

LEGISLATIVE BILL 521

Approved by the Governor May 21, 2021

Introduced by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202.01 and 77-202.05, Reissue Revised Statutes of Nebraska; to change provisions relating to applications for property tax exemptions; and to repeal the original sections.

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

Section 1. Section 77-202.01, Reissue Revised Statutes of Nebraska, is amended to read:

77-202.01 (1) Any organization or society seeking a tax exemption provided in subdivisions (1)(c) and (d) of section 77-202 for any real or tangible personal property, except real property used for cemetery purposes, shall apply for exemption to the county assessor on or before December 31 of the year preceding the year for which the exemption is sought on forms prescribed by the Tax Commissioner. Applications that lack an estimated valuation, or any other required information, shall result in the denial of the requested exemption. The county assessor shall examine the application and recommend either taxable or exempt for the real property or tangible personal property to the county board of equalization on or before February 1 following. Notice that a list of the applications from organizations seeking tax exemption, descriptions of the property, and recommendations of the county assessor are available in the county assessor's office shall be published in a newspaper of general circulation in the county at least ten days prior to consideration of any application by the county board of equalization.

(2) Any organization or society which fails to file an exemption application on or before December 31 may apply on or before June 30 to the county assessor. The organization or society shall also file in writing a request with the county board of equalization for a waiver so that the county assessor may consider the application for exemption. The county board of equalization shall grant the waiver upon a finding that good cause exists for the failure to make application on or before December 31. When the waiver is granted, the county assessor shall examine the application and recommend either taxable or exempt for the real property or tangible personal property to the county board of equalization and shall assess a penalty against the property of ten percent of the tax that would have been assessed had the waiver been denied or one hundred dollars, whichever is less, for each calendar month or fraction thereof for which the filing of the exemption application missed the December 31 deadline. The penalty shall be collected and distributed in the same manner as a tax on the property and interest shall be assessed at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, from the date the tax would have been delinquent until paid. The penalty shall also become a lien in the same manner as a tax pursuant to section 77-203.

Sec. 2. Section 77-202.05, Reissue Revised Statutes of Nebraska, is amended to read:

77-202.05 The Tax Commissioner shall prescribe forms for distribution to the county assessors on which persons, corporations, and organizations may apply for tax-exempt status for real or tangible personal property. The forms shall include the following information:

(1) Name of owner or owners of the property, and if a corporation, the names of the officers and directors, and place of incorporation;

(2) Legal description of real property and a general description as to class and use of all tangible personal property; ~~and~~

(3) The precise statutory provision under which exempt status for such property is claimed; ~~and -~~

(4) An estimated valuation for the property.

Sec. 3. Original sections 77-202.01 and 77-202.05, Reissue Revised Statutes of Nebraska, are repealed.