

AMENDMENTS TO LB647

(Amendments to Standing Committee amendments, AM994)

Introduced by Sanders, 45.

1 1. Strike sections 4 and 5 and insert the following new sections:

2 **Sec. 4.** (1) A taxpayer who encumbers their property with a
3 perpetual recreational trail easement may apply for a property tax
4 exemption for the portion of the property which has been encumbered with
5 the easement as provided in section 77-202.01. The forms for such
6 applications shall be prescribed as provided in section 77-202.05.

7 (2) Upon approval of the application for the exemption, the portion
8 of the property encumbered with a perpetual recreational trail easement
9 shall remain exempt from property taxes without requiring reapplication
10 for the exemption until the property is no longer encumbered with a
11 perpetual recreational trail easement.

12 **Sec. 5.** To qualify for the property tax exemption, the easement
13 shall:

14 (1) Be perpetual and recorded with the appropriate county register
15 of deeds;

16 (2) Provide public access and connect to existing or planned
17 regional trails or significant local attractions, such as parks,
18 waterways, cultural sites, or residential areas; and

19 (3) Be held by an eligible holder, including nonprofit organizations
20 that demonstrate:

21 (a) A primary mission of promoting public access, health, and
22 wellness through recreational land use;

23 (b) A commitment to environmental conservation and land stewardship;
24 and

25 (c) Capacity to oversee and manage trail easements independently or
26 through partnerships with accredited entities, ensuring compliance with

1 public access goals.

2 **Sec. 11.** Section 13-3103, Revised Statutes Cumulative Supplement,
3 2024, is amended to read:

4 13-3103 (1) Any applicant may apply to the board for state
5 assistance if (a) the applicant has acquired, constructed, improved, or
6 equipped an eligible sports arena facility, (b) the applicant has
7 approved a revenue bond issue or a general obligation bond issue to
8 acquire, construct, improve, or equip an eligible sports arena facility,
9 (c) the applicant has adopted a resolution authorizing the applicant to
10 pursue a general obligation bond issue to acquire, construct, improve, or
11 equip an eligible sports arena facility, (d) a building permit has been
12 issued within the applicant's jurisdiction for an eligible sports arena
13 facility that is a privately owned concert venue, ~~or~~ (e) a building
14 permit has been issued or construction has been completed within the
15 applicant's jurisdiction for an eligible sports arena facility that is a
16 privately owned sports complex or (f) each coapplicant described in
17 subdivision (1)(b) of section 13-3102 has adopted a resolution
18 authorizing either the political subdivision or the nonprofit corporation
19 to pursue financing or bonds to acquire, construct, improve, or equip an
20 eligible sports arena facility for the purposes set forth in subdivision
21 (4)(b) of section 13-3103.

22 (2) Except as provided in subsections (3) and (4) of this section,
23 the state assistance shall only be used by the applicant to pay back
24 amounts expended or borrowed through one or more issues of bonds to be
25 expended by the applicant to acquire, construct, improve, or equip the
26 publicly owned eligible sports arena facility and to acquire, construct,
27 improve, or equip publicly owned nearby parking facilities.

28 (3) For an eligible sports arena facility that is a privately owned
29 concert venue, the state assistance shall only be used by the applicant
30 (a) to pay back amounts expended or borrowed through one or more issues
31 of bonds to be expended by the applicant to acquire, construct, improve,

1 or equip a nearby parking facility or (b) to promote arts and cultural
2 events which are open to or made available to the general public.

3 (4) For an eligible sports arena facility that is a privately owned
4 sports complex, the state assistance shall only be used by the applicant;

5 (a) ~~To~~ to pay back amounts expended or borrowed through one or more
6 issues of bonds to be expended by the applicant to acquire, construct,
7 improve, or equip one or more public infrastructure projects, as defined
8 in section 77-27,142, related to a privately owned sports complex; ~~τ~~

9 (b) ~~To~~ to lease all or a portion of such privately owned sports
10 complex for the governmental use of the political subdivision. For
11 purposes of this subdivision, lease means any contractual lease agreement
12 between the coapplicants described in subdivision (1)(b) of section
13 13-3102 for the use of an eligible sports arena facility at fair market
14 rental value for a term not to exceed twenty years; ~~τ~~

15 (c) ~~To~~ to promote sporting events which are open to or made
16 available to the general public; ~~τ~~ or

17 (d) ~~To~~ to pay back amounts expended or borrowed through one or more
18 debt issues to be expended by the nonprofit corporation coapplicant to
19 acquire, construct, improve, or equip a privately owned sports complex,
20 subject to voter approval as provided in section 13-3110.

