

7/10/11

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DATE PREPARED: February 14, 2011  
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LB 363

Revision: 00

# FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES *				
	FY 2011-12		FY 2012-13	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	(\$433)		(\$433)	
CASH FUNDS	(\$750)		(\$750)	\$45,000
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	(\$1,183)		(\$1,183)	\$45,000

\*Does not include any impact on political subdivisions. See narrative for political subdivision estimates.

LB 363 amends a number of sections of Nebraska Statutes dealing with the Tax Equalization and Review Commission (TERC), property tax protests, and decisions of county boards of equalization.

The bill amends Sections 77-202.04 and 77-202.12 to limit the ability of the Tax Commissioner or Property Tax Administrator to intervene in certain appeals to the TERC to 30 days following notice that an appeal has been filed.

The bill amends Section 77-5013 to increase the filing fee for appeals to the Tax Equalization and Review Commission from \$25.00 to \$50.00, beginning January 1, 2012.

The bill amends Section 77-5015, regarding appeals of valuation or exemption of multiple parcels involving the same owner and same issues, to remove authority to consolidate the appeals and to refund the filing fees paid for consolidated appeals.

The bill adds new language to provide notification of other parties when a determination or petition cannot be had without the presence of those other parties.

The bill provides that notice of the meeting required by Sections 77-5022 to 77-5028, regarding statewide equalization, shall be placed on a web site maintained by the Secretary of State. The notification statement is to contain language that any petition brought by a county board of equalization to adjust the value of a class or subclass of property will be heard between July 26 and August 10 at a date, time, and place as provided in the agenda maintained by the TERC.

The bill contains the emergency clause.

The Tax Equalization and Review Commission estimates the following fiscal impact:

- The filing fee increase will generate an additional \$45,100, based on an average of 1,804 filings.
- Removal of the authority to grant refunds in certain situations is estimate at a reduction in expenditures of \$750.
- Posting notice on the Secretary of State's web site will reduce expenditures by an estimated \$433.

The Department of Revenue indicates no fiscal impact as a result of LB 363.

The Secretary of State indicates no fiscal impact as a result of LB 363.

There is no basis to disagree with the Tax Equalization and Review Commission's, the Department of Revenue's or the Secretary of State's estimate of fiscal impact.

### DEPARTMENT OF ADMINISTRATIVE SERVICES

REVIEWED BY	Lyn Heaton	DATE	2/16/11	PHONE	471-2526
COMMENTS					
TAX EQUALIZATION AND REVIEW COMMISSION: Based on the figures offered by the agency, the average of the refunds over the past 5 years is \$677. Other than that, the agency calculations appear reasonable. The additional cash fund revenue could be made available to reduce the General Fund appropriation to the Commission.					





