

E AND R AMENDMENTS TO LB 243

Introduced by Ballard, 21, Chairman Enrollment and Review

1           1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:

3           Section 1. Sections 1 to 8 of this act shall be known and may be  
4 cited as the School District Property Tax Limitation Act.

5           Sec. 2. For purposes of the School District Property Tax Limitation  
6 Act, unless the context otherwise requires:

7           (1) Approved bonds means (a) bonds that are issued by a school  
8 district after the question of issuing such bonds has been approved by  
9 the voters of such school district and (b) bonds that are issued by a  
10 school district pursuant to section 79-10,110, 79-10,110.01, or  
11 79-10,110.02;

12           (2) Average daily membership has the same meaning as in section  
13 79-1003;

14           (3) Base growth percentage means the sum of:

15           (a) Three percent;

16           (b) The annual percentage increase in the student enrollment of the  
17 school district multiplied by:

18           (i) Seven-tenths if the school district's student enrollment has  
19 grown by an average of three percent over the preceding three years; or

20           (ii) Four-tenths if subdivision (3)(b)(i) of this section does not  
21 apply;

22           (c) The percentage obtained by first dividing the annual increase in  
23 the total number of limited English proficiency students in the school  
24 district by the student enrollment of the school district and then  
25 multiplying the quotient by fifteen hundredths; and

26           (d) The percentage obtained by first dividing the annual increase in  
27 the total number of poverty students in the school district by the

1 student enrollment of the school district and then multiplying the  
2 quotient by fifteen hundredths;

3 (4) Department means the State Department of Education;

4 (5) Non-property-tax revenue means revenue of a school district from  
5 all state and local sources other than real and personal property taxes.  
6 Non-property-tax revenue does not include grants, donations, or bonds;

7 (6) Property tax request means the total amount of property taxes  
8 requested to be raised for a school district through the levy imposed  
9 pursuant to section 77-1601;

10 (7) Property tax request authority means the amount that may be  
11 included in a property tax request as determined pursuant to the School  
12 District Property Tax Limitation Act;

13 (8) School board has the same meaning as in section 79-101;

14 (9) School district has the same meaning as in section 79-101; and

15 (10) Student enrollment means the total number of students in the  
16 school district according to the fall school district membership report  
17 described in subsection (4) of section 79-528.

18 Sec. 3. (1) Except as provided in sections 4 and 5 of this act, a  
19 school district's property tax request for any year shall not exceed the  
20 school district's property tax request authority.

21 (2) The department shall calculate each school district's property  
22 tax request authority on an annual basis as follows:

23 (a) The school district's property tax request from the prior year  
24 shall be added to the non-property-tax revenue from the prior year, and  
25 the total shall be increased by the school district's base growth  
26 percentage; and

27 (b) The amount determined under subdivision (2)(a) of this section  
28 shall then be decreased by the amount of total non-property-tax revenue  
29 for the current year. In determining the total non-property-tax revenue  
30 for the current year, any category of non-property-tax revenue for which  
31 there is insufficient data as of August 1 to make an accurate

1 determination shall be deemed to be equal to the prior year's amount.

2 (3) The department shall certify the amount determined for each  
3 school district under this section to the school board of such school  
4 district. Such certified amount shall be the school district's property  
5 tax request authority.

6 Sec. 4. The School District Property Tax Limitation Act shall not  
7 apply to that portion of a school district's property tax request that is  
8 needed to pay the principal and interest on approved bonds.

9 Sec. 5. (1) A school district's property tax request may exceed its  
10 property tax request authority by an amount approved by a sixty percent  
11 majority of legal voters voting on the issue at a special election called  
12 for such purpose upon the recommendation of the school board of such  
13 school district or upon the receipt by the county clerk or election  
14 commissioner of a petition requesting an election signed by at least five  
15 percent of the legal voters of the school district. The recommendation of  
16 the school board or the petition of the legal voters shall include the  
17 amount by which the school board would increase its property tax request  
18 for the year over and above the property tax request authority of such  
19 school district. The county clerk or election commissioner shall call for  
20 a special election on the issue within thirty days after the receipt of  
21 such school board recommendation or legal voter petition. The election  
22 shall be held pursuant to the Election Act, and all costs shall be paid  
23 by the school district.

24 (2)(a) A school district may increase the base growth percentage  
25 used to determine its property tax request authority under section 3 of  
26 this act by a percentage approved by an affirmative vote of at least  
27 seventy percent of the school board of such school district. The maximum  
28 base growth percentage that may be approved under this subsection shall  
29 be:

30 (i) The base growth percentage that would otherwise be applicable  
31 plus an additional seven percent for school districts with an average

1 daily membership of no more than four hundred seventy-one students;

2 (ii) The base growth percentage that would otherwise be applicable  
3 plus an additional six percent for school districts with an average daily  
4 membership of more than four hundred seventy-one students but no more  
5 than three thousand forty-four students;

6 (iii) The base growth percentage that would otherwise be applicable  
7 plus an additional five percent for school districts with an average  
8 daily membership of more than three thousand forty-four students but no  
9 more than ten thousand students; or

10 (iv) The base growth percentage that would otherwise be applicable  
11 plus an additional four percent for school districts with an average  
12 daily membership of more than ten thousand students.

13 (b) Before a school board votes to increase a school district's base  
14 growth percentage under this subsection, the school board shall publish  
15 notice of the upcoming vote in a legal newspaper of general circulation  
16 in the school district. Such publication shall occur at least one week  
17 prior to the public meeting at which the vote will be taken.

18 (3) A school district's property tax request may exceed its property  
19 tax request authority pursuant to any property tax authority approved by  
20 the voters at a levy override election under section 77-3444 held prior  
21 to January 1, 2024.

22 Sec. 6. A school district may choose not to increase its property  
23 tax request by the full amount allowed by the school district's property  
24 tax request authority in a particular year. In such cases, the school  
25 district may carry forward to future years the amount of unused property  
26 tax request authority. The department shall calculate each school  
27 district's unused property tax request authority and shall submit an  
28 accounting of such amount to the school board of the school district.  
29 Such unused property tax request authority may then be used in later  
30 years for increases in the school district's property tax request.

31 Sec. 7. The department shall prepare documents to be submitted by

1 school districts to aid the department in calculating each school  
2 district's property tax request authority and unused property tax request  
3 authority. Each school district shall submit such documents to the  
4 department on or before September 20 of each year. If a school district  
5 fails to submit such documents to the department or if the department  
6 determines from such documents that a school district is not complying  
7 with the limits provided in the School District Property Tax Limitation  
8 Act, the department shall notify the school district of its  
9 determination. The Commissioner of Education shall then direct that any  
10 state aid granted pursuant to the Tax Equity and Educational  
11 Opportunities Support Act be withheld until such time as the school  
12 district submits the required documents or complies with the School  
13 District Property Tax Limitation Act. The state aid shall be held for six  
14 months. If the school district complies within the six-month period, it  
15 shall receive the suspended state aid. If the school district fails to  
16 comply within the six-month period, the suspended state aid shall revert  
17 to the General Fund.

18       Sec. 8. The department may adopt and promulgate rules and  
19 regulations to carry out the School District Property Tax Limitation Act.

20       Sec. 9. Section 77-1632, Revised Statutes Cumulative Supplement,  
21 2022, is amended to read:

22       77-1632 (1) If the annual assessment of property would result in an  
23 increase in the total property taxes levied by a county, city, village,  
24 school district, learning community, sanitary and improvement district,  
25 natural resources district, educational service unit, or community  
26 college, as determined using the previous year's rate of levy, such  
27 political subdivision's property tax request for the current year shall  
28 be no more than its property tax request in the prior year, and the  
29 political subdivision's rate of levy for the current year shall be  
30 decreased accordingly when such rate is set by the county board of  
31 equalization pursuant to section 77-1601. The governing body of the

1 political subdivision shall pass a resolution or ordinance to set the  
2 amount of its property tax request after holding the public hearing  
3 required in subsection (3) of this section. If the governing body of a  
4 political subdivision seeks to set its property tax request at an amount  
5 that exceeds its property tax request in the prior year, it may do so to  
6 the extent allowed by law after holding the public hearing required in  
7 subsection (3) of this section and by passing a resolution or ordinance  
8 that complies with subsection (4) of this section. If any county, city,  
9 school district, or community college seeks to increase its property tax  
10 request by more than the allowable growth percentage, such political  
11 subdivision shall comply with the requirements of section 77-1633 in lieu  
12 of the requirements in subsections (3) and (4) of this section.

