or before December 31 of the year preceding the year for which the
16 exemption is sought, on forms prescribed by the Tax Commissioner,
17 certifying that the ownership and use of the exempted property has
18 not changed during the year. Any organization or society which misses
19 the December 31 deadline for filing the statement of reaffirmation of
20 exemption may file the statement of reaffirmation of exemption by
21 June 30. Such filing shall maintain the tax-exempt status of the
22 property without further action by the county and regardless of any
23 previous action by the county board of equalization to deny the
24 exemption due to late filing of the statement of reaffirmation of
25 exemption. Upon any such late filing, the county assessor shall

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

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

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

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

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

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

23 When personal property which was exempt becomes taxable
24 because of lost exemption status, the owner or his or her agent has
25 thirty days after the date of denial to file a personal property

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

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

14 Sec. 2. Section 77-202.09, Revised Statutes Cumulative
15 Supplement, 2012, is amended to read:

16 77-202.09 Any cemetery organization seeking a tax
17 exemption for any real property used to maintain areas set apart for
18 the interment of human dead shall apply for exemption to the county
19 assessor on forms prescribed by the Tax Commissioner. An application
20 for a tax exemption shall be made on or before December 31 of the
21 year preceding the year for which the exemption is sought. The county
22 assessor shall examine the application and recommend either taxable
23 or exempt to the county board of equalization on or before February 1
24 following. If a cemetery organization seeks a tax exemption for any
25 real or tangible personal property acquired for or converted to

1 exempt use on or after January 1, the organization shall make
2 application for exemption on or before ~~July 1.~~ November 15. The
3 procedure for reviewing the application shall be the same as for
4 other exemptions pursuant to subdivisions (1)(c) and (d) of section
5 77-202. Any cemetery organization which fails to file on or before
6 December 31 for exemption may apply on or before June 30 pursuant to
7 subsection (2) of section 77-202.01, and the penalty and procedures
8 specified in section 77-202.01 shall apply.

9 Sec. 3. This act becomes operative on January 1, 2015.

10 Sec. 4. Original sections 77-202.03 and 77-202.09,
11 Revised Statutes Cumulative Supplement, 2012, are repealed.