

LEGISLATIVE BILL 195

Approved by the Governor March 2, 1983

Introduced by Revenue Committee, Carsten, 2, Chairperson;
V. Johnson, 8; Hannibal, 4; Pappas, 42;
Lundy, 36; Sieck, 24; Hefner, 19;
Landis, 46

AN ACT to amend sections 77-3503, 77-3508, 77-3509, 77-3511, 77-3512 to 77-3515, 77-3527, and 77-3529, Reissue Revised Statutes of Nebraska, 1943, relating to homestead exemptions; to provide additional procedures and requirements; to define a term; to authorize qualification for an alternate exemption; and to repeal the original sections.

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

Section 1. That section 77-3503, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-3503. Owner shall mean the owner of record or surviving spouse, the vendee in possession under a land contract or surviving spouse, one of the joint tenants or tenants in common or surviving spouse, or the beneficiary of a trust of which the trustee is the record title owner and the beneficiary-occupant (1) has a specific right to occupy the premises as stated in the trust instrument, (2) has the right to amend or revoke the trust to obtain such power of occupancy or of title, or (3) has the power to withdraw the homestead premises from the trust and place the record title in such occupant's name. Owner shall also mean a resident of a dwelling complex, the record title owner of which is a not-for-profit corporation, who has by purchase for fair market value secured a life tenancy in a taxable unit of the complex. The deed, trust instrument, contract, or memorandum showing that the criteria of this section have been met shall be on file on the appropriate public record as of January 1 of the year for which exemption is sought, except that if such instrument is not on file as of January 1, a copy of such instrument shall be attached to such application before the homestead exemption shall be granted.

Sec. 2. That section 77-3508, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

77-3508. All homesteads in this state shall be assessed for taxation the same as other property, except that there shall be exempt from taxation the first thirty-five thousand dollars of the actual value of any homestead of (1) veterans who are totally disabled by a nonmilitary accident or illness, (2) individuals who are paralyzed in both legs such as to preclude locomotion without the aid of braces, crutches, canes, or wheelchairs, (3) individuals who have undergone multiple amputation of both lower extremities such as to preclude locomotion without the aid of braces, crutches, canes, wheelchairs, or artificial limbs, (4) individuals with progressive neuromuscular or neurological disease such as to preclude locomotion without the aid of braces, crutches, canes, wheelchairs, or artificial limbs or who have permanently lost the use or control of both arms, and (5) individuals who have undergone multiple amputation of both arms above the elbow. Application for such exemption shall include certification from the sworn statement of a qualified medical physician for subdivisions (1) through (5) of this section or certification from a Veterans the Veterans' Administration affirming that the homeowner is totally disabled due to nonmilitary accident or illness for subdivision (1) of this section. Such certification from a qualified medical physician shall be made on forms prescribed by the Department of Revenue.

Sec. 3. That section 77-3509, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-3509. All homesteads in this state shall be assessed for taxation the same as other property, except that there shall be exempt from taxation the first ninety per cent of the actual value of any homestead of any veteran, as defined in section 80-401.01, drawing compensation from the Veterans' Veterans Administration of the United States because of one hundred per cent disability and not eligible for total exemption under sections 77-3526 to 77-3528, or the unremarried widow or widower of any such veteran or of any veteran who died because of a service-connected disability, or the unremarried widow or widower of a serviceman who died while on active duty during the dates described in section 80-401.01. Application for exemption under this section shall include certification of the status set forth in this section from the Veterans' Administration.

Sec. 4. That section 77-3511, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-3511. The application for homestead exemption shall be signed and sworn to by the owner of the property who qualifies for exemption under sections 77-3501 to 77-3529, unless the owner is an incompetent or unable to make such application, in which case it shall be signed and sworn to by the guardian. The county assessor, his or her

duly appointed deputies, and notaries public are authorized to administer such oaths. If an owner who in all respects qualifies for a homestead exemption under sections 77-3501 through 77-3529 dies after January 1 and before April 1 and before applying for a homestead exemption, his or her personal representative may file the application for exemption on or before April 1 of that year. Any exemption granted as a result of such application signed by a personal representative shall be in effect for only the year in which the owner died.