13 (2) If the annual assessment of property would result in no change  
14 or a decrease in the total property taxes levied by a county, city,  
15 village, school district, learning community, sanitary and improvement  
16 district, natural resources district, educational service unit, or  
17 community college, as determined using the previous year's rate of levy,  
18 such political subdivision's property tax request for the current year  
19 shall be no more than its property tax request in the prior year, and the  
20 political subdivision's rate of levy for the current year shall be  
21 adjusted accordingly when such rate is set by the county board of  
22 equalization pursuant to section 77-1601. The governing body of the  
23 political subdivision shall pass a resolution or ordinance to set the  
24 amount of its property tax request after holding the public hearing  
25 required in subsection (3) of this section. If the governing body of a  
26 political subdivision seeks to set its property tax request at an amount  
27 that exceeds its property tax request in the prior year, it may do so to  
28 the extent allowed by law after holding the public hearing required in  
29 subsection (3) of this section and by passing a resolution or ordinance  
30 that complies with subsection (4) of this section. If any county, city,  
31 school district, or community college seeks to increase its property tax

1 request by more than the allowable growth percentage, such political  
2 subdivision shall comply with the requirements of section 77-1633 in lieu  
3 of the requirements in subsections (3) and (4) of this section.

4 (3) The resolution or ordinance required under this section shall  
5 only be passed after a special public hearing called for such purpose is  
6 held and after notice is published in a newspaper of general circulation  
7 in the area of the political subdivision at least four calendar days  
8 prior to the hearing. For purposes of such notice, the four calendar days  
9 shall include the day of publication but not the day of hearing. If the  
10 political subdivision's total operating budget, not including reserves,  
11 does not exceed ten thousand dollars per year or twenty thousand dollars  
12 per biennial period, the notice may be posted at the governing body's  
13 principal headquarters. The hearing notice shall contain the following  
14 information: The certified taxable valuation under section 13-509 for the  
15 prior year, the certified taxable valuation under section 13-509 for the  
16 current year, and the percentage increase or decrease in such valuations  
17 from the prior year to the current year; the dollar amount of the prior  
18 year's tax request and the property tax rate that was necessary to fund  
19 that tax request; the property tax rate that would be necessary to fund  
20 last year's tax request if applied to the current year's valuation; the  
21 proposed dollar amount of the tax request for the current year and the  
22 property tax rate that will be necessary to fund that tax request; the  
23 percentage increase or decrease in the property tax rate from the prior  
24 year to the current year; and the percentage increase or decrease in the  
25 total operating budget from the prior year to the current year.

26 (4) Any resolution or ordinance setting a political subdivision's  
27 property tax request under this section at an amount that exceeds the  
28 political subdivision's property tax request in the prior year shall  
29 include, but not be limited to, the following information:

30 (a) The name of the political subdivision;

31 (b) The amount of the property tax request;

1 (c) The following statements:

2 (i) The total assessed value of property differs from last year's  
3 total assessed value by ..... percent;

4 (ii) The tax rate which would levy the same amount of property taxes  
5 as last year, when multiplied by the new total assessed value of  
6 property, would be \$..... per \$100 of assessed value;

7 (iii) The (name of political subdivision) proposes to adopt a  
8 property tax request that will cause its tax rate to be \$..... per \$100  
9 of assessed value; and

10 (iv) Based on the proposed property tax request and changes in other  
11 revenue, the total operating budget of (name of political subdivision)  
12 will (increase or decrease) last year's budget by ..... percent; and

13 (d) The record vote of the governing body in passing such resolution  
14 or ordinance.

15 (5) Any resolution or ordinance setting a property tax request under  
16 this section shall be certified and forwarded to the county clerk on or  
17 before October 15 of the year for which the tax request is to apply.

18 Sec. 10. Section 77-1633, Revised Statutes Cumulative Supplement,  
19 2022, is amended to read:

20 77-1633 (1) For purposes of this section, political subdivision  
21 means any county, city, school district, or community college.

22 (2) If any political subdivision seeks to increase its property tax  
23 request by more than the allowable growth percentage, such political  
24 subdivision may do so to the extent allowed by law if:

25 (a) A public hearing is held and notice of such hearing is provided  
26 in compliance with subsection (3) of this section; and

27 (b) The governing body of such political subdivision passes a  
28 resolution or an ordinance that complies with subsection (4) of this  
29 section.

30 (3)(a) Each political subdivision within a county that seeks to  
31 increase its property tax request by more than the allowable growth



1 percentage shall participate in a joint public hearing. Each such  
2 political subdivision shall designate one representative to attend the  
3 joint public hearing on behalf of the political subdivision. If a  
4 political subdivision includes area in more than one county, the  
5 political subdivision shall be deemed to be within the county in which  
6 the political subdivision's principal headquarters are located. At such  
7 hearing, there shall be no items on the agenda other than discussion on  
8 each political subdivision's intent to increase its property tax request  
9 by more than the allowable growth percentage.

10 (b) The joint public hearing shall be held on or after September 17  
11 and prior to September 29 and before any of the participating political  
12 subdivisions file their adopted budget statement pursuant to section  
13 13-508.

14 (c) The joint public hearing shall be held after 6 p.m. local time  
15 on the relevant date.

16 (d) The joint public hearing shall be organized by the county clerk  
17 or his or her designee. At the joint public hearing, the representative  
18 of each political subdivision shall give a brief presentation on the  
19 political subdivision's intent to increase its property tax request by  
20 more than the allowable growth percentage and the effect of such request  
21 on the political subdivision's budget. The presentation shall include:

22 (i) The name of the political subdivision;

23 (ii) The amount of the property tax request; and

24 (iii) The following statements:

25 (A) The total assessed value of property differs from last year's  
26 total assessed value by ..... percent;

27 (B) The tax rate which would levy the same amount of property taxes  
28 as last year, when multiplied by the new total assessed value of  
29 property, would be \$..... per \$100 of assessed value;

30 (C) The (name of political subdivision) proposes to adopt a property  
31 tax request that will cause its tax rate to be \$..... per \$100 of

1 assessed value;

2 (D) Based on the proposed property tax request and changes in other  
3 revenue, the total operating budget of (name of political subdivision)  
4 will exceed last year's by ..... percent; and

5 (E) To obtain more information regarding the increase in the  
6 property tax request, citizens may contact the (name of political  
7 subdivision) at (telephone number and email address of political  
8 subdivision).

9 (e) Any member of the public shall be allowed to speak at the joint  
10 public hearing and shall be given a reasonable amount of time to do so.

11 (f) Notice of the joint public hearing shall be provided:

12 (i) By sending a postcard to all affected property taxpayers. The  
13 postcard shall be sent to the name and address to which the property tax  
14 statement is mailed;

15 (ii) By posting notice of the hearing on the home page of the  
16 relevant county's website, except that this requirement shall only apply  
17 if the county has a population of more than twenty-five thousand  
18 inhabitants; and

19 (iii) By publishing notice of the hearing in a legal newspaper in or  
20 of general circulation in the relevant county.

