

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 1111

Introduced by Erdman, 47.

Read first time January 23, 2008

Committee: Revenue

A BILL

1 FOR AN ACT relating to the Tax Equalization and Review Commission;
2 to amend sections 77-5003 and 77-5004, Revised Statutes
3 Supplement, 2007; to change membership of the commission;
4 to repeal the original sections; and to declare an
5 emergency.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 77-5003, Revised Statutes Supplement,
2 2007, is amended to read:

3 77-5003 (1) The Tax Equalization and Review Commission
4 is created. The Tax Commissioner has no supervision, authority,
5 or control over the actions or decisions of the commission
6 relating to its duties prescribed by law. The commission shall
7 have three commissioners, one from each congressional district, and
8 beginning on and after January 1, 2002, the commission shall have
9 four commissioners. One at-large commissioner shall be appointed
10 in addition to the commissioners representing the congressional
11 districts. All commissioners shall be appointed by the Governor
12 with the approval of a majority of the members of the Legislature.

13 (2) The term of the commissioner from district 1 expires
14 January 1, 2010, the term of the commissioner from district 2
15 expires January 1, 2012, and the term of the commissioner from
16 district 3 expires January 1, 2008. The term of the at-large
17 commissioner expires on January 1, 2008. After the terms of the
18 commissioners are completed as provided in this section, each
19 subsequent term shall be for six years beginning and ending on
20 January 1 of the applicable year. Vacancies occurring during a
21 term shall be filled by appointment for the unexpired term. Upon
22 the expiration of his or her term of office, a commissioner shall
23 continue to serve until his or her successor has been appointed.

24 (3) The Governor shall designate ~~one commissioner, who~~
25 ~~is an attorney admitted to practice before the Nebraska Supreme~~

1 ~~Court, to serve as the chairperson of the commission from January~~
2 ~~1, 2002, through December 31, 2003. Beginning on January 1, 2004,~~
3 ~~the commission shall designate pursuant to rule and regulation~~
4 ~~its chairperson and vice-chairperson on a two-year, rotating basis~~
5 ~~among the commissioners. Beginning with the first designation of~~
6 ~~chairperson and vice-chairperson after the effective date of this~~
7 ~~act, only one such position shall be filled by an attorney. who are~~
8 ~~attorneys admitted to practice before the Nebraska Supreme Court.~~

9 (4) A commissioner may be removed by the Governor for
10 misfeasance, malfeasance, or willful neglect of duty or other cause
11 after notice and a public hearing unless notice and hearing are
12 expressly waived in writing by the commissioner.

13 Sec. 2. Section 77-5004, Revised Statutes Supplement,
14 2007, is amended to read:

15 77-5004 (1) Each commissioner shall be a qualified voter
16 and resident of the state and, for each commissioner representing
17 a congressional district, a domiciliary of the district he or she
18 represents.

19 (2) Each commissioner shall devote his or her full time
20 and efforts to the discharge of his or her duties and shall not
21 hold any other office under the laws of this state, any city or
22 county in this state, or the United States Government while serving
23 on the commission. Each commissioner shall possess:

24 (a) Appropriate knowledge of terms commonly used in or
25 related to real property appraisal and of the writing of appraisal

1 reports;

2 (b) Adequate knowledge of depreciation theories, cost
3 estimating, methods of capitalization, and real property appraisal
4 mathematics;

5 (c) An understanding of the principles of land economics,
6 appraisal processes, and problems encountered in the gathering,
7 interpreting, and evaluating of data involved in the valuation of
8 real property, including complex industrial properties and mass
9 appraisal techniques;

10 (d) Knowledge of the law relating to taxation, civil and
11 administrative procedure, due process, and evidence in Nebraska;

12 (e) At least thirty hours of successfully completed
13 class hours in courses of study, approved by the Real Property
14 Appraiser Board, which relate to appraisal and which include the
15 fifteen-hour National Uniform Standards of Professional Appraisal
16 Practice Course. If a commissioner has not received such training
17 prior to his or her appointment, such training shall be completed
18 within one year after appointment; and

19 (f) Such other qualifications and skills as reasonably
20 may be requisite for the effective and reliable performance of the
21 commission's duties.

22 (3) ~~One commissioner~~ At least two commissioners shall
23 possess any certification or training required to become a licensed
24 real property appraiser as set forth in section 76-2230. The
25 change made to this subsection by this legislative bill shall apply

1 beginning with the first appointment after the effective date of
2 this act.

3 (4) ~~Prior to January 1, 2002, the chairperson, and on~~
4 ~~and after January 1, 2002, at least two commissioners, Only two~~
5 commissioners shall have been engaged in the practice of law in
6 the State of Nebraska for at least five years, which may include
7 prior service as a judge, and shall be currently admitted to
8 practice before the Nebraska Supreme Court. The change made to this
9 subsection by this legislative bill shall apply beginning with the
10 first appointment after the effective date of this act.

11 (5) No commissioner or employee of the commission shall
12 hold any position of profit or engage in any occupation or business
13 interfering with or inconsistent with his or her duties as a
14 commissioner or employee. A person is not eligible for appointment
15 and may not hold the office of commissioner or be appointed by the
16 commission to or hold any office or position under the commission
17 if he or she holds any official office or position.

18 (6)(a) Each commissioner who ~~meets the requirements of~~
19 ~~subsection (4) of this section on or after January 1, 2002, is an~~
20 attorney and who does not possess the certification or training
21 referred to in subsection (3) of this section shall annually attend
22 a seminar or class of at least two days' duration that is:

23 (i) Sponsored by a recognized assessment or appraisal
24 organization, in each of these areas: Utility and railroad
25 appraisal; appraisal of complex industrial properties; appraisal

1 of other hard to assess properties; and mass appraisal, residential
2 or agricultural appraisal, or assessment administration; or

3 (ii) Pertaining to management, law, civil or
4 administrative procedure, or other knowledge or skill necessary for
5 performing the duties of the office.

6 (b) Each commissioner who ~~does not meet the requirements~~
7 ~~of subsection (4) of this section on or after January 1, 2002~~ is
8 not an attorney shall within two years after his or her appointment
9 attend at least thirty hours of instruction that constitutes
10 training for judges or administrative law judges.

11 (7) The commissioners shall be considered employees of
12 the state for purposes of sections 81-1301 to 81-1391 and 84-1601
13 to 84-1615.

14 (8) The commissioners shall be reimbursed as prescribed
15 in sections 81-1174 to 81-1177 for their actual and necessary
16 expenses in the performance of their official duties pursuant to
17 the Tax Equalization and Review Commission Act.

18 Sec. 3. Original sections 77-5003 and 77-5004, Revised
19 Statutes Supplement, 2007, are repealed.

20 Sec. 4. Since an emergency exists, this act takes effect
21 when passed and approved according to law.