

LEGISLATIVE BILL 452

Approved by the Governor March 29, 1995

Introduced by Revenue Committee: Warner, 25, Chairperson; Coordsen, 32; Hartnett, 45; Kristensen, 37; Schellpeper, 18

AN ACT relating to revenue and taxation; to amend sections 31-333, 31-513, 31-711, 31-739, 39-1621, 46-543, 77-1716, 79-810, 79-903, and 79-2210, Reissue Revised Statutes of Nebraska, and sections 2-2444, 13-508, 13-509, 14-1821, 18-2107, 23-909, 23-3552, 77-509, 77-509.01, 77-1315, 77-1327, 77-1378, 77-1381, 77-1384, 77-1502, 77-1503.01, 77-1504, 77-1510, 77-1514, 77-1601, and 77-1612, Revised Statutes Supplement, 1994; to change dates relating to assessment and taxation of property; to eliminate and change provisions relating to adjustments to property valuation; to eliminate appeal provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-1385 to 77-1388 and 77-1506.02, Revised Statutes Supplement, 1994.

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

Section 1. Section 2-2444, Revised Statutes Supplement, 1994, is amended to read:

2-2444. The board of directors shall, on or before September ~~10~~ 20 of each year, prepare an estimate showing the amount of money required to finance the activities of the district for the ensuing year and may levy and collect each year the taxes necessary to finance the activities of such district for the ensuing year to the amount of not more than three and five-tenths cents on each one hundred dollars of the taxable value of the taxable property within such district. It shall, on or before September ~~10~~ 20 of each year, certify its tax levy to the county clerks of the counties wholly or partially within the district who shall extend the levy on the county tax list, and the levy shall be collected by the county treasurer in the same manner as county taxes. It shall be the duty of the board to apply for and to receive from the county treasurers all money to the credit of the district. The county treasurers shall disburse the taxes collected to the order of the treasurer of the district.

Sec. 2. Section 13-508, Revised Statutes Supplement, 1994, is amended to read:

13-508. After publication and hearing thereon and within the time prescribed by law, each governing body shall file with and certify to the levying board on or before September ~~10~~ 20 of each year and file with the auditor a copy of the adopted statement of the amount for reimbursement of property taxes pursuant to subsection (2) of section 13-504 and the adopted budget statement which complies with sections 77-3438 to 77-3440 or 79-3814 to 79-3821, together with the amount of the tax to be levied. Proof of publication shall be attached to the statements. The governing body shall certify the amount of tax to be levied by the levying board, which levy shall not exceed the maximum levy prescribed by state law. The governing body, in certifying the amount to be so levied, may make allowance for delinquent taxes not exceeding five percent of the amount to be levied plus the actual percentage of delinquent taxes for the preceding tax year and for the amount of estimated tax loss from any pending or anticipated litigation which involves taxation and in which tax collections have been or can be withheld or escrowed by court order. For purposes of this section, anticipated litigation shall be limited to the anticipation of an action being filed by a taxpayer who or which filed a similar action for the preceding year which is still pending. Except for such allowances, a governing body shall not certify, nor a levying board levy, an amount of tax greater than the amount determined under section 13-505. Each governing body empowered to levy or certify a levy shall use the final adjusted values as provided by the county assessor pursuant to section 13-509 for the current year in setting or certifying the levy. Each governing body may designate one of its members to perform any duty or responsibility required of such body by this section.

Sec. 3. Section 13-509, Revised Statutes Supplement, 1994, is amended to read:

13-509. On or before August ~~22~~ 31 of each year, the county assessor shall certify to each governing body or board empowered to levy or certify a tax levy the current taxable value of the taxable property subject to the applicable levy. Current taxable value for real property shall mean the value established by the county assessor and equalized by the county board of

equalization, the agricultural and horticultural land valuation board, and the State Board of Equalization and Assessment, and current taxable value for tangible personal property shall mean the net book value reported by the taxpayer and certified by the county assessor.

Sec. 4. Section 14-1821, Revised Statutes Supplement, 1994, is amended to read:

14-1821. To assist in the defraying of all character of expense of the authority and to such extent as in its discretion and judgment may be necessary, the board shall annually certify a tax for the fiscal year commencing on the following January 1. Such tax shall not exceed in any one year ten cents on each one hundred dollars on the taxable value of the taxable property in the city of the metropolitan class. The board shall by resolution, on or before September ~~10~~ 20 of each year, certify such tax levy to the city council of such city. Such city is hereby authorized and required to cause such tax to be levied and to be collected as are other taxes by the treasurer of such city or the county treasurer as ex officio treasurer of the city in which the city is situated and paid over by him or her to the treasurer of such board subject to the order of such board. If in any year the full amount so certified and collected is not needed for the current purposes of such authority, the balance shall be credited to reserves of such authority to be used for acquisition of necessary property and equipment.