21 (g) Each political subdivision that participates in the joint public  
22 hearing shall send the information prescribed in subdivision (3)(h) of  
23 this section to the county clerk by September 5. The county clerk shall  
24 transmit the information to the county assessor no later than September  
25 10. The county clerk shall notify each participating political  
26 subdivision of the date, time, and location of the joint public hearing.  
27 The county assessor shall send the information required to be included on  
28 the postcards pursuant to subdivision (3)(h) of this section to a  
29 printing service designated by the county board. The initial cost for  
30 printing the postcards shall be paid from the county general fund. Such  
31 postcards shall be mailed at least seven calendar days before the joint

1 public hearing. The cost of creating and mailing the postcards, including  
2 staff time, materials, and postage, shall be charged proportionately to  
3 the political subdivisions participating in the joint public hearing  
4 based on the total number of parcels in each participating political  
5 subdivision.

6 (h) The postcard sent under this subsection and the notice posted on  
7 the county's website, if required under subdivision (3)(f)(ii) of this  
8 section, and published in the newspaper shall include the date, time, and  
9 location for the joint public hearing, a listing of and telephone number  
10 for each political subdivision that will be participating in the joint  
11 public hearing, and the amount of each participating political  
12 subdivision's property tax request. The postcard shall also contain the  
13 following information:

14 (i) The following words in capitalized type at the top of the  
15 postcard: NOTICE OF PROPOSED TAX INCREASE;

16 (ii) The name of the county that will hold the joint public hearing,  
17 which shall appear directly underneath the capitalized words described in  
18 subdivision (3)(h)(i) of this section;

19 (iii) The following statement: The following political subdivisions  
20 are proposing a revenue increase which would result in an overall  
21 increase in property taxes in (insert current tax year). THE ACTUAL TAX  
22 ON YOUR PROPERTY MAY INCREASE OR DECREASE. This notice contains estimates  
23 of the tax on your property as a result of this revenue increase. These  
24 estimates are calculated on the basis of the proposed (insert current tax  
25 year) data. The actual tax on your property may vary from these  
26 estimates.

27 (iv) The parcel number for the property;

28 (v) The name of the property owner and the address of the property;

29 (vi) The property's assessed value in the previous tax year;

30 (vii) The amount of property taxes due in the previous tax year for  
31 each participating political subdivision;

1 (viii) The property's assessed value for the current tax year;

2 (ix) The amount of property taxes due for the current tax year for  
3 each participating political subdivision;

4 (x) The change in the amount of property taxes due for each  
5 participating political subdivision from the previous tax year to the  
6 current tax year; and

7 (xi) The following statement: To obtain more information regarding  
8 the tax increase, citizens may contact the political subdivision at the  
9 telephone number provided in this notice.

10 (4) After the joint public hearing required in subsection (3) of  
11 this section, the governing body of each participating political  
12 subdivision shall pass an ordinance or resolution to set such political  
13 subdivision's property tax request. If the political subdivision is  
14 increasing its property tax request over the amount from the prior year,  
15 including any increase in excess of the allowable growth percentage, then  
16 such ordinance or resolution shall include, but not be limited to, the  
17 following information:

18 (a) The name of the political subdivision;

19 (b) The amount of the property tax request;

20 (c) The following statements:

21 (i) The total assessed value of property differs from last year's  
22 total assessed value by ..... percent;

23 (ii) The tax rate which would levy the same amount of property taxes  
24 as last year, when multiplied by the new total assessed value of  
25 property, would be \$..... per \$100 of assessed value;

26 (iii) The (name of political subdivision) proposes to adopt a  
27 property tax request that will cause its tax rate to be \$..... per \$100  
28 of assessed value; and

29 (iv) Based on the proposed property tax request and changes in other  
30 revenue, the total operating budget of (name of political subdivision)  
31 will exceed last year's by ..... percent; and

1 (d) The record vote of the governing body in passing such resolution  
2 or ordinance.

3 (5) Any resolution or ordinance setting a property tax request under  
4 this section shall be certified and forwarded to the county clerk on or  
5 before October 15 of the year for which the tax request is to apply.

6 (6) The county clerk, or his or her designee, shall prepare a report  
7 which shall include (a) the names of the representatives of the political  
8 subdivisions participating in the joint public hearing and (b) the name  
9 and address of each individual who spoke at the joint public hearing,  
10 unless the address requirement is waived to protect the security of the  
11 individual, and the name of any organization represented by each such  
12 individual. Such report shall be delivered to the political subdivisions  
13 participating in the joint public hearing within ten days after such  
14 hearing.

15 Sec. 11. Section 77-1736.06, Revised Statutes Cumulative Supplement,  
16 2022, is amended to read:

17 77-1736.06 The following procedure shall apply when making a  
18 property tax refund:

19 (1) Within thirty days of the entry of a final nonappealable order,  
20 an unprotested determination of a county assessor, an unappealed decision  
21 of a county board of equalization, or other final action requiring a  
22 refund of real or personal property taxes paid or, for property valued by  
23 the state, within thirty days of a recertification of value by the  
24 Property Tax Administrator pursuant to section 77-1775 or 77-1775.01, the  
25 county assessor shall determine the amount of refund due the person  
26 entitled to the refund, certify that amount to the county treasurer, and  
27 send a copy of such certification to the person entitled to the refund.  
28 Within thirty days from the date the county assessor certifies the amount  
29 of the refund, the county treasurer shall notify each political  
30 subdivision, including any school district receiving a distribution  
31 pursuant to section 79-1073 and any land bank receiving real property

1 taxes pursuant to subdivision (3)(a) of section 18-3411, of its  
2 respective share of the refund, except that for any political subdivision  
3 whose share of the refund is two hundred dollars or less, the county  
4 board may waive this notice requirement. Notification shall be by first-  
5 class mail, postage prepaid, to the last-known address of record of the  
6 political subdivision. The county treasurer shall pay the refund from  
7 funds in his or her possession belonging to any political subdivision,  
8 including any school district receiving a distribution pursuant to  
9 section 79-1073 and any land bank receiving real property taxes pursuant  
10 to subdivision (3)(a) of section 18-3411, which received any part of the  
11 tax or penalty being refunded. If sufficient funds are not available, the  
12 county treasurer shall register the refund or portion thereof which  
13 remains unpaid as a claim against such political subdivision and shall  
14 issue the person entitled to the refund a receipt for the registration of  
15 the claim;

16 (2) The refund of a tax or penalty or the receipt for the  
17 registration of a claim made or issued pursuant to this section shall be  
18 satisfied in full as soon as practicable. If a receipt for the  
19 registration of a claim is given:

20 (a) The governing body of the political subdivision shall make  
21 provisions in its next budget for the amount of such claim; or

22 (b) If mutually agreed to by the governing body of the political  
23 subdivision and the person holding the receipt, such receipt shall be  
24 applied to satisfy any tax levied or assessed by that political  
25 subdivision which becomes due from the person holding the receipt until  
26 the claim is satisfied in full;

27 (3) The county treasurer shall mail the refund or the receipt by  
28 first-class mail, postage prepaid, to the last-known address of the  
29 person entitled thereto. Multiple refunds to the same person may be  
30 combined into one refund. If a refund is not claimed by June 1 of the  
31 year following the year of mailing, the refund shall be canceled and the

1 resultant amount credited to the various funds originally charged;

2 (4) When the refund involves property valued by the state, the Tax  
3 Commissioner shall be authorized to negotiate a settlement of the amount  
4 of the refund or claim due pursuant to this section on behalf of the  
5 political subdivision from which such refund or claim is due. Any  
6 political subdivision which does not agree with the settlement terms as  
7 negotiated may reject such terms, and the refund or claim due from the  
8 political subdivision then shall be satisfied as set forth in this  
9 section as if no such negotiation had occurred;

10 (5) In the event that the Legislature appropriates state funds to be  
11 disbursed for the purposes of satisfying all or any portion of any refund  
12 or claim, the Tax Commissioner shall order the county treasurer to  
13 disburse such refund amounts directly to the persons entitled to the  
14 refund in partial or total satisfaction of such persons' claims. The  
15 county treasurer shall disburse such amounts within forty-five days after  
16 receipt thereof;

17 (6) If all or any portion of the refund is reduced by way of  
18 settlement or forgiveness by the person entitled to the refund, the  
19 proportionate amount of the refund that was paid by an appropriation of  
20 state funds shall be reimbursed by the county treasurer to the State  
21 Treasurer within forty-five days after receipt of the settlement  
22 agreement or receipt of the forgiven refund. The amount so reimbursed  
23 shall be credited to the General Fund; and

24 (7) For any refund or claim due under this section, interest shall  
25 accrue on the unpaid balance at the rate of fourteen ~~nine~~ percent  
26 beginning thirty days after the date the county assessor certifies the  
27 amount of refund based upon the final nonappealable order or other action  
28 approving the refund.