21 (5)(a) No more than ten years of funding for promotion of the arts
22 and cultural events shall be paid by state assistance received pursuant
23 to section 13-3108.

24 (b) No more than ten years of funding for promotion of sporting
25 events shall be paid by state assistance received pursuant to section
26 13-3108.

27 (c) No more than five years of funding for a sports complex located
28 in a city of the second class or village shall be paid by state
29 assistance received pursuant to section 13-3108.

30 (6) For any application for state assistance for a large public
31 stadium approved on or after July 19, 2024, up to one hundred percent of

1 the final cost of the project may be funded by state assistance received
2 pursuant to section 13-3108.

3 **Sec. 12.** Section 13-3106, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 13-3106 (1) After consideration of the application and the evidence,
6 if the board finds that the project described in the application is
7 eligible and that state assistance is in the best interest of the state,
8 the application shall be approved, except that:

9 (a) An approval of an application submitted because of the
10 requirement in subdivision (1)(c) of section 13-3103 is a temporary
11 approval. If the general obligation bond issue is subsequently approved
12 by the voters of the political subdivision, the approval by the board
13 becomes permanent. If the general obligation bond issue is not approved
14 by such voters, the temporary approval shall become void; and -

15 (b) An approval of an application submitted because of the
16 requirement in subdivision (1)(f) of section 13-3103 is a temporary
17 approval. If a building permit for the eligible sports arena facility is
18 issued within twenty-four months of the temporary approval, the approval
19 by the board becomes permanent. If a building permit is not issued within
20 twenty-four months of the temporary approval, the temporary approval
21 shall become void.

22 (2) In determining whether state assistance is in the best interest
23 of the state, the board shall consider the fiscal and economic capacity
24 of the applicant to finance the local share of the project.

25 (3) A majority of the board members constitutes a quorum for the
26 purpose of conducting business. All actions of the board shall be by a
27 majority vote of all the board members, one of whom must be the Governor.

28 **Sec. 27.** Section 77-202.01, Revised Statutes Cumulative Supplement,
29 2024, is amended to read:

30 77-202.01 (1) Any organization, ~~or~~ society, or taxpayer seeking a
31 tax exemption provided in subdivision ~~subdivisions~~ (1)(c), ~~and~~ (d), ~~or~~

1 (f) of section 77-202 for any real or tangible personal property, except
2 real property used for cemetery purposes, shall apply for exemption to
3 the county assessor on or before December 31 of the year preceding the
4 year for which the exemption is sought on forms prescribed by the Tax
5 Commissioner. Applications that lack an estimated valuation, or any other
6 required information, shall result in the denial of the requested
7 exemption. The county assessor shall examine the application and
8 recommend either taxable or exempt for the real property or tangible
9 personal property to the county board of equalization on or before March
10 1 following. For applications involving property described in subdivision
11 (1)(d)(iii) or (iv) of section 77-202, the county assessor shall also
12 calculate the exemption amount for the property and shall submit such
13 calculation to the county board of equalization along with his or her
14 recommendations. Notice that a list of the applications from
15 organizations, societies, and taxpayers seeking tax exemption,
16 descriptions of the property, and recommendations of the county assessor
17 are available in the county assessor's office shall be published in a
18 newspaper of general circulation in the county at least ten days prior to
19 consideration of any application by the county board of equalization.