Sec. 5. Section 18-2107, Revised Statutes Supplement, 1994, is amended to read:

18-2107. An authority shall constitute a public body corporate and politic, exercising public and essential governmental functions and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of the Community Development Law and sections 18-2147 to 18-2151, including the power:

(1) To sue and to be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority; and to make and from time to time amend and repeal bylaws, rules, and regulations not inconsistent with the Community Development Law;

(2) To prepare or cause to be prepared and recommend redevelopment plans to the governing body of the city and to undertake and carry out redevelopment projects within its area of operation;

(3) To arrange or contract for the furnishing or repair, by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities, or other facilities for or in connection with a redevelopment project; and, notwithstanding anything to the contrary contained in the Community Development Law or any other provision of law, to agree to any conditions that it may deem reasonable and appropriate attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of a redevelopment project, and to include in any contract let in connection with such a project provisions to fulfill such federally imposed conditions as it may deem reasonable and appropriate;

(4) Within its area of operation, to purchase, lease, obtain options upon, or acquire by gift, grant, bequest, devise, eminent domain, or otherwise any real or personal property or any interest therein, together with any improvements thereon, necessary or incidental to a redevelopment project; to hold, improve, clear, or prepare for redevelopment any such property; to sell, lease for a term not exceeding ninety-nine years, exchange, transfer, assign, subdivide, retain for its own use, mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real or personal property or any interest therein; to enter into contracts with redevelopers of property containing covenants, restrictions, and conditions regarding the use of such property for residential, commercial, industrial, or recreational purposes or for public purposes in accordance with the redevelopment plan and such other covenants, restrictions, and conditions as the authority may deem necessary to prevent a recurrence of substandard or blighted areas or to effectuate the purposes of the Community Development Law; to make any of the covenants, restrictions, or conditions of the foregoing contracts covenants running with the land and to provide appropriate remedies for any breach of any such covenants or conditions, including the right in the authority to terminate such contracts and any interest in the property created pursuant thereto; to borrow money, issue bonds, and provide security for loans or bonds; to establish a revolving loan fund; to insure or provide for the insurance of any real or personal property or the operation of the authority against any risks or hazards, including the power to pay premiums on any such insurance; to enter into any contracts necessary to effectuate the purposes of the Community Development

Law; and to provide grants, loans, or other means of financing to public or private parties in order to accomplish the rehabilitation or redevelopment in accordance with a redevelopment plan. No statutory provision with respect to the acquisition, clearance, or disposition of property by other public bodies shall restrict an authority exercising powers hereunder, in such functions, unless the Legislature shall specifically so state;

(5) To invest any funds held in reserves or sinking funds or any funds not required for immediate disbursement in property or securities in which savings banks or other banks may legally invest funds subject to their control; and to redeem its bonds at the redemption price established therein or to purchase its bonds at less than redemption price, and such bonds redeemed or purchased shall be canceled;

(6) To borrow money and to apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the federal government, from the state, county, municipality, or other public body, or from any sources, public or private, including charitable funds, foundations, corporations, trusts, or bequests, for purposes of the Community Development Law, to give such security as may be required, and to enter into and carry out contracts in connection therewith; and notwithstanding any other provision of law, to include in any contract for financial assistance with the federal government for a redevelopment project such conditions imposed pursuant to federal law as the authority may deem reasonable and appropriate and which are not inconsistent with the purposes of the Community Development Law;

(7) Acting through one or more members of an authority or other persons designated by the authority, to conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths and to issue commissions for the examination of witnesses who are outside of the state or unable to attend before the authority or excused from attendance; and to make available to appropriate agencies or public officials, including those charged with the duty of abating or requiring the correction of nuisances or like conditions, demolishing unsafe or insanitary structures, or eliminating conditions of blight within its area of operation, its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, safety, morals, or welfare;

(8) Within its area of operation, to make or have made all surveys, appraisals, studies, and plans, but not including the preparation of a general plan for the community, necessary to the carrying out of the purposes of the Community Development Law and to contract or cooperate with any and all persons or agencies, public or private, in the making and carrying out of such surveys, appraisals, studies, and plans;

(9) To prepare plans and provide reasonable assistance for the relocation of families, business concerns, and others displaced from a redevelopment project area to permit the carrying out of the redevelopment project to the extent essential for acquiring possession of and clearing such area or parts thereof; and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the federal government;

(10) To make such expenditures as may be necessary to carry out the purposes of the Community Development Law; and to make expenditures from funds obtained from the federal government without regard to any other laws pertaining to the making and approval of appropriations and expenditures;

(11) To certify on or before September 10 20 of each year to the governing body of the city the amount of tax to be levied for the succeeding fiscal year for community redevelopment purposes, not to exceed two and six-tenths cents on each one hundred dollars upon the taxable value of the taxable property in such city. The governing body shall levy and collect the taxes so certified at the same time and in the same manner as other city taxes are levied and collected, and the proceeds of such taxes, when due and as collected, shall be set aside and deposited in the special account or accounts in which other revenue of the authority is deposited. Such proceeds shall be employed to assist in the defraying of all expenses of the authority. If in any year the full amount so certified and collected is not needed for the current purposes of such authority, the balance shall be credited to reserves of such authority, including sinking funds;

(12) To exercise all or any part or combination of powers granted in this section; and

(13) To plan, undertake, and carry out neighborhood development programs consisting of redevelopment project undertakings and activities in one or more community redevelopment areas which are planned and carried out on

the basis of annual increments in accordance with the Community Development Law and sections 18-2145 and 18-2146 for planning and carrying out redevelopment projects.

Sec. 6. Section 23-909, Revised Statutes Supplement, 1994, is amended to read:

23-909. On or before September 10 20 of each year, the county board shall adopt the budget and appropriate the several amounts specified in the budget for the several departments, offices, activities, and funds of the county for the period to which the budget applies as provided hereinbefore.