29 Sec. 12. Section 77-3442, Revised Statutes Cumulative Supplement,  
30 2022, is amended to read:

31 77-3442 (1) Property tax levies for the support of local governments

1 for fiscal years beginning on or after July 1, 1998, shall be limited to  
2 the amounts set forth in this section except as provided in section  
3 77-3444.

4 (2)(a) Except as provided in subdivisions (2)(b) and (2)(e) of this  
5 section, school districts and multiple-district school systems may levy a  
6 maximum levy of one dollar and five cents per one hundred dollars of  
7 taxable valuation of property subject to the levy.

8 (b) For each fiscal year prior to fiscal year 2017-18, learning  
9 communities may levy a maximum levy for the general fund budgets of  
10 member school districts of ninety-five cents per one hundred dollars of  
11 taxable valuation of property subject to the levy. The proceeds from the  
12 levy pursuant to this subdivision shall be distributed pursuant to  
13 section 79-1073.

14 (c) Except as provided in subdivision (2)(e) of this section, for  
15 each fiscal year prior to fiscal year 2017-18, school districts that are  
16 members of learning communities may levy for purposes of such districts'  
17 general fund budget and special building funds a maximum combined levy of  
18 the difference of one dollar and five cents on each one hundred dollars  
19 of taxable property subject to the levy minus the learning community levy  
20 pursuant to subdivision (2)(b) of this section for such learning  
21 community.

22 (d) Excluded from the limitations in subdivisions (2)(a) and (2)(c)  
23 of this section are (i) amounts levied to pay for current and future sums  
24 agreed to be paid by a school district to certificated employees in  
25 exchange for a voluntary termination of employment occurring prior to  
26 September 1, 2017, (ii) amounts levied by a school district otherwise at  
27 the maximum levy pursuant to subdivision (2)(a) of this section to pay  
28 for current and future qualified voluntary termination incentives for  
29 certificated teachers pursuant to subsection (3) of section 79-8,142 that  
30 are not otherwise included in an exclusion pursuant to subdivision (2)(d)  
31 of this section, (iii) amounts levied by a school district otherwise at



1 the maximum levy pursuant to subdivision (2)(a) of this section to pay  
2 for seventy-five percent of the current and future sums agreed to be paid  
3 to certificated employees in exchange for a voluntary termination of  
4 employment occurring between September 1, 2017, and August 31, 2018, as a  
5 result of a collective-bargaining agreement in force and effect on  
6 September 1, 2017, that are not otherwise included in an exclusion  
7 pursuant to subdivision (2)(d) of this section, (iv) amounts levied by a  
8 school district otherwise at the maximum levy pursuant to subdivision (2)  
9 (a) of this section to pay for fifty percent of the current and future  
10 sums agreed to be paid to certificated employees in exchange for a  
11 voluntary termination of employment occurring between September 1, 2018,  
12 and August 31, 2019, as a result of a collective-bargaining agreement in  
13 force and effect on September 1, 2017, that are not otherwise included in  
14 an exclusion pursuant to subdivision (2)(d) of this section, (v) amounts  
15 levied by a school district otherwise at the maximum levy pursuant to  
16 subdivision (2)(a) of this section to pay for twenty-five percent of the  
17 current and future sums agreed to be paid to certificated employees in  
18 exchange for a voluntary termination of employment occurring between  
19 September 1, 2019, and August 31, 2020, as a result of a collective-  
20 bargaining agreement in force and effect on September 1, 2017, that are  
21 not otherwise included in an exclusion pursuant to subdivision (2)(d) of  
22 this section, (vi) amounts levied in compliance with sections 79-10,110  
23 and 79-10,110.02, and (vii) amounts levied to pay for special building  
24 funds and sinking funds established for projects commenced prior to April  
25 1, 1996, for construction, expansion, or alteration of school district  
26 buildings. For purposes of this subsection, commenced means any action  
27 taken by the school board on the record which commits the board to expend  
28 district funds in planning, constructing, or carrying out the project.

29 (e) Federal aid school districts may exceed the maximum levy  
30 prescribed by subdivision (2)(a) or (2)(c) of this section only to the  
31 extent necessary to qualify to receive federal aid pursuant to Title VIII

1 of Public Law 103-382, as such title existed on September 1, 2001. For  
2 purposes of this subdivision, federal aid school district means any  
3 school district which receives ten percent or more of the revenue for its  
4 general fund budget from federal government sources pursuant to Title  
5 VIII of Public Law 103-382, as such title existed on September 1, 2001.

6 (f) For each fiscal year, learning communities may levy a maximum  
7 levy of one-half cent on each one hundred dollars of taxable property  
8 subject to the levy for elementary learning center facility leases, for  
9 remodeling of leased elementary learning center facilities, and for up to  
10 fifty percent of the estimated cost for focus school or program capital  
11 projects approved by the learning community coordinating council pursuant  
12 to section 79-2111.

13 (g) For each fiscal year, learning communities may levy a maximum  
14 levy of one and one-half cents on each one hundred dollars of taxable  
15 property subject to the levy for early childhood education programs for  
16 children in poverty, for elementary learning center employees, for  
17 contracts with other entities or individuals who are not employees of the  
18 learning community for elementary learning center programs and services,  
19 and for pilot projects, except that no more than ten percent of such levy  
20 may be used for elementary learning center employees.

21 (3) For each fiscal year through fiscal year 2023-24, community  
22 college areas may levy the levies provided in subdivisions (2)(a) through  
23 (c) of section 85-1517, in accordance with the provisions of such  
24 subdivisions. For fiscal year 2024-25 and each fiscal year thereafter,  
25 community college areas may levy the levies provided in subdivisions (2)  
26 (a) and (b) of section 85-1517, in accordance with the provisions of such  
27 subdivisions. A community college area may exceed the levy provided in  
28 subdivision (2)(a) of section 85-1517 by the amount necessary to generate  
29 sufficient revenue as described in section 21 or 23 of this act. A  
30 community college area may exceed the levy provided in subdivision (2)(b)  
31 of section 85-1517 by the amount necessary to retire general obligation

1 bonds assumed by the community college area or issued pursuant to section  
2 85-1515 according to the terms of such bonds or for any obligation  
3 pursuant to section 85-1535 entered into prior to January 1, 1997.

4 (4)(a) Natural resources districts may levy a maximum levy of four  
5 and one-half cents per one hundred dollars of taxable valuation of  
6 property subject to the levy.

7 (b) Natural resources districts shall also have the power and  
8 authority to levy a tax equal to the dollar amount by which their  
9 restricted funds budgeted to administer and implement ground water  
10 management activities and integrated management activities under the  
11 Nebraska Ground Water Management and Protection Act exceed their  
12 restricted funds budgeted to administer and implement ground water  
13 management activities and integrated management activities for FY2003-04,  
14 not to exceed one cent on each one hundred dollars of taxable valuation  
15 annually on all of the taxable property within the district.

16 (c) In addition, natural resources districts located in a river  
17 basin, subbasin, or reach that has been determined to be fully  
18 appropriated pursuant to section 46-714 or designated as overappropriated  
19 pursuant to section 46-713 by the Department of Natural Resources shall  
20 also have the power and authority to levy a tax equal to the dollar  
21 amount by which their restricted funds budgeted to administer and  
22 implement ground water management activities and integrated management  
23 activities under the Nebraska Ground Water Management and Protection Act  
24 exceed their restricted funds budgeted to administer and implement ground  
25 water management activities and integrated management activities for  
26 FY2005-06, not to exceed three cents on each one hundred dollars of  
27 taxable valuation on all of the taxable property within the district for  
28 fiscal year 2006-07 and each fiscal year thereafter through fiscal year  
29 2017-18.

