

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 733

Introduced by Schumacher, 22.

Read first time January 09, 2014

Committee: Revenue

A BILL

1 FOR AN ACT relating to revenue and taxation; to amend section
2 76-2221, Revised Statutes Cumulative Supplement, 2012; to
3 adopt the Mass Assessment Act; to harmonize provisions;
4 and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 22 of this act shall be known
2 and may be cited as the Mass Assessment Act.

3 Sec. 2. The Legislature finds that Nebraska law shall
4 provide for regulation of mass assessment specialists. Compliance
5 with the act is necessary to ensure an adequate number of such
6 specialists to conduct valuation of real property for ad valorem tax
7 purposes.

8 Sec. 3. For purposes of the Mass Assessment Act, the
9 definitions found in sections 4 to 9 of this act shall be used.

10 Sec. 4. Board means the Mass Assessment Board.

11 Sec. 5. Certified assessment specialist means a person
12 who holds a valid credential as a certified assessment specialist
13 issued under the Mass Assessment Act.

14 Sec. 6. Credential means a license or certificate issued
15 pursuant to the Mass Assessment Act.

16 Sec. 7. Mass assessment means the valuation of a
17 particular property as of a given date using standard procedures and
18 statistical testing for ad valorem tax purposes. Mass assessment
19 includes:

20 (1) Identifying properties to be assessed;

21 (2) Defining market area of consistent behavior that
22 applies to properties;

23 (3) Identifying characteristics, including supply and
24 demand, that affect the creation of value in that market area;

25 (4) Developing a model structure that reflects the

1 relationship among the characteristics affecting value in the market
2 area;

3 (5) Calibrating the model structure to determine the
4 contribution of the individual characteristics affecting value;

5 (6) Applying the conclusions reflected in the model to
6 the characteristics of the property being assessed; and

7 (7) Reviewing the mass assessment results.

8 Sec. 8. Mass assessment specialist I means a person who
9 holds a valid credential as a mass assessment specialist I issued
10 under the Mass Assessment Act.

11 Sec. 9. Mass assessment specialist II means a person who
12 holds a valid credential as a mass assessment specialist II issued
13 under the Mass Assessment Act.

14 Sec. 10. (1) The Mass Assessment Board is hereby created.
15 The board shall consist of the following five voting members:

16 (a) Three county assessors, to be appointed by the Tax
17 Commissioner;

18 (b) The Tax Commissioner or his or her designee from the
19 property assessment division of the Department of Revenue; and

20 (c) One member who holds a credential under the Real
21 Property Appraiser Act and who has ad valorem valuation experience,
22 to be appointed by the other four members of the board.

23 (2) The term of each member appointed under subdivision
24 (1)(a) of this section shall be two years, and such members may be
25 reappointed for two additional terms. If the Tax Commissioner

1 designates a member of the board under subdivision (1)(b) of this
2 section, such member shall serve at the discretion of the Tax
3 Commissioner. The member appointed under subdivision (1)(c) of this
4 section shall serve at the discretion of the other four board
5 members. Any vacancy shall be filled in the same manner as the
6 original appointment.

7 (3) The members of the board shall elect a chairperson
8 from among the members during the first meeting of each year.

9 Sec. 11. The board shall administer and enforce the Mass
10 Assessment Act and may:

11 (1) Receive applications for credentialing under the act,
12 process such applications, and regulate the issuance of credentials
13 to qualified applicants. The Tax Commissioner shall maintain a
14 directory of the names and addresses of persons who receive
15 credentials under the act; and

16 (2) Hold meetings, public hearings, and informal
17 conferences and prepare or cause to be prepared specifications for
18 all classifications of credentials issued under the act. The board
19 shall meet at least once each year.

20 Sec. 12. Applications for credentials and for renewal of
21 credentials shall be made to the board on forms approved by the
22 board. Payment of the appropriate fees fixed by the board pursuant to
23 section 18 of this act shall accompany all applications.