Sec. 7. Section 23-3552, Revised Statutes Supplement, 1994, is amended to read:

23-3552. (1) The board of directors may, after the adoption of the budget statement, levy and collect an annual tax which the district requires under the adopted budget statement to be received from taxation for the ensuing fiscal year not to exceed three and five-tenths cents on each one hundred dollars of the taxable value of the taxable property within such district.

(2) In addition to the levy authorized in subsection (1) of this section, the board of directors of a hospital district may authorize an additional annual tax not to exceed three and five-tenths cents on each one hundred dollars of the taxable value of the taxable property within such district, except that such tax shall not be authorized until the question of such additional tax has been submitted to the qualified electors of the district at a primary or general election or a special election called for that purpose and a majority of those voting approve the additional tax. Notice of the time and place of the special election shall be given by publication at least once each week in a legal newspaper of general circulation in the district for three successive weeks immediately preceding such election.

(3) The taxes authorized by subsections (1) and (2) of this section shall not be included within the levy limitations for general county purposes prescribed in section 23-119 or Article VIII, section 5, of the Constitution of Nebraska.

(4) The board shall annually, on or before September 10 20, certify the taxes authorized by this section to the county clerk of each of the counties having land embraced within such district. The county clerk shall extend such levies on the tax list, and the county treasurer shall collect the tax in the same manner as county taxes and shall remit the taxes collected to the county treasurer of the county in which the petition for the formation of the district was filed. The county treasurer shall credit the local hospital district with the amount thereof and make disbursements therefrom on warrants of the district signed by the chairperson and secretary-treasurer of the board of directors.

Sec. 8. Section 31-333, Reissue Revised Statutes of Nebraska, is amended to read:

31-333. The board of supervisors shall annually thereafter determine, order, and levy the amount of the installment of the tax hereinbefore named which shall become due and be collected during the year at the same time that county taxes are due and collected, and in case bonds are issued, the amount of the interest which will accrue on such bonds shall be included and added to the tax. The annual installment and levy shall be evidenced and certified by the board, on or before September 10 20, to the county clerk of each county in which lands of the district are situated, which certificate shall be substantially in the following form:

State of Nebraska,)
)
) ss.
County of)

To county clerk of the county:

This is to certify that by virtue of the provisions of sections 31-330 to 31-333, Reissue Revised Statutes of Nebraska, 1943, the board of supervisors of drainage district, including lands and property in the counties of in the State of Nebraska, have determined to and do hereby levy the annual installment of the total tax, heretofore certified to you under the direction of such sections, on the lands and property situated in your county described in the following table in which are (1) the names of the owners of such lands and properties as they appeared in the decree of the district court organizing the district or as shown by the certificate heretofore filed showing the total assessment against the property, (2) the description of the lands and property opposite the names of owners, and (3) the amount of the annual installment and interest levied on each tract of land or piece of property: (Here insert table). The installments of tax shall be collectible and payable the present year at the

same time that county taxes are due and collected. Witness the signature of the chairperson of the board of supervisors and attested by the seal of the district and the signature of the secretary of the board this day of A.D. 19.....

Secretary (Seal) Chairperson

The certificate shall be filed in the office of the clerk, and the annual installment of the total tax so certified shall be extended by the county clerk on the tax books of the county against the real property, right-of-way, road, or property to be benefited, situated in such drainage district, in the same manner that other taxes are extended on the tax books of the county in a column under the heading of Drainage Tax, and the taxes shall be collected by the treasurer of the county in which the real property is situated on which the tax is levied at the same time and in the same manner that the county taxes on such property are collected. The county clerk shall be allowed the same fees as he or she receives for like services in other cases.

Sec. 9. Section 31-513, Reissue Revised Statutes of Nebraska, is amended to read:

31-513. (1) The board of trustees may levy and collect annually taxes for corporate purposes upon property within the limits of such sanitary district to the amount of not more than three and five-tenths cents on each one hundred dollars upon the taxable value of the taxable property of such district.

(2) The board of trustees shall, on or before September 10 20 of each year, certify the amount of tax to be levied to the county clerk who shall place the proper levy upon the county tax list, and the tax shall be collected by the county treasurer in the same manner as county taxes.

(3) The tax money collected by the levy shall be used exclusively for the purpose or purposes set forth in subsection (1) of this section. The county treasurer shall disburse the taxes on warrants of the board of trustees, and in respect to such fund, the county treasurer shall be ex officio treasurer of the sanitary district.

Sec. 10. Section 31-711, Reissue Revised Statutes of Nebraska, is amended to read:

31-711. The board of trustees may annually levy and collect taxes for corporate purposes upon property within the limits of such sanitary and improvement district to the amount of not more than three and five-tenths cents on each one hundred dollars upon the taxable value of the taxable property in such district for general purposes and, on or before September 10 20 of each year, certify the levy to the county clerks of the counties in which such district is located who shall extend the levy upon the county tax list. The county treasurer of the county in which the greater portion of the area of the district is located shall be ex officio treasurer of the sanitary and improvement district and shall be responsible for all funds of the district coming into his or her hands. The treasurer shall collect all taxes and special assessments levied by the district and all money derived from the sale of bonds or warrants. The trustees of the district may authorize the clerk or appoint an independent agent to collect connection charges, service charges, and all items other than taxes and funds from the sale of bonds and warrants, but all funds so collected shall, at least once each month, be remitted to the treasurer. The treasurer shall not be responsible for such funds until they are received by him or her. The treasurer shall disburse the funds of the district only on warrants authorized by the trustees and signed by the president and clerk.