30 (5) Any educational service unit authorized to levy a property tax  
31 pursuant to section 79-1225 may levy a maximum levy of one and one-half

1 cents per one hundred dollars of taxable valuation of property subject to  
2 the levy.

3 (6)(a) Incorporated cities and villages which are not within the  
4 boundaries of a municipal county may levy a maximum levy of forty-five  
5 cents per one hundred dollars of taxable valuation of property subject to  
6 the levy plus an additional five cents per one hundred dollars of taxable  
7 valuation to provide financing for the municipality's share of revenue  
8 required under an agreement or agreements executed pursuant to the  
9 Interlocal Cooperation Act or the Joint Public Agency Act. The maximum  
10 levy shall include amounts levied to pay for sums to support a library  
11 pursuant to section 51-201, museum pursuant to section 51-501, visiting  
12 community nurse, home health nurse, or home health agency pursuant to  
13 section 71-1637, or statue, memorial, or monument pursuant to section  
14 80-202.

15 (b) Incorporated cities and villages which are within the boundaries  
16 of a municipal county may levy a maximum levy of ninety cents per one  
17 hundred dollars of taxable valuation of property subject to the levy. The  
18 maximum levy shall include amounts paid to a municipal county for county  
19 services, amounts levied to pay for sums to support a library pursuant to  
20 section 51-201, a museum pursuant to section 51-501, a visiting community  
21 nurse, home health nurse, or home health agency pursuant to section  
22 71-1637, or a statue, memorial, or monument pursuant to section 80-202.

23 (7) Sanitary and improvement districts which have been in existence  
24 for more than five years may levy a maximum levy of forty cents per one  
25 hundred dollars of taxable valuation of property subject to the levy, and  
26 sanitary and improvement districts which have been in existence for five  
27 years or less shall not have a maximum levy. Unconsolidated sanitary and  
28 improvement districts which have been in existence for more than five  
29 years and are located in a municipal county may levy a maximum of eighty-  
30 five cents per hundred dollars of taxable valuation of property subject  
31 to the levy.

1           (8) Counties may levy or authorize a maximum levy of fifty cents per  
2 one hundred dollars of taxable valuation of property subject to the levy,  
3 except that five cents per one hundred dollars of taxable valuation of  
4 property subject to the levy may only be levied to provide financing for  
5 the county's share of revenue required under an agreement or agreements  
6 executed pursuant to the Interlocal Cooperation Act or the Joint Public  
7 Agency Act. The maximum levy shall include amounts levied to pay for sums  
8 to support a library pursuant to section 51-201 or museum pursuant to  
9 section 51-501. The county may allocate up to fifteen cents of its  
10 authority to other political subdivisions subject to allocation of  
11 property tax authority under subsection (1) of section 77-3443 and not  
12 specifically covered in this section to levy taxes as authorized by law  
13 which do not collectively exceed fifteen cents per one hundred dollars of  
14 taxable valuation on any parcel or item of taxable property. The county  
15 may allocate to one or more other political subdivisions subject to  
16 allocation of property tax authority by the county under subsection (1)  
17 of section 77-3443 some or all of the county's five cents per one hundred  
18 dollars of valuation authorized for support of an agreement or agreements  
19 to be levied by the political subdivision for the purpose of supporting  
20 that political subdivision's share of revenue required under an agreement  
21 or agreements executed pursuant to the Interlocal Cooperation Act or the  
22 Joint Public Agency Act. If an allocation by a county would cause another  
23 county to exceed its levy authority under this section, the second county  
24 may exceed the levy authority in order to levy the amount allocated.

25           (9) Municipal counties may levy or authorize a maximum levy of one  
26 dollar per one hundred dollars of taxable valuation of property subject  
27 to the levy. The municipal county may allocate levy authority to any  
28 political subdivision or entity subject to allocation under section  
29 77-3443.

30           (10) Beginning July 1, 2016, rural and suburban fire protection  
31 districts may levy a maximum levy of ten and one-half cents per one

1 hundred dollars of taxable valuation of property subject to the levy if  
2 (a) such district is located in a county that had a levy pursuant to  
3 subsection (8) of this section in the previous year of at least forty  
4 cents per one hundred dollars of taxable valuation of property subject to  
5 the levy or (b) such district had a levy request pursuant to section  
6 77-3443 in any of the three previous years and the county board of the  
7 county in which the greatest portion of the valuation of such district is  
8 located did not authorize any levy authority to such district in such  
9 year.

10 (11) A regional metropolitan transit authority may levy a maximum  
11 levy of ten cents per one hundred dollars of taxable valuation of  
12 property subject to the levy for each fiscal year that commences on the  
13 January 1 that follows the effective date of the conversion of the  
14 transit authority established under the Transit Authority Law into the  
15 regional metropolitan transit authority.

16 (12) Property tax levies (a) for judgments, except judgments or  
17 orders from the Commission of Industrial Relations, obtained against a  
18 political subdivision which require or obligate a political subdivision  
19 to pay such judgment, to the extent such judgment is not paid by  
20 liability insurance coverage of a political subdivision, (b) for  
21 preexisting lease-purchase contracts approved prior to July 1, 1998, (c)  
22 for bonds as defined in section 10-134 approved according to law and  
23 secured by a levy on property except as provided in section 44-4317 for  
24 bonded indebtedness issued by educational service units and school  
25 districts, (d) for payments by a public airport to retire interest-free  
26 loans from the Division of Aeronautics of the Department of  
27 Transportation in lieu of bonded indebtedness at a lower cost to the  
28 public airport, and (e) to pay for cancer benefits provided on or after  
29 January 1, 2022, pursuant to the Firefighter Cancer Benefits Act are not  
30 included in the levy limits established by this section.

31 (13) The limitations on tax levies provided in this section are to

1 include all other general or special levies provided by law.  
2 Notwithstanding other provisions of law, the only exceptions to the  
3 limits in this section are those provided by or authorized by sections  
4 77-3442 to 77-3444.

5 (14) Tax levies in excess of the limitations in this section shall  
6 be considered unauthorized levies under section 77-1606 unless approved  
7 under section 77-3444.

8 (15) For purposes of sections 77-3442 to 77-3444, political  
9 subdivision means a political subdivision of this state and a county  
10 agricultural society.

11 (16) For school districts that file a binding resolution on or  
12 before May 9, 2008, with the county assessors, county clerks, and county  
13 treasurers for all counties in which the school district has territory  
14 pursuant to subsection (7) of section 79-458, if the combined levies,  
15 except levies for bonded indebtedness approved by the voters of the  
16 school district and levies for the refinancing of such bonded  
17 indebtedness, are in excess of the greater of (a) one dollar and twenty  
18 cents per one hundred dollars of taxable valuation of property subject to  
19 the levy or (b) the maximum levy authorized by a vote pursuant to section  
20 77-3444, all school district levies, except levies for bonded  
21 indebtedness approved by the voters of the school district and levies for  
22 the refinancing of such bonded indebtedness, shall be considered  
23 unauthorized levies under section 77-1606.

