

LEGISLATIVE BILL 1101

Approved by the Governor April 10, 2012

Introduced by Wightman, 36; Sullivan, 41.

FOR AN ACT relating to revenue and taxation; to amend section 77-1340, Reissue Revised Statutes of Nebraska; to change a provision relating to county assessors; to provide operative dates; to repeal the original section; to outright repeal section 77-1340, Reissue Revised Statutes of Nebraska, as amended by this legislative bill; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 77-1340, Reissue Revised Statutes of Nebraska, is amended to read:

77-1340 (1) The county board of a county may, by resolution, request the Property Tax Administrator to assume the duties, responsibilities, and authority of the county assessor and to perform the same in and for the county. Such a resolution must be adopted on or before October 31, 2006, and every other year thereafter.

(2) If the Property Tax Administrator finds that direct state performance of the duties, responsibilities, and authority of the county assessor will be either (a) necessary or desirable for the economic and efficient performance thereof or (b) necessary or desirable for improving the quality of assessment in the state, he or she may recommend assumption of such duties, responsibilities, and authority. The Tax Commissioner shall decide whether to recommend assumption and deliver such recommendation to the Governor and the Legislature by December 15, 2006, and every other year thereafter.

(3) The Tax Commissioner may recommend assuming the duties, responsibilities, and authority of the county assessor or reject assuming such duties, responsibilities, and authority. If the Tax Commissioner rejects the request, the assessment function shall not be transferred and the county may make another request.

(4) Upon a recommendation by the Tax Commissioner that the assumption of the assessment function should be undertaken according to the criteria in subsection (2) of this section, the Tax Commissioner shall request from the Legislature a sufficient appropriation in the next regular session of the Legislature following the recommendation to assume the assessment function. If the appropriation is not made, the Tax Commissioner shall notify the county on or before July 1 that the assessment function will not be undertaken. If a sufficient appropriation is made, the Tax Commissioner shall notify the county on or before July 1 that the assessment function will be undertaken beginning the next following July 1.

(5) If the Tax Commissioner recommends assumption of the assessment function and the Legislature makes an appropriation which the Tax Commissioner determines is sufficient to undertake the assumption, then commencing on the second July 1 after the adoption of the resolution by the county board, (a) the Property Tax Administrator shall undertake and perform the assessment function and all other duties and functions of the county assessor's office, including appraisal and reappraisal, (b) the office and functions of the county assessor shall be suspended, and (c) the performance of the assessment function by the Property Tax Administrator shall be deemed performance by the county assessor. Upon the assumption of the assessment function by the Property Tax Administrator, the term of office of the incumbent county assessor shall terminate and the county need no longer elect a county assessor pursuant to section 32-519. At that time, the county assessor and the employees of the county assessor's office shall become state employees with the status of newly hired employees except as provided in section 77-1340.02. No transferred county assessor or employee shall incur a loss of income or the right to participate in state-sponsored benefits as a result of becoming a state employee with the status of a newly hired employee pursuant to this section.

(6) Beginning July 1, 2010, the Property Tax Administrator shall bill each county for which the Property Tax Administrator has assumed the assessment function under this section for the services rendered on a quarterly basis. Beginning July 1, 2010, through June 30, 2011, the Property Tax Administrator shall bill twenty-five percent of the cost of the services rendered; beginning July 1, 2011, through June 30, 2012, the Property Tax Administrator shall bill fifty percent of the cost of the services rendered; and beginning July 1, 2012, through June 30, 2013, the Property

Tax Administrator shall bill seventy-five percent of the cost of the services rendered. Reimbursements to the Department of Revenue shall be credited to the Department of Revenue Property Assessment Division Cash Fund.

(7) The county board of a county may, by resolution, reassume the assessment function prior to November 1, 2009, for fiscal year 2010-11, prior to September 1, 2010, for fiscal year 2011-12, and prior to September 1, 2011, for fiscal year 2012-13. The county board shall appoint an individual with a valid assessor's certificate to the position of county assessor. The appointment shall be effective July 1 of the year following the adoption of the resolution. On July 1 of such year, the appointed county assessor shall assume the title and perform the assessment functions and any other duties mandated of the office of county assessor. The appointed assessor shall continue to perform the county assessor's duties until an assessor is elected, ~~at the next election.~~ At the close of business on June 30 of the year following the adoption of the resolution, the Property Tax Administrator shall cease his or her performance of the county assessment function. The Property Tax Administrator shall at that time transfer all books, files, and similar records with regard to the county assessment function of the county and all furniture, computers, and other equipment and property used by the state to perform the county assessment function, other than motor vehicles, to the county assessor. All contracts of the Department of Revenue pertaining to the operation of the county assessment function shall be assumed by the county until the expiration of the contract. On July 1 of the year following the adoption of the resolution, the employees of the Department of Revenue involved in the performance of the county assessment function in that county shall become county employees by operation of law.

Sec. 2. Sections 1, 2, 3, and 5 of this act become operative on their effective date. The other section of this act becomes operative on July 1, 2013.

Sec. 3. Original section 77-1340, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 4. The following section is outright repealed: Section 77-1340, Reissue Revised Statutes of Nebraska, as amended by this legislative bill.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.