Sec. 11. Section 31-739, Reissue Revised Statutes of Nebraska, is amended to read:

31-739. (1) The district may borrow money for corporate purposes and issue its general obligation bonds therefor and shall annually levy a tax on the taxable value of the taxable property in the district sufficient to pay the interest and principal on the bonds and for the purpose of creating a sinking fund for the maintenance and repairing of any sewer or water system or electric lines and conduits in the district, for the payment of any hydrant rentals, for the maintenance and repairing of any sidewalks, public roads, streets, and highways, public waterways, docks, or wharfs, and related appurtenances in the district, for the cost of operating any street lighting system for the public streets and highways within the district, for the cost of building, acquiring, maintaining, and operating public parks, playgrounds, and recreational facilities, or, when permitted by section 31-727, for contracting with other sanitary and improvement districts for building, acquiring, maintaining, and operating public parks, playgrounds, and recreational facilities for the joint use of the residents of the contracting

districts, or for the cost of any other services for which the district has contracted. The district shall also be required to levy a tax to make up any deficiencies caused by the nonpayment of any special assessments. On or before September 10 20 of each year, the clerk of the board shall certify the tax to the county clerk of the counties in which such district is located in order that the tax may be extended upon the county tax list. Nothing contained in this section shall authorize any district which has been annexed by a city or village to levy any taxes within or upon the annexed area after the effective date of the annexation if the effective date of the annexation is prior to such levy certification date of the district for the year in which such annexation occurs.

(2) The county treasurer of the county in which the greater portion of the area of the district is located shall be ex officio treasurer of the sanitary and improvement district and shall be responsible for all funds of the district coming into his or her hands. He or she shall collect all taxes and special assessments levied by the district and deposit the same in a bond sinking fund for the payment of principal and interest on any bonds outstanding.

(3) The trustees or administrator of the district may authorize the clerk or appoint an independent agent to collect service charges and all items other than taxes, connection charges, special assessments, and funds from sale of bonds and warrants, but all funds so collected shall, at least once each month, be remitted to the treasurer to be held in a fund, separate from the general fund or construction fund of the district, which shall be known as the Service Fee Fund, which fund is hereby created. The trustees or administrator may direct the district's treasurer to disburse funds held in the Service Fee Fund to maintain and operate any service for which the funds have been collected or to deposit such funds into the general fund of the district.

(4) The treasurer of the district shall not be responsible for such funds until they are received by him or her. The treasurer shall disburse the funds of the district only on warrants authorized by the trustees or the administrator and signed by the chairperson and clerk or the administrator.

Sec. 12. Section 39-1621, Reissue Revised Statutes of Nebraska, is amended to read:

39-1621. (1) The board of trustees may, after adoption of the budget statement for such district, annually levy and collect the amount of taxes provided in the adopted budget statement of the district to be received from taxation for corporate purposes upon property within the limits of such road improvement district to the amount of not more than three and five-tenths cents on each one hundred dollars upon the taxable value of the taxable property in such district for general maintenance and operating purposes. The board shall, on or before September 10 20 of each year, certify any such levy to the county clerk of the counties in which such district is located who shall extend the levy upon the county tax list.

(2) The county treasurer of the county in which the greater portion of the area of the district is located shall be ex officio treasurer of the road improvement district and shall be responsible for all funds of the district coming into his or her hands. The treasurer shall collect all taxes and special assessments levied by the district and collected by him or her from his or her county or from other county treasurers if there is more than one county having land in the district and all money derived from the sale of bonds or warrants. The treasurer shall not be responsible for such funds until they are received by him or her. The treasurer shall disburse the funds of the district only on warrants authorized by the trustees and signed by the president and clerk.

Sec. 13. Section 46-543, Reissue Revised Statutes of Nebraska, is amended to read:

46-543. To levy and collect taxes under Class A, the board shall, in each year, determine the amount of money necessary to be raised by taxation, taking into consideration other sources of revenue of the district, to supply funds for paying expenses of organization, for surveys and plans, and for paying the cost of constructing, operating, and maintaining the works of the district. The amount shall not exceed three and five-tenths cents on each one hundred dollars prior to the delivery of water from the works and thereafter shall not exceed seven cents on each one hundred dollars of the taxable value of the taxable property within the district, except that in the event of accruing defaults, deficiencies, or defaults and deficiencies, an additional levy may be made as provided in section 46-553.

The board shall, on or before September 10 20 of each year, certify to the county board of each county within the district or having a portion of its territory within the district the amount so fixed with direction that, at the time and in the manner required by law for levying of taxes for county

purposes, such county board shall levy such tax upon the taxable value of the taxable property within the district in addition to such other taxes as may be levied by such county board at the rate required to produce the amount so fixed and determined.

No tax shall be levied and collected under Class A until the proposition of levying taxes has been submitted by a resolution of the board to the qualified electors of the district at an election held for that purpose in the same manner as provided for submission of incurring bonded indebtedness in sections 46-564 to 46-566, and when the proposition has been approved by a majority of the qualified electors of the district voting on the proposition at such election, thereafter the board shall be entitled to certify to the county board the amount of tax to be levied.