24 Sec. 13. Section 77-4212, Revised Statutes Cumulative Supplement,  
25 2022, is amended to read:

26 77-4212 (1) For tax year 2007, the amount of relief granted under  
27 the Property Tax Credit Act shall be one hundred five million dollars.  
28 For tax year 2008, the amount of relief granted under the act shall be  
29 one hundred fifteen million dollars. It is the intent of the Legislature  
30 to fund the Property Tax Credit Act for tax years after tax year 2008  
31 using available revenue. For tax year 2017, the amount of relief granted

1 under the act shall be two hundred twenty-four million dollars. For tax  
2 year 2020 through tax year 2023 ~~2020 and each tax year thereafter~~, the  
3 minimum amount of relief granted under the act shall be two hundred  
4 seventy-five million dollars. For tax year 2024, the minimum amount of  
5 relief granted under the act shall be three hundred eighty-eight million  
6 dollars. For tax year 2025, the minimum amount of relief granted under  
7 the act shall be four hundred twenty-eight million dollars. For tax year  
8 2026, the minimum amount of relief granted under the act shall be four  
9 hundred sixty-eight million dollars. For tax year 2027, the minimum  
10 amount of relief granted under the act shall be four hundred eighty-eight  
11 million dollars. For tax year 2028, the minimum amount of relief granted  
12 under the act shall be five hundred fifteen million dollars. For tax year  
13 2029, the minimum amount of relief granted under the act shall be five  
14 hundred sixty million dollars. For tax year 2030 and each tax year  
15 thereafter, the minimum amount of relief granted under the act shall be  
16 the minimum amount from the prior tax year plus a percentage increase  
17 equal to the percentage increase, if any, in the total assessed value of  
18 all real property in the state from the prior year to the current year,  
19 as determined by the Department of Revenue. If money is transferred or  
20 credited to the Property Tax Credit Cash Fund pursuant to any other state  
21 law, such amount shall be added to the minimum amount required under this  
22 subsection when determining the total amount of relief granted under the  
23 act. The relief shall be in the form of a property tax credit which  
24 appears on the property tax statement.

25 (2)(a) For tax years prior to tax year 2017, to determine the amount  
26 of the property tax credit, the county treasurer shall multiply the  
27 amount disbursed to the county under subdivision (4)(a) of this section  
28 by the ratio of the real property valuation of the parcel to the total  
29 real property valuation in the county. The amount determined shall be the  
30 property tax credit for the property.

31 (b) Beginning with tax year 2017, to determine the amount of the



1 property tax credit, the county treasurer shall multiply the amount  
2 disbursed to the county under subdivision (4)(b) of this section by the  
3 ratio of the credit allocation valuation of the parcel to the total  
4 credit allocation valuation in the county. The amount determined shall be  
5 the property tax credit for the property.

6 (3) If the real property owner qualifies for a homestead exemption  
7 under sections 77-3501 to 77-3529, the owner shall also be qualified for  
8 the relief provided in the act to the extent of any remaining liability  
9 after calculation of the relief provided by the homestead exemption. If  
10 the credit results in a property tax liability on the homestead that is  
11 less than zero, the amount of the credit which cannot be used by the  
12 taxpayer shall be returned to the Property Tax Administrator by July 1 of  
13 the year the amount disbursed to the county was disbursed. The Property  
14 Tax Administrator shall immediately credit any funds returned under this  
15 subsection to the Property Tax Credit Cash Fund. Upon the return of any  
16 funds under this subsection, the county treasurer shall electronically  
17 file a report with the Property Tax Administrator, on a form prescribed  
18 by the Tax Commissioner, indicating the amount of funds distributed to  
19 each taxing unit in the county in the year the funds were returned, any  
20 collection fee retained by the county in such year, and the amount of  
21 unused credits returned.

22 (4)(a) For tax years prior to tax year 2017, the amount disbursed to  
23 each county shall be equal to the amount available for disbursement  
24 determined under subsection (1) of this section multiplied by the ratio  
25 of the real property valuation in the county to the real property  
26 valuation in the state. By September 15, the Property Tax Administrator  
27 shall determine the amount to be disbursed under this subdivision to each  
28 county and certify such amounts to the State Treasurer and to each  
29 county. The disbursements to the counties shall occur in two equal  
30 payments, the first on or before January 31 and the second on or before  
31 April 1. After retaining one percent of the receipts for costs, the

1 county treasurer shall allocate the remaining receipts to each taxing  
2 unit levying taxes on taxable property in the tax district in which the  
3 real property is located in the same proportion that the levy of such  
4 taxing unit bears to the total levy on taxable property of all the taxing  
5 units in the tax district in which the real property is located.

6 (b) Beginning with tax year 2017, the amount disbursed to each  
7 county shall be equal to the amount available for disbursement determined  
8 under subsection (1) of this section multiplied by the ratio of the  
9 credit allocation valuation in the county to the credit allocation  
10 valuation in the state. By September 15, the Property Tax Administrator  
11 shall determine the amount to be disbursed under this subdivision to each  
12 county and certify such amounts to the State Treasurer and to each  
13 county. The disbursements to the counties shall occur in two equal  
14 payments, the first on or before January 31 and the second on or before  
15 April 1. After retaining one percent of the receipts for costs, the  
16 county treasurer shall allocate the remaining receipts to each taxing  
17 unit based on its share of the credits granted to all taxpayers in the  
18 taxing unit.

19 (5) For purposes of this section, credit allocation valuation means  
20 the taxable value for all real property except agricultural land and  
21 horticultural land, one hundred twenty percent of taxable value for  
22 agricultural land and horticultural land that is not subject to special  
23 valuation, and one hundred twenty percent of taxable value for  
24 agricultural land and horticultural land that is subject to special  
25 valuation.

26 (6) The State Treasurer shall transfer from the General Fund to the  
27 Property Tax Credit Cash Fund one hundred five million dollars by August  
28 1, 2007, and one hundred fifteen million dollars by August 1, 2008.

29 (7) The Legislature shall have the power to transfer funds from the  
30 Property Tax Credit Cash Fund to the General Fund.

31 Sec. 14. Section 77-5003, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 77-5003 (1) The Tax Equalization and Review Commission is created.  
3 The Tax Commissioner has no supervision, authority, or control over the  
4 actions or decisions of the commission relating to its duties prescribed  
5 by law. Beginning July 1, 2023 ~~Prior to July 1, 2011,~~ the commission  
6 shall have four commissioners, one commissioner from each congressional  
7 district and one at-large commissioner. ~~On July 1, 2011, the term of each~~  
8 ~~commissioner shall expire, and thereafter the commission shall have three~~  
9 ~~commissioners, one from each congressional district,~~ with terms as  
10 provided in subsection (2) of this section. All commissioners shall be  
11 appointed by the Governor with the approval of a majority of the members  
12 of the Legislature. ~~The salaries of the commissioners shall be fixed by~~  
13 ~~the Governor.~~

14 (2) The term of the commissioner from district 1 expires January 1,  
15 2028 ~~2016,~~ the term of the commissioner from district 2 expires January  
16 1, 2024 ~~2018,~~ and the term of the commissioner from district 3 expires  
17 January 1, 2026, and the term of the at-large commissioner expires  
18 January 1, 2028 ~~2014.~~ After the terms of the commissioners are completed  
19 as provided in this subsection, each subsequent term shall be for six  
20 years beginning and ending on January 1 of the applicable year. Vacancies  
21 occurring during a term shall be filled by appointment for the unexpired  
22 term. Upon the expiration of his or her term of office, a commissioner  
23 shall continue to serve until his or her successor has been appointed.

24 (3) The commission shall designate pursuant to rule and regulation  
25 its chairperson and vice-chairperson on a two-year, rotating basis.

26 (4) A commissioner may be removed by the Governor for misfeasance,  
27 malfeasance, or willful neglect of duty or other cause after notice and a  
28 public hearing unless notice and hearing are expressly waived in writing  
29 by the commissioner.

30 Sec. 15. Section 77-5004, Revised Statutes Cumulative Supplement,  
31 2022, is amended to read:

1           77-5004 (1) Each commissioner shall be a qualified voter and  
2 resident of the state and a domiciliary of the district from which he or  
3 she is appointed ~~represents~~.