Sec. 5. That section 77-3512, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-3512. It shall be the duty of each owner who applies for the homestead exemption provided in sections 77-3506 to 77-3509, to file an application therefor with the county assessor of the county in which the homestead real estate is located on or before June 15, 1980; after January 1 and on or before April 1 of each year thereafter; and failure to do so shall constitute a waiver of the exemption for that year.

Sec. 6. That section 77-3513, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-3513. (1) If an owner is granted a homestead exemption as provided in section 77-3506 or 77-3509 or subdivision (2), (3), (4), or (5) of section 77-3508, the homestead exemption as to such property shall remain in full force and effect for each succeeding year without reapplication, if the same owner is in all respects entitled to the same exemption granted under the provisions of sections 77-3501 to ~~77-3523~~ 77-3529. Once a qualified claimant has filed an application for homestead exemption and the exemption has been granted for that year, no reapplication need be filed for succeeding years, in which case the county assessor and Tax Commissioner shall determine whether the claimant shall qualify for the homestead exemption in such succeeding years as otherwise provided in sections 77-3501 to ~~77-3523~~ 77-3529 as though a claim were made.

(2) It shall be the duty of each claimant who wants the homestead exemption provided in subdivision (1) of section 77-3508 to file an application therefor with the county assessor on or before June 15, 1980; and on or before April 1 of each year thereafter; and failure to do so shall constitute a waiver of the exemption for such year.

Sec. 7. That section 77-3514, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-3514. The owner of a homestead which has been granted an exemption under sections 77-3506 to 77-3509 shall notify the county assessor by March 15 of each year of any change in the homestead exemption status occurring in the preceding year. For purposes of this section, change in the homestead exemption status shall include any

change in the name of the owner, ownership, residence, marital status, veteran status, rating by the Veterans' Administration or any other change that would affect the qualification for or type of exemption granted, except income checked by the Tax Commissioner under section 77-3517. If, by his or her failure to give such notice, any such property owner permits the allowance of the homestead exemption for any succeeding year after the homestead exemption status of such property has changed, an amount equal to the amount of the taxes lawfully due but not paid by reason of such unlawful and improper allowance of homestead exemption, together with penalty and interest on such total sum as provided by statute on delinquent ad valorem taxes, shall be due and shall, upon entry of the amount thereof on the books of the county treasurer, be a lien on such property while unpaid. Such lien may be enforced in the manner provided for liens for other delinquent taxes. Any person who has permitted the improper and unlawful allowance of such homestead exemption on his or her property shall, as an additional penalty, also forfeit his or her right to a homestead exemption on any other property in this state for the two succeeding years.

Sec. 8. That section 77-3515, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-3515. Any purchaser, new resident, or new owner of property must claim a homestead exemption as provided in section 77-3512 before the allowance to the owner on such property shall be lawful.

Sec. 9. That section 77-3527, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-3527. The value of a home substantially contributed by the Veterans' Veterans Administration of the United States for a paraplegic veteran or multiple amputee shall be exempt from taxation during the life of such veteran or until the death of his or her surviving spouse widow or his or her remarriage. If such veteran or his or her unmarried surviving spouse widow disposes of such home, and within one year uses the proceeds therefrom, or part of such proceeds, to acquire another home for occupancy by such veteran or his widow or her surviving spouse, such home shall be deemed to be one substantially contributed to by the Veterans Veterans' Administration, and the exemption provided for in this section shall apply to such substituted home during the life of such veteran or until the death of his widow or her surviving spouse or his or her remarriage. Application for exemption under this section shall include certification from the Veterans' Administration affirming that the Veterans' Administration has substantially contributed to the purchase of a home by the applicant.

Sec. 10. That section 77-3529, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-3529. If any application for exemption pursuant to subdivision (1) of section 77-202.24 or sections 77-3501 to 77-3518 and 77-3526 to 77-3528 is denied and the applicant would be qualified for any other exemption pursuant to subdivision (1) of section 77-202.24 or sections 77-3501 to 77-3518 and 77-3526 to 77-3528, then such denied application shall be treated as an application for the highest exemption for which qualified. Any additional documentation necessary for such other exemption shall be submitted to the county assessor within a reasonable time after receipt of the notice of denial.

Sec. 11. That original sections 77-3503, 77-3508, 77-3509, 77-3511, 77-3512 to 77-3515, 77-3527, and 77-3529, Reissue Revised Statutes of Nebraska, 1943, are repealed.