Sec. 14. Section 77-509, Revised Statutes Supplement, 1994, is amended to read:

77-509. After a hearing conducted pursuant to section 77-507.01 or 77-508, the State Board of Equalization and Assessment shall either (1) enter its order based on information presented to it at the hearing or (2) meet to hear the recommendation of the Tax Commissioner based on information presented to him or her at the hearing. Notice of the Tax Commissioner's recommendation shall be mailed at least three days prior to the meeting. At the meeting the board may hear testimony relevant to the Tax Commissioner's recommendation from any interested person. The order of the board shall be sent by certified mail to the county assessor and by regular mail to the county clerk and chairperson of the county board on or before ~~August 15~~ May 15 of each year. The order shall specify the percentage increase or decrease and the class or subclass of property affected or the corrections or adjustments to be made to the class or subclass of property affected. The specified changes shall be made by the county assessor to each item of property in the county so affected. Until such time as the Court of Appeals, pursuant to an appeal prosecuted pursuant to section 77-510, or the Supreme Court rules otherwise, each county shall be bound by the value established by the board.

Sec. 15. Section 77-509.01, Revised Statutes Supplement, 1994, is amended to read:

77-509.01. On or before ~~August~~ May 15 of each year, the State Board of Equalization and Assessment shall recertify the county abstract of the assessment roll, together with the taxable value of the property valued by the state, to each county assessor.

Sec. 16. On or before August 15 of each year, the Tax Commissioner shall certify the distributed taxable value of the property valued by the state, as equalized by the State Board of Equalization and Assessment, to each county assessor.

Sec. 17. On or before June 1, the county assessor shall, before filing the certificate for real property, notify the record owner of every item of real property which has been assessed at a value higher than in the previous year. Such notice shall be given by first-class mail addressed to such owner's last-known address. It shall describe the item of real property and state the old and new valuation, the date of the convening of the board of equalization, the dates for filing a protest, and the average level of value of all classes and subclasses of real property in the county as determined by the State Board of Equalization and Assessment.

Sec. 18. Section 77-1315, Revised Statutes Supplement, 1994, is amended to read:

77-1315. The county assessor shall complete his or her revisions of the assessment rolls, ~~schedules, lists, and returns~~ and file certificates indicating that such revisions are complete with the county clerk. The certificate for real property shall be filed on or before ~~April 1~~ June 1 of each year, ~~except for agricultural land and horticultural land which shall be on or before March 15.~~ The certificate for tangible personal property shall be filed on or before ~~May 20~~ June 1. The county clerk shall immediately cause to be published in a paper of general circulation in the county separate notices of the filing of each certificate. The county assessor shall, before filing the certificate for real property, notify the record owner of every item of real property which has been assessed at a higher figure than at the last previous assessment. Such notice shall be given by first-class mail addressed to such owner's last-known address. It shall describe the item of real property and state the old and new valuation, the date of the convening of the board of equalization, and the dates for filing a protest.

Sec. 19. Section 77-1327, Revised Statutes Supplement, 1994, is amended to read:

77-1327. (1) It is the intent of the Legislature that accurate and comprehensive information be made accessible to the taxpayer in order to ensure the quality and uniformity of assessment practices on both intercounty

and intracounty valuations.

(2) The Tax Commissioner annually shall make and issue comprehensive assessment ratio studies of the average level of assessment, the degree of assessment uniformity, and overall compliance with assessment requirements for each major class of real property and for mobile homes and cabin trailers subject to the property tax in each county in the state. In order to determine the degree of assessment uniformity and compliance in the assessment of major classes of property within each county, the Tax Commissioner shall compute measures of central tendency and dispersion and shall employ such standard statistical analysis as deemed appropriate by him or her.

(3) The Tax Commissioner may require assessors and other local officers to report to him or her data on taxable valuations and other features of the property tax for such periods and in such form and content as the Tax Commissioner shall require. The Tax Commissioner shall so construct and maintain his or her system for the collection and analysis of property tax facts as to enable him or her to make intracounty comparisons, including school districts, as well as intercounty comparisons, including school districts, based on property tax and assessment ratio data. The Tax Commissioner shall include analysis of real estate sales pursuant to land contracts and similar transfers at the time of execution of the contract or similar transfer. The Department of Revenue shall assist those county officials who require supplemental information to perform the duties necessary to carry out this section. The information requested may include, but shall not be limited to, sample appraisals, statistical analyses, arm's-length sales transactions, or any other information necessary to complete such analysis.

(4) The Tax Commissioner shall verify the accuracy of information, including the selection of form 521 comparable sales, if any, that are not arm's-length transactions.

(5) The Tax Commissioner shall annually publish a summary of the findings of the assessment ratio studies together with digests of property tax data.

(6) The county assessor shall annually, within fifteen five days after certifying the assessment rolls pursuant to section 77-1315, post in his or her office and, as designated by the county board, mail to a newspaper of general circulation and to licensed broadcast media in the county the assessment ratios as found in his or her county as determined by the Tax Commissioner and any other statistical measures, including, but not limited to, the assessment-to-sales ratio, the coefficient of dispersion, and the price-related differential.