4           (2) Each commissioner shall devote his or her full time and efforts  
5 to the discharge of his or her duties and shall not hold any other office  
6 under the laws of this state, any city or county in this state, or the  
7 United States Government while serving on the commission. Each  
8 commissioner shall possess:

9           (a) Appropriate knowledge of terms commonly used in or related to  
10 real property appraisal and of the writing of appraisal reports;

11           (b) Adequate knowledge of depreciation theories, cost estimating,  
12 methods of capitalization, and real property appraisal mathematics;

13           (c) An understanding of the principles of land economics, appraisal  
14 processes, and problems encountered in the gathering, interpreting, and  
15 evaluating of data involved in the valuation of real property, including  
16 complex industrial properties and mass appraisal techniques;

17           (d) Knowledge of the law relating to taxation, civil and  
18 administrative procedure, due process, and evidence in Nebraska;

19           (e) At least thirty hours of successfully completed class hours in  
20 courses of study, approved by the Real Property Appraiser Board, which  
21 relate to appraisal and which include the fifteen-hour National Uniform  
22 Standards of Professional Appraisal Practice Course. If a commissioner  
23 has not received such training prior to his or her appointment, such  
24 training shall be completed within one year after appointment; and

25           (f) Such other qualifications and skills as reasonably may be  
26 requisite for the effective and reliable performance of the commission's  
27 duties.

28           (3) At least one commissioner shall possess the certification or  
29 training required to become a licensed residential real property  
30 appraiser as set forth in section 76-2230.

31           (4) At least two commissioners ~~one commissioner~~ shall have been

1 engaged in the practice of law in the State of Nebraska for at least five  
2 years, which may include prior service as a judge, and shall be currently  
3 admitted to practice before the Nebraska Supreme Court. The attorney  
4 commissioners shall be presiding hearing officers for commission  
5 proceedings involving appeal hearings and other proceedings involving  
6 panels of more than one commissioner.

7 (5) No commissioner or employee of the commission shall hold any  
8 position of profit or engage in any occupation or business interfering  
9 with or inconsistent with his or her duties as a commissioner or  
10 employee. A person is not eligible for appointment and may not hold the  
11 office of commissioner or be appointed by the commission to or hold any  
12 office or position under the commission if he or she holds any official  
13 office or position.

14 (6) Each commissioner shall annually attend a seminar or class of at  
15 least two days' duration that is:

16 (a) Sponsored by a recognized assessment or appraisal organization,  
17 in each of these areas: Utility and railroad appraisal; appraisal of  
18 complex industrial properties; appraisal of other hard to assess  
19 properties; and mass appraisal, residential or agricultural appraisal, or  
20 assessment administration; or

21 (b) Pertaining to management, law, civil or administrative  
22 procedure, or other knowledge or skill necessary for performing the  
23 duties of the office.

24 (7) Each commissioner shall within two years after his or her  
25 appointment attend at least thirty hours of instruction that constitutes  
26 training for judges or administrative law judges.

27 (8) The commissioners shall be considered employees of the state for  
28 purposes of sections 81-1320 to 81-1328 and 84-1601 to 84-1615.

29 (9) The commissioners shall be reimbursed as prescribed in sections  
30 81-1174 to 81-1177 for expenses in the performance of their official  
31 duties pursuant to the Tax Equalization and Review Commission Act.

1 (10) Due to the domicile requirements of subsection (1) of this  
2 section and subsection (1) of section 77-5003, each commissioner shall be  
3 reimbursed for mileage at the rate provided in section 81-1176 for actual  
4 round trip travel from the commissioner's residence to the state office  
5 building described in section 81-1108.37 or to the location of any  
6 hearing or other official business of the commission. Reimbursements  
7 under this subsection shall be made from the Tax Equalization and Review  
8 Commission Cash Fund.

9 (11) The salary for commissioners serving as a presiding hearing  
10 officer for commission hearings and proceedings involving a panel of more  
11 than one commissioner shall be in an amount equal to eighty-five percent  
12 of the salary set for the Chief Justice and judges of the Supreme Court.  
13 The salary for commissioners not serving as a presiding hearing officer  
14 for commission hearings or proceedings involving a panel of more than one  
15 commissioner shall be in an amount equal to seventy percent of the salary  
16 set for the Chief Justice and judges of the Supreme Court.

17 Sec. 16. Section 77-5015, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 77-5015 (1) In any case appealed to the commission, all parties  
20 shall be afforded an opportunity for hearing after reasonable notice. The  
21 notice shall state the time and place of the hearing. Opportunity shall  
22 be afforded all parties to present evidence and argument. The commission  
23 shall prepare an official record, which includes testimony and exhibits,  
24 in each case, but it shall not be necessary to transcribe the record of  
25 the proceedings unless requested for purposes of rehearing, in which  
26 event the transcript and record shall be furnished by the commission upon  
27 request and tender of the cost of preparation.

28 (2)(a) If the commission has not reached a decision on an appeal by  
29 the date when the first half of the following year's property taxes  
30 become delinquent, then the assessed value of the property for the year  
31 in question shall be reset to the previous year's assessed value and

1 shall remain at such value until a decision has been made.

2 (b) If the commission reaches a decision on an appeal after the  
3 property taxes for the property become delinquent and if the commission  
4 determines that the assessed value of the property is higher than the  
5 value of the previous year's assessed value, then interest shall accrue  
6 on the tax liability related to the difference in the value between the  
7 previous year's assessed value and the assessed value determined by the  
8 commission. The interest rate shall be the rate set in section 45-103  
9 plus three percent, and the interest shall accrue from the date that the  
10 property taxes became delinquent.

11 (3) Informal disposition may also be made of any case by  
12 stipulation, agreed settlement, consent order, or default.

13 Sec. 17. Section 77-5015.02, Reissue Revised Statutes of Nebraska,  
14 is amended to read:

15 77-5015.02 (1) A single commissioner may hear an appeal and cross  
16 appeal and appeals and cross appeals consolidated with any such appeal  
17 and cross appeal when:

18 (a) The taxable value of each parcel is ~~two~~ one million dollars or  
19 less as determined by the county board of equalization; and

20 (b) The appeal and cross appeal has been designated for hearing  
21 pursuant to this section by the chairperson of the commission or in such  
22 manner as the commission may provide in its rules and regulations.

23 (2) A proceeding held before a single commissioner shall be  
24 informal. The usual common-law or statutory rules of evidence, including  
25 rules of hearsay, shall not apply, and the commissioner may consider and  
26 utilize all matters presented at the proceeding in making his or her  
27 determination.

28 (3) Any party to an appeal designated for hearing before a single  
29 commissioner pursuant to this section may, prior to a hearing, elect in  
30 writing to have the appeal heard by the commission. The commissioner  
31 conducting a proceeding pursuant to this section may at any time

1 designate the appeal for hearing by the commission.

2 (4) Documents necessary to establish jurisdiction of the commission  
3 shall constitute the record of a proceeding before a single commissioner.  
4 No recording shall be made of a proceeding before a single commissioner.

5 (5) A party to a proceeding before a single commissioner may request  
6 a rehearing pursuant to section 77-5005.

7 (6) An order entered by a single commissioner pursuant to this  
8 section may not be appealed pursuant to section 77-5019 or any other  
9 provision of law.

10 (7) Subdivisions (3), (6), (8), (9), (10), (11), and (12) of section  
11 77-5016 apply to proceedings before a single commissioner.

12 Sec. 18. Section 77-6702, Revised Statutes Cumulative Supplement,  
13 2022, is amended to read:

14 77-6702 For purposes of the Nebraska Property Tax Incentive Act:

15 (1) Allowable growth percentage means the percentage increase, if  
16 any, in the total assessed value of all real property in the state from  
17 the prior year to the current year, as determined by the department,  
18 ~~except that in no case shall the allowable growth percentage exceed five~~  
19 ~~percent in any one year;~~

20 (2) Community college taxes means property taxes levied on real  
21 property in this state by a community college area, excluding any  
22 property taxes levied for bonded indebtedness and any property taxes  
23 levied as a result of an override of limits on property tax levies  
24 approved by voters pursuant to section 77-3444;

25 (3) Department means the Department of Revenue;

26 (4) Eligible taxpayer means any individual, corporation,  
27 partnership, limited liability company, trust, estate, or other entity  
28 that pays school district taxes or community college taxes during a  
29 taxable year; and

30 (5) School district taxes means property taxes levied on real  
31 property in this state by a school district or multiple-district school



1 system, excluding any property taxes levied for bonded indebtedness and  
2 any property taxes levied as a result of an override of limits on  
3 property tax levies approved by voters pursuant to section 77-3444.