24 Sec. 13. There shall be three classes of credentials
25 issued under the Mass Assessment Act as follows:

1 (1) Mass assessment specialist I, which classification
2 shall consist of those persons who meet the requirements set forth in
3 section 14 of this act;

4 (2) Mass assessment specialist II, which classification
5 shall consist of those persons who meet the requirements set forth in
6 section 15 of this act; and

7 (3) Certified assessment specialist, which classification
8 shall consist of those persons who meet the requirements set forth in
9 section 16 of this act.

10 Sec. 14. To qualify for a credential as a mass assessment
11 specialist I, an applicant shall:

12 (1) Be at least nineteen years of age;

13 (2) Hold a high school diploma, a certificate of high
14 school equivalency, or have education acceptable to the board;

15 (3) Not have been convicted of any felony, or if so
16 convicted, have had his or her civil rights restored;

17 (4)(a) Be employed by a governmental agency or
18 subdivision involved in the valuation or equalization of property for
19 ad valorem tax purposes;

20 (b) Be under contract with a governmental agency or
21 subdivision to perform functions related to the valuation or
22 equalization of property for ad valorem tax purposes; or

23 (c) Be employed by an entity under contract with a
24 governmental agency or subdivision to perform functions related to
25 the valuation or equalization of property for ad valorem tax

1 purposes;

2 (5)(a) Have completed sixty hours of education courses as
3 approved by the board.

4 (b) If a county assessor desires to obtain a credential
5 as a mass assessment specialist I, the courses taken towards the
6 county assessor's certification under section 77-422 shall apply
7 towards the course requirements for such credential. Subject to the
8 board's approval, some or all of a county assessor's continuing
9 education courses may also be applied towards the course requirements
10 for such credential.

11 (6)(a) Have five hundred documented hours of mass
12 assessment experience. No more than fifty hours may be derived from
13 the assessment of personal property. Each applicant shall have
14 completed at least one hundred documented hours of mass assessment
15 within the five-year period immediately preceding submission of the
16 application.

17 (b) If a county assessor desires to obtain a credential
18 as a mass assessment specialist I, his or her experience as county
19 assessor shall apply towards the experience requirements of this
20 section.

21 (7) A person who receives a credential as a mass
22 assessment specialist I may, under the direct supervision of a county
23 assessor, a certified assessment specialist, or a mass assessment
24 specialist II, assist in any phase of mass assessment.

25 Sec. 15. To qualify for a credential as a mass assessment

1 specialist II, an applicant shall:

2 (1) Be at least nineteen years of age;

3 (2) Hold a high school diploma, a certificate of high
4 school equivalency, or have education acceptable to the board;

5 (3) Not have been convicted of any felony, or if so
6 convicted, have had his or her civil rights restored;

7 (4)(a) Be employed by a governmental agency or
8 subdivision involved in the valuation or equalization of property for
9 ad valorem tax purposes;

10 (b) Be under contract with a governmental agency or
11 subdivision to perform functions related to the valuation or
12 equalization of property for ad valorem tax purposes; or

13 (c) Be employed by an entity under contract with a
14 governmental agency or subdivision to perform functions related to
15 the valuation or equalization of property for ad valorem tax
16 purposes;

17 (5)(a) Have completed one hundred twenty hours of
18 education courses as approved by the board.

19 (b) Courses taken for the mass assessment specialist I
20 credential shall apply towards the course requirements for the mass
21 assessment specialist II credential. If a county assessor desires to
22 obtain a credential as a mass assessment specialist II, the courses
23 taken towards the county assessor's certification under section
24 77-422 shall apply towards the course requirements for such
25 credential. Subject to the board's approval, some or all of a county

1 assessor's continuing education courses may also be applied towards
2 the course requirements for such credential.

3 (6)(a) Have one thousand five hundred documented hours of
4 mass assessment experience. No more than one hundred fifty hours may
5 be derived from the assessment of personal property. Each applicant
6 shall have completed at least one hundred documented hours of mass
7 assessment within the five-year period immediately preceding
8 submission of the application.

9 (b) If a county assessor desires to obtain a credential
10 as a mass assessment specialist II, his or her experience as county
11 assessor shall apply towards the experience requirements of this
12 section.