20 (2) Any organization, ~~or society, or taxpayer~~ which fails to file an
21 exemption application on or before December 31 may apply on or before
22 June 30 to the county assessor. The organization, ~~or society, or taxpayer~~
23 shall also file in writing a request with the county board of
24 equalization for a waiver so that the county assessor may consider the
25 application for exemption. The county board of equalization shall grant
26 the waiver upon a finding that good cause exists for the failure to make
27 application on or before December 31. When the waiver is granted, the
28 county assessor shall examine the application and recommend either
29 taxable or exempt for the real property or tangible personal property to
30 the county board of equalization, shall calculate the exemption amount
31 for any property described in subdivision (1)(d)(iii) or (iv) of section

1 77-202, and shall assess a penalty against the property of ten percent of
2 the tax that would have been assessed had the waiver been denied or one
3 hundred dollars, whichever is less, for each calendar month or fraction
4 thereof for which the filing of the exemption application missed the
5 December 31 deadline. The penalty shall be collected and distributed in
6 the same manner as a tax on the property and interest shall be assessed
7 at the rate specified in section 45-104.01, as such rate may from time to
8 time be adjusted by the Legislature, from the date the tax would have
9 been delinquent until paid. The penalty shall also become a lien in the
10 same manner as a tax pursuant to section 77-203.

11 **Sec. 28.** Section 77-202.03, Revised Statutes Cumulative Supplement,
12 2024, is amended to read:

13 77-202.03 (1) Except as provided in section 77-202.10 and subsection
14 (2) of this section, a properly granted exemption of real or tangible
15 personal property provided for in subdivisions (1)(c) and (d) of section
16 77-202 shall continue for a period of four years if the statement of
17 reaffirmation of exemption required by subsection (3) of this section is
18 filed when due. The four-year period shall begin with years evenly
19 divisible by four. A properly granted exemption of real property provided
20 for in subdivision (1)(f) of section 77-202 shall continue for the period
21 described in section 4 of this act without the need to file any statement
22 of reaffirmation of exemption under subsection (3) of this section.

23 (2) An owner of property which has been granted an exemption under
24 subdivision (1)(d)(iii) or (iv) of section 77-202 shall be required to
25 reapply for the exemption each year so that the exemption amount for the
26 year can be recalculated.

27 (3) In each intervening year occurring between application years,
28 the organization or society which filed the granted exemption application
29 under subdivision (1)(c) or (d) of section 77-202 for the real or
30 tangible personal property, except real property used for cemetery
31 purposes and real property described in subdivision (1)(d)(iii) or (iv)

1 of section 77-202, shall file a statement of reaffirmation of exemption
2 with the county assessor on or before December 31 of the year preceding
3 the year for which the exemption is sought, on forms prescribed by the
4 Tax Commissioner, certifying that the ownership and use of the exempted
5 property has not changed during the year. Any organization or society
6 which misses the December 31 deadline for filing the statement of
7 reaffirmation of exemption may file the statement of reaffirmation of
8 exemption by June 30. Such filing shall maintain the tax-exempt status of
9 the property without further action by the county and regardless of any
10 previous action by the county board of equalization to deny the exemption
11 due to late filing of the statement of reaffirmation of exemption. Upon
12 any such late filing, the county assessor shall assess a penalty against
13 the property of ten percent of the tax that would have been assessed had
14 the statement of reaffirmation of exemption not been filed or one hundred
15 dollars, whichever is less, for each calendar month or fraction thereof
16 for which the filing of the statement of reaffirmation of exemption is
17 late. The penalty shall be collected and distributed in the same manner
18 as a tax on the property and interest shall be assessed at the rate
19 specified in section 45-104.01, as such rate may from time to time be
20 adjusted by the Legislature, from the date the tax would have been
21 delinquent until paid. The penalty shall also become a lien in the same
22 manner as a tax pursuant to section 77-203.

23 (4)(a) If any organization, ~~or society,~~ or taxpayer seeks a tax
24 exemption under subdivision (1)(c), (d), or (f) of section 77-202 for any
25 real or tangible personal property acquired on or after January 1 of any
26 year or converted to exempt use on or after January 1 of any year, the
27 organization, ~~or society,~~ or taxpayer shall make application for
28 exemption on or before July 1 of that year as provided in subsection (1)
29 of section 77-202.01. The procedure for reviewing the application shall
30 be as in sections 77-202.01 to 77-202.05, except that the exempt use
31 shall be determined as of the date of application and the review by the

1 county board of equalization shall be completed by August 15.

