

**One Hundred Second Legislature
Second Session
Legislation Passed in 2012**

LB 536. Creates the Uniform Real Property Transfer on Death Act. Approved by the governor on April 5, 2012. Operative date is January 1, 2013.

Section. 29. Amends Neb. Rev. Stat. § 76-214(1) to possibly require changes to the Real Estate Transfer Statement (Form 521) if a death certificate is recorded with the Register of Deeds. The Real Estate Transfer Statement may require the date of death, name of the decedent, whether the title is affected as a result of a death deed, a joint tenancy deed, the expiration of a life estate or by any other means.

Amends Neb. Rev. Stat. § 76-214(2) to require the Real Estate Transfer Statement (Form 521) to be filed at the time the grantor's death certificate is filed.

Also provides that the Real Estate Transfer Statement (Form 521) is not required to be filed at the time of filing a death deed or at the time of filing of revocation of a death deed.

Section 31. Requires that a death certificate be filed with the Register of Deeds when a transfer of real estate is the result of the death of a transferor on a death deed or the death of a surviving joint tenant of the transferor, a joint tenancy deed due to the death of a joint tenant, or the expiration of a life estate.

Section 35. Amends Neb. Rev. Stat. § 76-902 to provide additional exemptions of the documentary stamp tax. Exempts deeds between ex-spouses that convey any rights to property acquired or held during the marriage. Also exempts death deeds and the revocation of a death deed. Exempts certified or authenticated death certificates pertaining to death deeds.

LB 727. This is the Department's clean up legislation. Provides that the Department is not required to use accountable mail when contacting documentary stamp and property taxpayers and owners. Approved by the governor on April 11, 2012. Contains the emergency clause and affected sections become operative on their effective date.

Section 27. Amends Neb. Rev. Stat. § 76-908 to remove the certified mail requirement from the Tax Commissioner to the Register of Deeds and taxpayer of his or her decision for a refund claim on documentary stamp tax.

Sections 30. Amends Neb. Rev. Stat. §§ 77-612 and 77-802 to remove the certified mail requirement from the Property Tax Administrator to railroads and public service entities regarding their allocated taxable value of the operating property.

LB 750. Defines a farm home site. Approved by the governor on April 10, 2012. Operative date is July 19, 2012.

Section 1. Amends Neb. Rev. Stat. § 77-1359(3) to define farm home site as land contiguous to a farm site which includes an inhabitable residence and improvements used for residential purposes and which is located outside of urban areas or outside a platted and zoned subdivision.

Section 2. Amends Neb. Rev. Stat. § 77-1371(3) to define that a premium may be paid when the proximity of the sold real property or tax consequences cause the buyer to pay more than actual value for agricultural or horticultural land.

LB 822. Removes language from the valuation notice sent to property owners on or before June 1. Approved by the governor on April 10, 2012. Operative date is July 19, 2012.

Section 1. Amends Neb. Rev. Stat. § 77-1315 to repeal the language which required the valuation change notice to state the average level of value for each class and subclass of real property.

LB 897. Requires the county assessor to complete the tax list and maintain a controlling account. Approved by the governor on April 10, 2012. Operative date is July 19, 2012.

Section 1. Amends Neb. Rev. Stat. § 77-1615 to require the county assessor to complete and transmit the tax lists to the county treasurer. Also the county assessors set up and maintain a controlling account which shall show the total tax assessed against which the county assessor shall record the monthly tax collections as shown by the records in the county treasurer's office.

LB 902. Provides that property being purchased through a lease-purchase agreement, financing lease or other time payment instrument is exempt from property taxes. Approved by the governor on April 5, 2012. Contains the emergency clause. Operative date is April 6, 2012.

Section 1. Amends Neb. Rev. Stat. § 77-202(1) to provide a property tax exemption to the state and its political subdivisions for property being purchased through a lease-purchase agreement, financing lease or other instruments which provide for a transfer of legal title to the property upon payment of all amounts due. If the property being purchased exceeds a threshold amount, the property must be voted on by the voters of the political subdivision.

Threshold amount means the greater of fifty thousand dollars or six-tenths of one percent of the total actual value of the real and personal property for the prior fiscal year, of the political subdivision that will eventually own the property.

LB 1080. Provides a tax exemption for personal property belonging to a data center when the personal property is to be used outside of this state. Approved by the governor on April 10, 2012. Becomes operative on January 1, 2013.

Section 1. Amends section 77-202 to provide a property tax exemption to data centers for personal property that is assembled, engineered, processed etc. for the purpose of subsequent use at a physical location outside this state.

Section 4. Data center means computers, supporting equipment, and other organized assembly of hardware or software that are designed to centralize the storage, management, or dissemination of data and information.

LB 1101. Provides that appointed assessors in reassumed state counties shall continue to perform the county assessor duties until an assessor is elected. Approved by the governor on April 10, 2012. Contains the emergency clause and becomes operative on the effective date.

Section 1. Amends Neb. Rev. Stat. § 77-1340 to provide that the county assessor appointed by the county board shall continue the duties of the county assessor until a county assessor is elected.

LB 1106. Provides that an assessment application must be filed when improvements on leased public lands change ownership. Approved by the governor on April 10, 2012. Operative date is July 19, 2012.

Section 1. Amends Neb. Rev. Stat. § 77-1374 to require that the owner of improvements on leased public lands file and sign an assessment application with the county assessor at the time a change of ownership occurs.