13 (7) A person who receives a credential as a mass
14 assessment specialist II may, under the direct supervision of a
15 county assessor or a certified assessment specialist, assist a county
16 assessor in developing and communicating credible analyses, opinions,
17 and conclusions in the mass assessment of properties.

18 Sec. 16. To qualify for a credential as a certified
19 assessment specialist, an applicant shall:

20 (1) Be at least nineteen years of age;

21 (2) Hold a high school diploma, a certificate of high
22 school equivalency, or have education acceptable to the board;

23 (3) Not have been convicted of any felony, or if so
24 convicted, have had his or her civil rights restored;

25 (4)(a) Be employed by a governmental agency or

1 subdivision involved in the valuation or equalization of property for
2 ad valorem tax purposes;

3 (b) Be under contract with a governmental agency or
4 subdivision to perform functions related to the valuation or
5 equalization of property for ad valorem tax purposes; or

6 (c) Be employed by an entity under contract with a
7 governmental agency or subdivision to perform functions related to
8 the valuation or equalization of property for ad valorem tax
9 purposes;

10 (5)(a) Have completed one hundred eighty hours of
11 education courses as approved by the board.

12 (b) Courses taken for the mass assessment specialist I
13 credential and the mass assessment specialist II credential shall
14 apply towards the course requirements for the certified assessment
15 specialist credential. If a county assessor desires to obtain a
16 credential as a certified assessment specialist, the courses taken
17 towards the county assessor's certification under section 77-422
18 shall apply towards the course requirements for such credential.
19 Subject to the board's approval, some or all of a county assessor's
20 continuing education courses may also be applied towards the course
21 requirements for such credential.

22 (6)(a) Have two thousand documented hours of mass
23 assessment experience. No more than two hundred hours may be derived
24 from the assessment of personal property. Each applicant shall have
25 completed at least one hundred documented hours of mass assessment

1 within the five-year period immediately preceding submission of the
2 application.

3 (b) If a county assessor desires to obtain a credential
4 as a certified assessment specialist, his or her experience as county
5 assessor shall apply towards the experience requirements of this
6 section.

7 (7) A person who receives a credential as a certified
8 assessment specialist may, under the direct supervision of a county
9 assessor, assist such county assessor in developing and communicating
10 credible analyses, opinions, and conclusions in the mass assessment
11 of properties.

12 Sec. 17. (1) For purposes of this section, four-year
13 continuing education period means a period of forty-eight months
14 commencing on January 1 following the date of credentialing under the
15 Mass Assessment Act and each succeeding forty-eight-month period.

16 (2) Every credential holder shall furnish evidence to the
17 board that he or she has satisfactorily completed no fewer than sixty
18 hours of approved continuing education in the four-year continuing
19 education period.

20 Sec. 18. (1) The board shall charge and collect
21 appropriate fees for its services under the Mass Assessment Act as
22 follows:

23 (a) An application fee of one hundred dollars; and

24 (b) An initial and renewal credentialing fee of no more
25 than one hundred dollars.

1 (2) All fees collected pursuant to the Mass Assessment
2 Act shall be remitted by the board to the State Treasurer for credit
3 to the Mass Assessment Fund.

4 Sec. 19. There is hereby created the Mass Assessment
5 Fund. The board may use the fund for the administration and
6 enforcement of the Mass Assessment Act. Any money in the fund
7 available for investment shall be invested by the state investment
8 officer pursuant to the Nebraska Capital Expansion Act and the
9 Nebraska State Funds Investment Act.

10 Sec. 20. (1) No person shall use the title mass
11 assessment specialist I, mass assessment specialist II, or certified
12 assessment specialist other than for work in setting valuations for
13 ad valorem tax purposes.

14 (2) The board may revoke the credential of any person
15 found to have materially misstated his or her compliance with any of
16 the provisions of the Mass Assessment Act or for failure to comply
17 with the continuing education requirements. No credential shall be
18 revoked except after notice and a hearing before the board. Such
19 hearing shall be held at least ten days after the issuance of such
20 notice to the holder of the credential.

21 Sec. 21. Any person holding a credential under the Mass
22 Assessment Act shall be exempt from the Real Property Appraiser Act.