Sec. 20. Section 77-1378, Revised Statutes Supplement, 1994, is amended to read:

77-1378. For purposes of sections 77-1379 to 77-1388 77-1384:

(1) Agricultural and horticultural land shall have the same meaning as agricultural land and horticultural land in section 77-1359;

(2) Board shall mean an agricultural and horticultural land valuation board; and

(3) Land manual area shall mean an area established in section 77-1379.

Sec. 21. Section 77-1381, Revised Statutes Supplement, 1994, is amended to read:

77-1381. Each board may:

(1) Employ such full-time or part-time clerical, professional, legal, or other personnel and maintain an office as deemed necessary by the board to carry out the board's duties. All original files, records, and property of the board shall be maintained at such office;

(2) In addition to the annual meeting, hold meetings and hearings as called by the chairperson of the board or upon the request of a majority of the board;

(3) After ~~May 15~~ April 1 and on or before ~~June~~ April 15 of each year, (a) increase or decrease by percentage the value of a class or subclass of agricultural and horticultural land in any county in its land manual area in order to establish equalization of value between the various counties in its land manual area effective for that year, ~~and~~ (b) make necessary changes in classification of agricultural and horticultural land within its land manual area if the evidence discloses incorrect classification, and (c) report changes to the State Board of Equalization and Assessment;

(4) Make recommendations to the Department of Revenue as to changes in the agricultural land valuation manual and to the Legislature concerning changes in laws necessary to obtain valuation of agricultural and horticultural land; and

(5) Participate in appeals of its actions.

Sec. 22. Section 77-1384, Revised Statutes Supplement, 1994, is

amended to read:

77-1384. Any county board of equalization within a land manual area affected person may appeal an action of an agricultural and horticultural land valuation board increasing or decreasing values or reclassifying land within the county to the State Board of Equalization and Assessment. The State Board of Equalization and Assessment shall hold a hearing and shall enter its order prior to August 15. All appeals shall be commenced within fourteen ten days after the action by the agricultural and horticultural land valuation board by mailing notice to the State Board of Equalization and Assessment and the agricultural and horticultural land valuation board setting forth the order from which the appeal is being taken, the date of the order, and a summary of the reason for the appeal. The burden of proof shall be on the party appealing the order to establish that the order by the agricultural and horticultural land valuation board is unlawful, arbitrary, or capricious.

Sec. 23. Section 77-1502, Revised Statutes Supplement, 1994, is amended to read:

77-1502. The county board of equalization shall hold a session of not less than three and not more than sixty days, for the purpose of reviewing and deciding the protests filed pursuant to sections 77-1502 to 77-1507, commencing on April 1 June 1 of each year and ending on May 31 July 25, except for agricultural land and horticultural land which shall commence on or after March 15 and end on May 1. Protests shall be written in triplicate and filed with the board. Protests for real property shall be filed within thirty days of the assessor's filing of the certificate required by section 77-1315. Protests for tangible personal property shall be filed on or before the last date for filing the form required by section 77-1229.

Attached to each copy of the protest shall be a written statement of the reason or reasons why the requested reduction in assessment should be made or the protest shall be automatically dismissed.

In equalizing assessments during its regular session, the board shall prepare a separate report as to each action taken by it with respect to equalization, and such report shall include a description of the property affected by such action, the recommendation of the county assessor with respect to the action proposed or taken, the names of witnesses whose testimony was heard in connection with the action, a summary of their testimony, and a statement by the board of the basis upon which it took such action. Such report shall identify by name the members of the board favoring the action taken, be signed by the chairperson of the board, and contain a certification over his or her signature that a copy thereof is being mailed to the Tax Commissioner. One copy of the report shall be given to the officer charged with the duty of preparing the tax list, and such officer shall have no authority to make a change in the values prepared and submitted by the county assessor until such report is in his or her possession, completed, signed, and certified in the manner specified in this section. If he or she deems it incomplete, he or she shall return the same to the board for proper preparation and execution.

Within seven days after a final decision by the county board of equalization on any protest filed with the board for adjustment of property values, the county clerk shall notify the protester of the action taken by the board.

Sec. 24. Section 77-1503.01, Revised Statutes Supplement, 1994, is amended to read:

77-1503.01. For purposes of sections 77-1504 and 77-1506-02 section 77-1504, items of property or classes or subclasses of property shall mean locally assessed real property and tangible personal property. Any property valued by the state shall not be subject to equalization by the county board of equalization under sections 77-1504 and 77-1506-02 section 77-1504.

Sec. 25. Section 77-1504, Revised Statutes Supplement, 1994, is amended to read:

77-1504. The county board of equalization shall fairly and impartially equalize the values of all items of real property in the county except agricultural land and horticultural land as defined in section 77-1359 so that all real property is assessed uniformly and proportionately. The county board of equalization may consider and correct the assessment of any property by raising, after due notice has been given to the owner or agent at his or her last-known address, or by lowering the assessment of such property. No action shall be taken by the county board of equalization pursuant to this section before April 1 June 1 nor after May 31 July 25 of each year, except that for agricultural land and horticultural land, no action shall be taken before March 15 or after May 1 other than to initiate appeals pursuant to section 77-1384.

For agricultural land or horticultural land as defined in section

77-1359, the county board of equalization may make the following corrections:

- (1) Descriptions of ownership;
- (2) Land-use categorization;
- (3) Conversion of soil classification into land valuation groups only if such conversion is at variance with the most current conversion legend issued by the Tax Commissioner; and
- (4) Such other adjustments as are provided for in the agricultural land valuation manual developed under section 77-1362 without the approval of the Tax Commissioner.

