

AMENDMENTS TO LB644

(Amendments to Standing Committee amendments, AM755)

Introduced by Halloran, 33.

1 1. Insert the following new section:

2 Sec. 20. Section 77-1736.06, Revised Statutes Cumulative Supplement,
3 2020, is amended to read:

4 77-1736.06 The following procedure shall apply when making a
5 property tax refund:

6 (1) Within thirty days of the entry of a final nonappealable order,
7 an unprotested determination of a county assessor, an unappealed decision
8 of a county board of equalization, or other final action requiring a
9 refund of real or personal property taxes paid or, for property valued by
10 the state, within thirty days of a recertification of value by the
11 Property Tax Administrator pursuant to section 77-1775 or 77-1775.01, the
12 county assessor shall determine the amount of refund due the person
13 entitled to the refund, certify that amount to the county treasurer, and
14 send a copy of such certification to the person entitled to the refund.
15 Within thirty days from the date the county assessor certifies the amount
16 of the refund, the county treasurer shall notify each political
17 subdivision, including any school district receiving a distribution
18 pursuant to section 79-1073 and any land bank receiving real property
19 taxes pursuant to subdivision (3)(a) of section 18-3411, of its
20 respective share of the refund, except that for any political subdivision
21 whose share of the refund is two hundred dollars or less, the county
22 board may waive this notice requirement. Notification shall be by first-
23 class mail, postage prepaid, to the last-known address of record of the
24 political subdivision. The county treasurer shall pay the refund from
25 funds in his or her possession belonging to any political subdivision,
26 including any school district receiving a distribution pursuant to

1 section 79-1073 and any land bank receiving real property taxes pursuant
2 to subdivision (3)(a) of section 18-3411, which received any part of the
3 tax or penalty being refunded. If sufficient funds are not available or
4 ~~the political subdivision, within thirty days of the mailing of the~~
5 ~~notice by the county treasurer if applicable, certifies to the county~~
6 ~~treasurer that a hardship would result and create a serious interference~~
7 ~~with its governmental functions if the refund of the tax or penalty is~~
8 ~~paid, the county treasurer shall register the refund or portion thereof~~
9 ~~which remains unpaid as a claim against such political subdivision and~~
10 ~~shall issue the person entitled to the refund a receipt for the~~
11 ~~registration of the claim. The certification by a political subdivision~~
12 ~~declaring a hardship shall be binding upon the county treasurer;~~

13 (2) The refund of a tax or penalty or the receipt for the
14 registration of a claim made or issued pursuant to this section shall be
15 satisfied in full as soon as practicable and ~~in no event later than five~~
16 ~~years from the date the final order or other action approving a refund is~~
17 ~~entered. If a receipt for the registration of a claim is given:~~

18 (a) The governing body of the political subdivision shall make
19 provisions in its next budget for the amount of such any refund or claim;
20 or to be satisfied pursuant to this section. If a receipt for the
21 registration of a claim is given:

22 (b) If mutually agreed to by the governing body of the political
23 subdivision and the person holding the receipt, such (a) ~~Such~~ receipt
24 shall be applied to satisfy any tax levied or assessed by that political
25 subdivision which becomes next falling due from the person holding the
26 receipt until the claim is satisfied in full; after the sixth next
27 succeeding levy is made on behalf of the political subdivision following
28 the final order or other action approving the refund; and

29 (b) ~~To the extent the amount of such receipt exceeds the amount of~~
30 ~~such tax liability, the unsatisfied balance of the receipt shall be paid~~
31 ~~and satisfied within the five-year period prescribed in this subdivision~~

1 ~~from a combination of a credit against taxes anticipated to be due to the~~
2 ~~political subdivision during such period and cash payment from any funds~~
3 ~~expected to accrue to the political subdivision pursuant to a written~~
4 ~~plan to be filed by the political subdivision with the county treasurer~~
5 ~~no later than thirty days after the claim against the political~~
6 ~~subdivision is first reduced by operation of a credit against taxes due~~
7 ~~to such political subdivision.~~

8 ~~If a political subdivision fails to fully satisfy the refund or~~
9 ~~claim prior to the sixth next succeeding levy following the entry of a~~
10 ~~final nonappealable order or other action approving a refund, interest~~
11 ~~shall accrue on the unpaid balance commencing on the sixth next~~
12 ~~succeeding levy following such entry or action at the rate set forth in~~
13 ~~section 45-103;~~

14 (3) The county treasurer shall mail the refund or the receipt by
15 first-class mail, postage prepaid, to the last-known address of the
16 person entitled thereto. Multiple refunds to the same person may be
17 combined into one refund ~~or credit~~. If a refund is not claimed by June 1
18 of the year following the year of mailing, the refund shall be canceled
19 and the resultant amount credited to the various funds originally
20 charged;

21 (4) When the refund involves property valued by the state, the Tax
22 Commissioner shall be authorized to negotiate a settlement of the amount
23 of the refund or claim due pursuant to this section on behalf of the
24 political subdivision from which such refund or claim is due. Any
25 political subdivision which does not agree with the settlement terms as
26 negotiated may reject such terms, and the refund or claim due from the
27 political subdivision then shall be satisfied as set forth in this
28 section as if no such negotiation had occurred;

29 (5) In the event that the Legislature appropriates state funds to be
30 disbursed for the purposes of satisfying all or any portion of any refund
31 or claim, the Tax Commissioner shall order the county treasurer to

1 disburse such refund amounts directly to the persons entitled to the
2 refund in partial or total satisfaction of such persons' claims. The
3 county treasurer shall disburse such amounts within forty-five days after
4 receipt thereof;~~and~~

5 (6) If all or any portion of the refund is reduced by way of
6 settlement or forgiveness by the person entitled to the refund, the
7 proportionate amount of the refund that was paid by an appropriation of
8 state funds shall be reimbursed by the county treasurer to the State
9 Treasurer within forty-five days after receipt of the settlement
10 agreement or receipt of the forgiven refund. The amount so reimbursed
11 shall be credited to the General Fund; and -

12 (7) For any refund or claim due under this section, interest shall
13 accrue on the unpaid balance at the rate of nine percent beginning thirty
14 days after the date of entry of the final nonappealable order or other
15 action approving the refund.

16 2. Renumber the remaining sections and correct the repealer
17 accordingly.