23 Sec. 22. The Tax Commissioner may adopt and promulgate
24 rules and regulations to carry out the Mass Assessment Act.

25 Sec. 23. Section 76-2221, Revised Statutes Cumulative

1 Supplement, 2012, is amended to read:

2 76-2221 The Real Property Appraiser Act shall not apply
3 to:

4 (1) Any real property appraiser who is a salaried
5 employee of (a) the federal government, (b) any agency of the state
6 government or a political subdivision which appraises real estate,
7 (c) any insurance company authorized to do business in this state, or
8 (d) any bank, savings bank, savings and loan association, building
9 and loan association, credit union, or small loan company licensed by
10 the state or supervised or regulated by or through federal enactments
11 covering financial institutions, except that any employee of the
12 entities listed in subdivisions (a) through (d) of this subdivision
13 who signs an appraisal report as a credentialed real property
14 appraiser shall be subject to the act and the Uniform Standards of
15 Professional Appraisal Practice. Any salaried employee of the
16 entities listed in subdivisions (a) through (d) of this subdivision
17 who does not sign an appraisal report as a credentialed real property
18 appraiser shall include the following disclosure prominently with
19 such report: This opinion of value may not meet the minimum standards
20 contained in the Uniform Standards of Professional Appraisal Practice
21 and is not governed by the Real Property Appraiser Act;

22 (2) A person referred to in subsection (1) of section
23 81-885.16;

24 (3) Any person who provides assistance (a) in obtaining
25 the data upon which an appraisal is based, (b) in the physical

1 preparation of an appraisal report, such as taking photographs,
2 preparing charts, maps, or graphs, or typing or printing the report,
3 or (c) that does not directly involve the exercise of judgment in
4 arriving at the analyses, opinions, or conclusions concerning real
5 estate or real property set forth in the appraisal report;

6 (4) Any owner of real estate, employee of the owner, or
7 attorney licensed to practice law in the State of Nebraska
8 representing the owner who renders an estimate or opinion of value of
9 the real estate or any interest in the real estate when such estimate
10 or opinion is for the purpose of real estate taxation, or any other
11 person who renders such an estimate or opinion of value when that
12 estimate or opinion requires a specialized knowledge that a real
13 property appraiser would not have, except that a real property
14 appraiser or a person licensed under the Nebraska Real Estate License
15 Act is not exempt under this subdivision;

16 (5) Any owner of real estate, employee of the owner, or
17 attorney licensed to practice law in the State of Nebraska
18 representing the owner who renders an estimate or opinion of value of
19 real estate or any interest in real estate or damages thereto when
20 such estimate or opinion is offered as testimony in any condemnation
21 proceeding, or any other person who renders such an estimate or
22 opinion when that estimate or opinion requires a specialized
23 knowledge that a real property appraiser would not have, except that
24 a real property appraiser or a person licensed under the Nebraska
25 Real Estate License Act is not exempt under this subdivision;

1 (6) Any owner of real estate, employee of the owner, or
2 attorney licensed to practice law in the State of Nebraska
3 representing the owner who renders an estimate or opinion of value of
4 the real estate or any interest in the real estate when such estimate
5 or opinion is offered in connection with a legal matter involving
6 real property; ~~or~~

7 (7) Any person appointed by a county board of
8 equalization to act as a referee pursuant to section 77-1502.01,
9 except that any person who also practices as an independent real
10 property appraiser for others shall be subject to the Real Property
11 Appraiser Act and shall be credentialed prior to engaging in such
12 other appraising. Any appraiser appointed to act as a referee
13 pursuant to section 77-1502.01 and who prepares an appraisal report
14 for the county board of equalization shall not sign such appraisal
15 report as a credentialed appraiser and shall include the following
16 disclosure prominently with such report: This opinion of value may
17 not meet the minimum standards contained in the Uniform Standards of
18 Professional Appraisal Practice and is not governed by the Real
19 Property Appraiser Act; or -

20 (8) Any person who is exempt from the Real Property
21 Appraiser Act pursuant to section 21 of this act.

22 Sec. 24. Original section 76-2221, Revised Statutes
23 Cumulative Supplement, 2012, is repealed.