2 (b) If an organization as described in subdivision (1)(c) or (d) of
3 section 77-202 purchases, between July 1 and the levy date, property that
4 has been granted tax exemption and the property continues to be qualified
5 for a property tax exemption, the purchaser shall on or before November
6 15 make application for exemption as provided in section 77-202.01. The
7 procedure for reviewing the application shall be as in sections 77-202.01
8 to 77-202.05, and the review by the county board of equalization shall be
9 completed by December 15.

10 (c) If a taxpayer purchases, between July 1 and the levy date,
11 property described in subdivision (1)(f) of section 77-202 that has been
12 granted tax exemption and the property continues to be qualified for a
13 property tax exemption, the purchaser shall on or before November 15 make
14 application for exemption as provided in section 77-202.01. The procedure
15 for reviewing the application shall be as in sections 77-202.01 to
16 77-202.05, and the review by the county board of equalization shall be
17 completed by December 15.

18 (5) In any year, the county assessor or the county board of
19 equalization may cause a review of any exemption to determine whether the
20 exemption is proper. Such a review may be taken even if the ownership or
21 use of the property has not changed from the date of the allowance of the
22 exemption. If it is determined that a change in an exemption is
23 warranted, the procedure for hearing set out in section 77-202.02 shall
24 be followed, except that the published notice shall state that the list
25 provided in the county assessor's office only includes those properties
26 being reviewed. If an exemption is denied, the county board of
27 equalization shall place the property on the tax rolls retroactive to
28 January 1 of that year if on the date of the decision of the county board
29 of equalization the property no longer qualifies for an exemption.

30 The county board of equalization shall give notice of the assessed
31 value of the real property in the same manner as outlined in section

1 77-1507, and the procedures for filing a protest shall be the same as
2 those in section 77-1502.

3 When personal property which was exempt becomes taxable because of
4 lost exemption status, the owner or his or her agent has thirty days
5 after the date of denial to file a personal property return with the
6 county assessor. Upon the expiration of the thirty days for filing a
7 personal property return pursuant to this subsection, the county assessor
8 shall proceed to list and value the personal property and apply the
9 penalty pursuant to section 77-1233.04.

10 (6) During the month of September of each year, the county board of
11 equalization shall cause to be published in a paper of general
12 circulation in the county a list of all real estate in the county exempt
13 from taxation for that year pursuant to subdivisions (1)(c), ~~and (d)~~, and
14 (f) of section 77-202. Such list shall be grouped into categories as
15 provided by the Property Tax Administrator. An electronic copy of the
16 list of real property exemptions and a copy of the proof of publication
17 shall be forwarded to the Property Tax Administrator on or before
18 November 1 of each year.

19 **Sec. 29.** Section 77-202.05, Revised Statutes Cumulative Supplement,
20 2024, is amended to read:

21 77-202.05 The Tax Commissioner shall prescribe forms for
22 distribution to the county assessors on which persons, corporations, and
23 organizations may apply for tax-exempt status for real or tangible
24 personal property. The forms shall include the following information:

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

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

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

31 (4) An estimated valuation for the property; and -

1 (5) For applications for tax-exempt status for property described in
2 subdivision (1)(f) of section 77-202:

3 (a) Proof of the recorded easement; and

4 (b) Certification from the eligible holder, as defined in section 3
5 of this act, confirming compliance with public access and connectivity
6 requirements.

7 2. Renumber the remaining sections and correct internal references
8 accordingly.

9 3. Correct the operative date and repealer sections so that:

10 a. Sections 4, 5, 27, 28, and 29 added by this amendment become
11 operative on January 1, 2026; and

12 b. Sections 11 and 12 added by this amendment become operative three
13 calendar months after the adjournment of this legislative session.