For purposes of equalization of the valuation of any protested real property, the county board of equalization shall make its adjustment so that the value of the protested property compares to the aggregate average level of value of the class or subclass of property in which the protested property is categorized.

Sec. 26. Based upon the hearings conducted pursuant to sections 77-1502 and 77-1504, a county board of equalization may petition the State Board of Equalization and Assessment to consider an adjustment to a class or subclass of real property within the county. Petitions must be filed with the State Board of Equalization and Assessment on or before August 4. The State Board of Equalization and Assessment shall hear and take action on a petition filed by a county board of equalization on or before August 15. Hearings conducted pursuant to this section shall be in the manner prescribed in section 77-508. The burden of proof is on the petitioning county which must show that failure to make an adjustment would result in values that are not equitable and in accordance with the law. The State Board of Equalization and Assessment shall recertify the abstract of assessment of any county which has been adjusted by the action of the State Board of Equalization and Assessment pursuant to this section to the county assessor on or before August 15.

Sec. 27. Section 77-1510, Revised Statutes Supplement, 1994, is amended to read:

77-1510. Appeals may be taken from any action of the county board of equalization to the district court in the following manner:

(1) The appeal shall be filed within forty-five days after adjournment of the board which, for actions taken pursuant to sections 77-1502 and 77-1504, shall be deemed to be ~~May 31~~ July 25 of the year in which the action is taken, ~~except that for personal property appeals in 1992, the date of adjournment shall be deemed to be June 15.~~

(2) The appeal shall be deemed to be filed for purposes of granting jurisdiction with the filing of the petition and praecipe for summons in the district court and the filing of a request for a transcript with the county clerk. The county clerk shall prepare the transcript as soon as practicable after requested and shall deliver the same to the taxpayer for filing with the clerk of the district court upon receipt from the taxpayer of the appropriate fees for its preparation. No proceedings shall be held on the appeal of the taxpayer until the summons has been served and the transcript has been filed in district court; and

(3) A bond of no less than fifty dollars and no more than two hundred dollars, as determined by the district court, shall be filed with the petition in the form of a cash deposit or signature bond, property bond, or other bond approved by the county clerk.

After an appeal has been initiated, the board shall have no power or authority to compromise, settle, or otherwise change the action it has taken with respect to such assessment, and exclusive jurisdiction thereof shall be vested in the district court, except that the board may offer to confess judgment pursuant to section 77-1510.01. No appeal shall in any manner suspend the collection of any tax or the duties of officers relating thereto during the pendency of the appeal, and all taxes affected thereby, which may be collected, shall be distributed as though no appeal were pending.

If by final order of a court it is thereafter determined that the value of the property should be reduced, any tax collected on the value in excess of the taxable value found by the court shall be refunded in the manner provided in section 77-1736.06, and the taxpayer shall not have been required to pay the tax under protest or initiate a refund claim for the tax paid. A person shall not be entitled to a refund pursuant to this section unless the person has prevailed in an action against the county which was filed pursuant to this section.

The county may cross appeal without giving bond for the reason that the taxable value of the owner's property is too low and should be increased in value as of the assessment date from which the appeal was taken.

Any party may appeal the final order of the district court entered pursuant to this section to the Court of Appeals in the manner provided for appeals in equity cases, and the appellate court shall thereafter review the

case de novo on the record.

Sec. 28. Section 77-1514, Revised Statutes Supplement, 1994, is amended to read:

77-1514. The county assessor shall prepare an abstract of the assessment rolls of his or her county on forms to be furnished by the Tax Commissioner, showing the values as equalized and corrected by the county board of equalization and the agricultural and horticultural land valuation board determined for the year by the county assessor, and shall forward it to the State Board of Equalization and Assessment on or before July 1. The abstract shall show the taxable property in the county as required by the Tax Commissioner.

Sec. 29. Section 77-1601, Revised Statutes Supplement, 1994, is amended to read:

77-1601. The county board of equalization shall each year, on or before September 30, levy the necessary taxes for the current year. Before levying taxes for any other functions of county government, each county shall first levy a tax sufficient to enable the county board to provide medical, surgical, and hospital care for needy persons of the county. After making the levy for such purpose, the county board of equalization shall make the levy of taxes for county purposes. The levy shall include all county taxes necessary to cover the amounts required to be raised by taxation, as provided in the annual budget of the county for the current year, and shall include all township, city, school district, precinct, village, road district, and other taxes required by law to be certified to the county clerk and levied by the county board of equalization. Any such taxes regularly voted and certified to the county assessor, after the county board has made such levy and before the county clerk has completed the tax list, shall be levied by the county board of equalization, if within the limit of the law, and extended upon the tax list.

Sec. 30. Section 77-1612, Revised Statutes Supplement, 1994, is amended to read:

77-1612. The proper authorities of cities of the first and second classes, of villages, of townships, and of districts, authorized by law to vote bonds or assess taxes, except such cities as are authorized by law to levy and collect their own taxes for municipal and school purposes, shall, on or before September 20 of each year, certify to the county clerk the several amounts which they severally will require to be raised by taxation, including all amounts due upon legal and valid bonds outstanding against such municipal corporations, townships, or districts. Any home rule charter city now levying and collecting its own taxes is authorized to continue to do so, but when any such city has completed an agreement with the county in which it is situated for the collection of general real property taxes, it shall annually as provided in such agreement certify to the county clerk the levies or the amounts required to be raised by taxation, as the city shall determine.

