

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 899**

Introduced by Erdman, 47; Brewer, 43; Groene, 42; Halloran, 33; Lowe, 37.

Read first time January 08, 2018

Committee: Revenue

- 1 A BILL FOR AN ACT relating to revenue and taxation; to amend section
- 2 77-101, Reissue Revised Statutes of Nebraska; to define a term; to
- 3 provide for an adjustment to the assessed value of destroyed real
- 4 property; to harmonize provisions; to provide an operative date; and
- 5 to repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 77-101, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 77-101 For purposes of Chapter 77 and any statutes dealing with  
4 taxation, unless the context otherwise requires, the definitions found in  
5 sections 77-102 to 77-132 and section 2 of this act shall be used.

6 Sec. 2. Destroyed real property means real property that is  
7 destroyed by fire or other natural disaster after January 1 and before  
8 October 1 of any year.

9 Sec. 3. It shall be the duty of the county assessor to report to  
10 the county board of equalization all real property in his or her county  
11 that becomes destroyed real property during any year. The assessment of  
12 the destroyed real property shall be made by the county board of  
13 equalization in accordance with section 4 of this act. After county board  
14 of equalization action pursuant to section 4 of this act, the county  
15 assessor shall correct the assessment and tax rolls as provided in  
16 section 77-1613.02.

17 Sec. 4. (1) If the county board of equalization receives a report  
18 of destroyed real property pursuant to section 3 of this act, the county  
19 board of equalization shall adjust the assessed value of the destroyed  
20 real property to an amount equal to the sum of the following three  
21 numbers:

22 (a) The assessed value of the real property before it became  
23 destroyed real property multiplied by a percentage representing the  
24 portion of the year during which the property was intact and had not yet  
25 been destroyed;

26 (b) The assessed value of the destroyed real property, as of the  
27 date of its destruction, multiplied by a percentage representing the  
28 portion of the year during which the property was destroyed and no  
29 replacement property had yet been completed; and

30 (c) The assessed value of any replacement property, as of the date  
31 of completion of construction of such replacement property, multiplied by

1 a percentage representing the portion of the year during which  
2 construction of such replacement property was complete.

3 (2) The county board of equalization may meet at any time for the  
4 purpose of adjusting the assessed value of destroyed real property  
5 pursuant to this section. Action of the county board of equalization  
6 pursuant to this section shall be for the current assessment year only.

7 (3) The county board of equalization shall give notice of the  
8 assessed value of the destroyed real property to the record owner or  
9 agent at his or her last-known address. Protests of the assessed value  
10 proposed for destroyed real property pursuant to this section shall be  
11 filed with the county board of equalization within thirty days after the  
12 mailing of the notice. All provisions of section 77-1502 except dates for  
13 filing a protest, the period for hearing protests, and the date for  
14 mailing notice of the county board of equalization's decision are  
15 applicable to any protest filed pursuant to this section. The county  
16 board of equalization shall issue its decision on the protest within  
17 thirty days after the filing of the protest. Within seven days after the  
18 county board of equalization's final decision, the county clerk shall  
19 mail to the protester written notice of the decision. The notice shall  
20 contain a statement advising the protester that a report of the decision  
21 is available at the county clerk's or county assessor's office, whichever  
22 is appropriate.

23 (4) The action of the county board of equalization upon a protest  
24 filed pursuant to this section may be appealed to the Tax Equalization  
25 and Review Commission within thirty days after the board's final  
26 decision.

27 Sec. 5. This act becomes operative on January 1, 2019.

28 Sec. 6. Original section 77-101, Reissue Revised Statutes of  
29 Nebraska, is repealed.