

AM1977  
LB 465  
CAS-05-10

AM1977  
LB 465  
CAS-05-10

AMENDMENTS TO LB 465

1           1.    In the Standing Committee amendments, AM0376, strike  
2 sections 1 to 3 and all amendments thereto and insert the following  
3 new sections:

4           "Sec. 2. Section 77-5004, Revised Statutes Supplement,  
5 2000, as amended by section 19, Legislative Bill 170,  
6 Ninety-seventh Legislature, First Session, 2001, is amended to  
7 read:

8           77-5004.   (1) Each commissioner shall be a qualified  
9 voter, ~~taxpayer~~, and resident of the state and the district he or  
10 she represents.

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

16           (a) Appropriate knowledge of terms commonly used in or  
17 related to real property appraisal and of the writing of appraisal  
18 reports;

19           (b) Adequate knowledge of depreciation theories, cost  
20 estimating, methods of capitalization, and real property appraisal  
21 mathematics;

22           (c) An understanding of the principles of land economics,  
23 appraisal processes, and problems encountered in the gathering,  
24 interpreting, and evaluating of data involved in the valuation of

1 real property, including complex industrial properties and  
2 mass-appraisal techniques;

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

5 (e) ~~Any certification or training required to become a~~  
6 ~~registered real estate appraiser as set forth in section~~  
7 ~~76-2229.01. If a commissioner has not received such certification~~  
8 ~~or training prior to his or her appointment, such certification or~~  
9 ~~training shall be completed within one year after the appointment~~  
10 At least thirty hours of successfully completed class hours in  
11 courses of study, approved by the Real Estate Appraiser Board,  
12 which relate to appraisal and which include a fifteen-hour course  
13 in the Uniform Standards of Professional Appraisal Practice. If a  
14 commissioner has not received such training prior to his or her  
15 appointment, such training shall be completed within one year after  
16 appointment; and

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

20 (3) One commissioner shall possess any certification or  
21 training required to become a licensed real estate appraiser as set  
22 forth in section 76-2230.

23 (4) The chairperson shall have been engaged in the  
24 practice of law in the State of Nebraska for at least five years,  
25 which may include prior service as a judge, and shall be currently  
26 admitted to practice before the Nebraska Supreme Court.

27 ~~(4)~~ (5) No commissioner or employee of the commission

1 shall hold any position of profit or engage in any occupation or  
2 business interfering with or inconsistent with his or her duties as  
3 a commissioner or employee. A person is not eligible for  
4 appointment and may not hold the office of commissioner or be  
5 appointed by the commission to or hold any office or position under  
6 the commission if he or she holds any official office or position.

7 ~~(5) During each year of his or her term, each~~  
8 ~~commissioner~~ (6)(a) Each commissioner who meets the requirements of  
9 subsection (4) of this section on or after January 1, 2002, shall  
10 annually attend a seminar or class of at least two days' duration,  
11 sponsored by a recognized assessment or appraisal organization, in  
12 each of these areas: Utility and railroad appraisal; appraisal of  
13 complex industrial properties; and mass appraisal, residential or  
14 agricultural appraisal, or assessment administration.

15 (b) Each commissioner who does not meet the requirements  
16 of subsection (4) of this section on or after January 1, 2002,  
17 shall within two years after his or her appointment attend at least  
18 thirty hours of instruction that constitutes training for judges or  
19 administrative law judges.

20 ~~(6)~~ (7) The commissioners shall be considered employees  
21 of the state for purposes of sections 81-1301 to 81-1391 and  
22 84-1601 to 84-1615.

23 ~~(7)~~ (8) The commissioners shall be reimbursed as  
24 prescribed in sections 81-1174 to 81-1177 for their actual and  
25 necessary expenses in the performance of their official duties  
26 pursuant to the Tax Equalization and Review Commission Act.  
27 Mileage expenses incurred while traveling in the line of duty to

AM1977  
LB 465  
CAS-05-10

AM1977  
LB 465  
CAS-05-10

1 and from a commissioner's primary residence to the commission  
2 office as well as living expenses for any commissioner whose  
3 residence is located more than eighty miles from the commission  
4 office shall be reimbursed by the state if:

5 (a) The commission has adopted and promulgated rules and  
6 regulations establishing guidelines for allowable reimbursement of  
7 mileage and living expenses, except that the reimbursement rate for  
8 mileage shall not exceed the rate established by the Department of  
9 Administrative Services pursuant to section 81-1176;

10 (b) The commissioner complies with the request procedures  
11 for reimbursement set forth in such guidelines; and

12 (c) The total amounts authorized for reimbursement of  
13 such mileage and living expenses in any fiscal year shall not cause  
14 the total expenses to exceed the total funds appropriated to the  
15 program established for commissioners' expenses.

16 Sec. 3. Section 77-5005, Revised Statutes Supplement,  
17 2000, is amended to read:

18 77-5005. (1) Within ten days after appointment, the  
19 commissioners shall meet at their office in Lincoln, Nebraska, and  
20 enter upon the duties of their office.

21 (2) A majority of the commission shall at all times  
22 constitute a quorum to transact business, and one vacancy shall not  
23 impair the right of the remaining commissioners to exercise all the  
24 powers of the commission.

25 (3) ~~Any investigation, inquiry, or hearing held or~~  
26 ~~undertaken by the commission may be held or undertaken by or before~~  
27 ~~any one commissioner with the approval of the commission.~~

AM1977  
LB 465  
CAS-05-10

AM1977  
LB 465  
CAS-05-10

1           ~~(4)~~ When holding hearings pursuant to sections 77-5016,  
2 77-5024, and 77-5026, the commission may, after hearing the  
3 evidence and argument on the record, recess to closed deliberations  
4 for the limited purpose of deciding the matter before it  
5 notwithstanding sections 84-1408 to 84-1414. After deliberating,  
6 the commission shall issue its final decision, accompanied by  
7 findings of fact and conclusions of law, in writing or on the  
8 record.

9           ~~(5)~~ All investigations, inquiries, hearings, and  
10 decisions of a commissioner and every order made by a commissioner  
11 when approved and confirmed by a quorum of the commission, if so  
12 shown on its record of proceedings, shall be deemed to be the order  
13 of the commission."

14           2. In the Landis amendment, AM1755, strike section 3.

15           3. Renumber the remaining sections and correct the  
16 repealer accordingly.