

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 939

Introduced by McDonnell, 5.

Read first time January 09, 2018

Committee:

1 A BILL FOR AN ACT relating to revenue and taxation; to amend sections
2 77-3502 and 77-3503, Reissue Revised Statutes of Nebraska, and
3 section 77-3506, Revised Statutes Cumulative Supplement, 2016; to
4 redefine terms; to provide a homestead exemption for certain
5 dwelling complexes located on military installations; to harmonize
6 provisions; and to repeal the original sections.

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

1 Section 1. Section 77-3502, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 77-3502 Homestead shall mean ~~either~~ (1) a residence or mobile home,
4 and the land surrounding it, not exceeding one acre, in this state
5 actually occupied as such by a natural person who is the owner of record
6 thereof from January 1 through August 15 in each year, (2) a residence or
7 mobile home located on land leased by the owner of the residence or
8 mobile home, which is located within this state, and is actually occupied
9 by the person who is the owner of record from January 1 through August 15
10 in each year, or so occupied by the surviving spouse and minor children,
11 if any, of such owner of record during the year of the owner's death, or
12 so much thereof as shall be so occupied, ~~or~~ (3) a residential unit in a
13 dwelling complex, the record title owner of which is a not-for-profit
14 corporation, when the purchase for fair market value of a life tenancy in
15 a taxable unit of the dwelling complex entitles the purchaser to
16 exclusive occupancy of that unit for life, actually occupied by a natural
17 person who has a life tenancy therein from January 1 through August 15 in
18 each year, or (4) a dwelling complex and any related amenities located on
19 a United States Department of Defense military installation in this state
20 if (a) the owner of record of the land upon which such installation is
21 situated is the United States Government or any instrumentality thereof,
22 (b) such complex and amenities are developed pursuant to a federal
23 military housing privatization initiative, and (c) such complex and
24 amenities are provided primarily for use by military personnel of the
25 United States and, as applicable, their families. For purposes of this
26 section, mobile home shall include every transportable or relocatable
27 device of any description without motive power and designed for living
28 quarters, whether or not permanently attached to real estate, but shall
29 not include a cabin trailer registered for operation upon the highways of
30 this state.

31 Sec. 2. Section 77-3503, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 77-3503 (1) Owner shall mean:

3 (a) The ~~the~~ owner of record or surviving spouse, the vendee in
4 possession under a land contract or surviving spouse, one of the joint
5 tenants or tenants in common or surviving spouse, or the beneficiary of a
6 trust of which the trustee is the record title owner and the beneficiary-
7 occupant (i) ~~(1)~~ has a specific right to occupy the premises as stated in
8 the trust instrument, (ii) ~~(2)~~ has the right to amend or revoke the trust
9 to obtain such power of occupancy or of title, or (iii) ~~(3)~~ has the power
10 to withdraw the homestead premises from the trust and place the record
11 title in such occupant's name;

12 (b) A ~~Owner shall also mean~~ a resident of a dwelling complex, the
13 record title owner of which is a not-for-profit corporation, who has by
14 purchase for fair market value secured a life tenancy in a taxable unit
15 of the complex; or

16 (c) A resident of a dwelling complex that constitutes a homestead as
17 defined in subdivision (4) of section 77-3502.

18 (2) In the case of an owner as defined in subdivision (1)(a) or (b)
19 of this section, the ~~The~~ deed, trust instrument, contract, or memorandum
20 showing that the criteria of this section have been met shall be on file
21 on the appropriate public record as of January 1 of the year for which
22 exemption is sought, except that if such instrument is not on file as of
23 January 1, a copy of such instrument shall be attached to such
24 application before the homestead exemption shall be granted.

25 Sec. 3. Section 77-3506, Revised Statutes Cumulative Supplement,
26 2016, is amended to read:

27 77-3506 ~~(1)~~ All homesteads in this state shall be assessed for
28 taxation the same as other property, except that:

29 (1)(a) There ~~there~~ shall be exempt from taxation, on any homestead
30 described in subdivision (1)(b) subsection ~~(2)~~ of this section, one
31 hundred percent of the exempt amount.

1 **(b) (2)** The exemption described in subdivision (1)(a) ~~subsection (1)~~
2 of this section shall apply to homesteads of:

3 **(i) (a)** A veteran who was discharged or otherwise separated with a
4 characterization of honorable or general (under honorable conditions),
5 who is drawing compensation from the United States Department of Veterans
6 Affairs because of one hundred percent service-connected disability, and
7 who is not eligible for total exemption under sections 77-3526 to
8 77-3528, an unremarried surviving spouse of such a veteran, or a
9 surviving spouse of such a veteran who remarries after attaining the age
10 of fifty-seven years;

11 **(ii) (b)** An unremarried surviving spouse of any veteran, including a
12 veteran other than a veteran described in section 80-401.01, who was
13 discharged or otherwise separated with a characterization of honorable or
14 general (under honorable conditions) and who died because of a service-
15 connected disability or a surviving spouse of such a veteran who
16 remarries after attaining the age of fifty-seven years; and

17 **(iii) (c)** An unremarried surviving spouse of a serviceman or
18 servicewoman, including a veteran other than a veteran described in
19 section 80-401.01, whose death while on active duty was service-connected
20 or a surviving spouse of such a serviceman or servicewoman who remarries
21 after attaining the age of fifty-seven years.

22 **(c) (3)** Application for exemption under subdivision (1) of this
23 section shall include certification of the status set forth in
24 subdivision (1)(b) ~~subsection (2)~~ of this section from the United States
25 Department of Veterans Affairs; and -

26 **(2)(a)** There shall be exempt from taxation, on any homestead as
27 defined in subdivision (4) of section 77-3502, one hundred percent of the
28 exempt amount, except that the amount exempted under this subdivision
29 shall be reduced by a percentage equal to the total number of residential
30 units within the applicable dwelling complex that are unoccupied or that
31 are not occupied by military personnel of the United States or their

1 families, divided by the total number of residential units within such
2 dwelling complex. The record title owner of the homestead shall calculate
3 such percentage as of January 1 of each year and shall provide the
4 percentage to the county assessor as part of the application filed
5 pursuant to section 77-3512 or the certification filed pursuant to
6 section 77-3514.

7 (b) The record title owner of any homestead receiving an exemption
8 pursuant to subdivision (2)(a) of this section shall be required to make
9 a payment in lieu of taxes in an amount equal to the amount of property
10 taxes that would be payable to school districts in this state if the
11 exemption provided in subdivision (2)(a) of this section did not apply.
12 Such payment shall be made to the county treasurer of the county in which
13 the relevant school district is located and thereafter shall be
14 distributed by the county treasurer to such school district.

15 Sec. 4. Original sections 77-3502 and 77-3503, Reissue Revised
16 Statutes of Nebraska, and section 77-3506, Revised Statutes Cumulative
17 Supplement, 2016, are repealed.