Sec. 31. Section 77-1716, Reissue Revised Statutes of Nebraska, is amended to read:

77-1716. The county treasurer may, at any time prior to December January 1 of each year, send a notice to each person on the personal tax roll, advising such taxpayer of the amount of personal taxes for that year. At any time after December January 1 and before July 1 next following, the county treasurer is required to notify by mail any taxpayer, whose personal tax is delinquent, on account of such taxpayer not having paid said the personal taxes, or the first installment thereof, on December January 1, as required by law, of the amount of such delinquent personal tax. The notice shall also recite that unless the entire tax is paid by July 1, next following, distress warrant will be issued therefor.

Sec. 32. Section 79-810, Reissue Revised Statutes of Nebraska, is amended to read:

79-810. The board of education of a Class III school district shall annually, on or before September 20, report in writing to the county board the entire revenue raised by taxation and all other sources and received by such board of education for the previous fiscal year and a budget for the ensuing fiscal year in form of a resolution broken down generally as follows: (1) The amount of funds required for the support of the schools during the ensuing fiscal year; (2) the amount of funds required for the purpose of school sites; (3) the amount of funds required for the erection of school buildings; (4) the amount of funds required for the payment of interest upon all bonds issued for school purposes; and (5) the amount of funds required for the creation of a sinking fund for the payment of such indebtedness. The secretary shall publish, within ten days after the filing of such budget, a copy of such budget one time at the legal rate prescribed for the publication of legal notices in a legal newspaper published in and of general circulation

in such city or village or, if none is published in such city or village, in a legal newspaper of general circulation in the city or village. The secretary of such board of education failing or neglecting to comply with this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not exceeding twenty-five dollars for each offense and, in the discretion of the court, the judgment of conviction may provide for the removal from office of such secretary for such failure or neglect. It shall be the duty of the county board to levy and collect such taxes as are necessary to provide the amount of revenue from property taxes as indicated by all the data contained in the budget and the certificate prescribed by this section, at the time and in the manner provided in section 77-1601.

Sec. 33. Section 79-903, Reissue Revised Statutes of Nebraska, is amended to read:

79-903. The board of education, on or before September ~~10~~ 20 of each year, shall make or cause to be made and report to the county board an estimate of the amount of funds required for the fiscal year next ensuing: (1) For the payment of interest on bonds issued by the district; (2) to provide a sinking fund for the payment of bonds issued by the district; (3) to provide for the purchase and betterment of school sites and the remodeling, erection, and equipment, but not replacement, of buildings, new and old; (4) to provide the necessary funds, premiums, contributions, and expenses in connection with a retirement, annuity, insurance, or other benefit plan adopted by the board of education for its present and future employees after their retirement, or any reasonable classification thereof; and (5) to provide for the support of schools, being the running expenses and miscellaneous and all other expenses for such year.

The estimate shall be accompanied by a budget statement prepared in accordance with good accounting practices and showing probable revenue from all sources, expenditures, and available balances upon which such estimate was based. The estimate and the budget statement may include such items as the board of education deems necessary to maintain adequate working balances of cash at all times and to take into account the expenses and delays in the collection of taxes. The county board shall levy the rate of tax necessary to provide the amounts so reported by the board of education and collect such taxes in like manner as other taxes are levied and collected.

Sec. 34. Section 79-2210, Reissue Revised Statutes of Nebraska, is amended to read:

79-2210. After the adoption of its budget statement, the board for each educational service unit may levy a tax, in the amount which it requires under its adopted budget statement to be received from taxation, of not to exceed three and five-tenths cents on each one hundred dollars on the taxable valuation of the taxable property within its geographical unit, except that the tax may exceed three and five-tenths cents on each one hundred dollars of such valuation by up to five-tenths cent on each one hundred dollars of such valuation in order to carry out the purposes of section 79-2225. The amount of such levy shall be certified by the secretary of the educational service unit board to the county board of equalization of each county in which any part of the geographical area of the educational service unit is located on or before September ~~10~~ 20 of each year. Such tax shall be levied and assessed in the same manner as other property taxes and entered on the books of the county treasurer. The proceeds of such tax, as collected, shall be remitted to the treasurer of the board not less frequently than once each month.

Sec. 35. This act becomes operative on January 1, 1996.

Sec. 36. Original sections 31-333, 31-513, 31-711, 31-739, 39-1621, 46-543, 77-1716, 79-810, 79-903, and 79-2210, Reissue Revised Statutes of Nebraska, and sections 2-2444, 13-508, 13-509, 14-1821, 18-2107, 23-909, 23-3552, 77-509, 77-509.01, 77-1315, 77-1327, 77-1378, 77-1381, 77-1384, 77-1502, 77-1503.01, 77-1504, 77-1510, 77-1514, 77-1601, and 77-1612, Revised Statutes Supplement, 1994, are repealed.

Sec. 37. The following sections are outright repealed: Sections 77-1385 to 77-1388 and 77-1506.02, Revised Statutes Supplement, 1994.