4 Sec. 19. Section 77-6706, Revised Statutes Cumulative Supplement,  
5 2022, is amended to read:

6 77-6706 (1) For taxable years beginning or deemed to begin on or  
7 after January 1, 2022, under the Internal Revenue Code of 1986, as  
8 amended, there shall be allowed to each eligible taxpayer a refundable  
9 credit against the income tax imposed by the Nebraska Revenue Act of 1967  
10 or against the franchise tax imposed by sections 77-3801 to 77-3807. ~~The~~  
11 ~~credit shall be equal to the credit percentage for the taxable year, as~~  
12 ~~set by the department under subsection (2) of this section, multiplied by~~  
13 ~~the amount of community college taxes paid by the eligible taxpayer~~  
14 ~~during such taxable year.~~

15 (2) (2)(a) For taxable years beginning or deemed to begin during  
16 calendar year 2022, the credit shall be equal to the credit percentage  
17 for the taxable year, as set by the department under this subsection,  
18 multiplied by the amount of community college taxes paid by the eligible  
19 taxpayer during such taxable year. The the department shall set the  
20 credit percentage so that the total amount of credits for such taxable  
21 years shall be fifty million dollars. ÷

22 (3) For taxable years beginning or deemed to begin on or after  
23 January 1, 2023, the credit shall be equal to one hundred percent of the  
24 community college taxes paid by the eligible taxpayer during the taxable  
25 year.

26 ~~(b) For taxable years beginning or deemed to begin during calendar~~  
27 ~~year 2023, the department shall set the credit percentage so that the~~  
28 ~~total amount of credits for such taxable years shall be one hundred~~  
29 ~~million dollars;~~

30 ~~(c) For taxable years beginning or deemed to begin during calendar~~  
31 ~~year 2024, the department shall set the credit percentage so that the~~

1 ~~total amount of credits for such taxable years shall be one hundred~~  
2 ~~twenty-five million dollars;~~

3 ~~(d) For taxable years beginning or deemed to begin during calendar~~  
4 ~~year 2025, the department shall set the credit percentage so that the~~  
5 ~~total amount of credits for such taxable years shall be one hundred fifty~~  
6 ~~million dollars;~~

7 ~~(e) For taxable years beginning or deemed to begin during calendar~~  
8 ~~year 2026, the department shall set the credit percentage so that the~~  
9 ~~total amount of credits for such taxable years shall be one hundred~~  
10 ~~ninety-five million dollars; and~~

11 ~~(f) For taxable years beginning or deemed to begin during calendar~~  
12 ~~year 2027 and each calendar year thereafter, the department shall set the~~  
13 ~~credit percentage so that the total amount of credits for such taxable~~  
14 ~~years shall be the maximum amount of credits allowed in the prior year~~  
15 ~~increased by the allowable growth percentage.~~

16 ~~(4) (3) If the community college taxes are paid by a corporation~~  
17 ~~having an election in effect under subchapter S of the Internal Revenue~~  
18 ~~Code, a partnership, a limited liability company, a trust, or an estate,~~  
19 ~~the refundable credit shall be claimed by such corporation, partnership,~~  
20 ~~limited liability company, trust, or estate.~~

21 ~~(5) (4) For any fiscal year or short year taxpayer, the credit~~  
22 ~~allowed under subsection (2) of this section may be claimed in the first~~  
23 ~~taxable year that begins following the calendar year for which the credit~~  
24 ~~percentage was determined. The credit shall be taken for the community~~  
25 ~~college taxes paid by the taxpayer during the immediately preceding~~  
26 ~~calendar year.~~

27 Sec. 20. Section 85-1517, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 85-1517 (1) For fiscal years 2011-12 and 2012-13:

30 (a) The board may certify to the county board of equalization of  
31 each county within the community college area a tax levy not to exceed

1 ten and one-quarter cents on each one hundred dollars on the taxable  
2 valuation of all property subject to the levy within the community  
3 college area, uniform throughout the area, for the purpose of supporting  
4 operating expenditures of the community college area;

5 (b) In addition to the levies provided in subdivisions (1)(a) and  
6 (c) of this section, the board may certify to the county board of  
7 equalization of each county within the community college area a tax levy  
8 not to exceed one cent on each one hundred dollars on the taxable  
9 valuation of all property within the community college area, uniform  
10 throughout such area, for the purposes of paying off bonds issued under  
11 sections 85-1520 to 85-1527 and establishing a capital improvement and  
12 bond sinking fund as provided in section 85-1515. The levy provided by  
13 this subdivision may be exceeded by that amount necessary to retire the  
14 general obligation bonds assumed by the community college area or issued  
15 pursuant to section 85-1515 according to the terms of such bonds or for  
16 any obligation pursuant to section 85-1535 entered into prior to January  
17 1, 1997; and

18 (c) In addition to the levies provided in subdivisions (1)(a) and  
19 (b) of this section, the board may also certify to the county board of  
20 equalization of each county within the community college area a tax levy  
21 on each one hundred dollars on the taxable valuation of all property  
22 within the community college area, uniform throughout such area, in the  
23 amount which will produce funds only in the amount necessary to pay for  
24 funding accessibility barrier elimination project costs and abatement of  
25 environmental hazards as such terms are defined in section 79-10,110.  
26 Such tax levy shall not be so certified unless approved by an affirmative  
27 vote of a majority of the board taken at a public meeting of the board  
28 following notice and a hearing. The board shall give at least seven days'  
29 notice of such public hearing and shall publish such notice once in a  
30 newspaper of general circulation in the area to be affected by the  
31 increase. The proceeds of such tax levy shall be deposited in the capital

1 improvement and bond sinking fund provided for in section 85-1515 for use  
2 in funding the projects authorized pursuant to this subdivision.

3 ~~(2) For fiscal year 2013-14 and each fiscal year thereafter:~~

4 (2)(a) For fiscal years 2013-14 through 2023-24, the (a) The board  
5 may certify to the county board of equalization of each county within the  
6 community college area a tax levy not to exceed the difference between  
7 eleven and one-quarter cents and the rate levied for such fiscal year  
8 pursuant to subdivision (b) of this subsection on each one hundred  
9 dollars on the taxable valuation of all property subject to the levy  
10 within the community college area, uniform throughout the area, for the  
11 purpose of supporting operating expenditures of the community college  
12 area. For purposes of calculating the amount of levy authority available  
13 for operating expenditures pursuant to this subdivision, the rate levied  
14 pursuant to subdivision (b) of this subsection shall not include amounts  
15 to retire general obligation bonds assumed by the community college area  
16 or issued pursuant to section 85-1515 according to the terms of such  
17 bonds or for any obligation pursuant to section 85-1535 entered into  
18 prior to January 1, 1997. For fiscal year 2024-25 and each fiscal year  
19 thereafter, the board may certify a levy under this subdivision only if  
20 such levy is authorized under section 21 or 23 of this act. If so  
21 authorized, the levy provided by this subdivision may be exceeded by the  
22 amount necessary to generate sufficient revenue as described in section  
23 21 or 23 of this act. ;

24 (b) For fiscal year 2013-14 and each fiscal year thereafter, in In  
25 addition to the levies provided in subdivisions (a) and (c) of this  
26 subsection, the board may certify to the county board of equalization of  
27 each county within the community college area a tax levy not to exceed  
28 two cents on each one hundred dollars on the taxable valuation of all  
29 property within the community college area, uniform throughout such area,  
30 for the purposes of paying off bonds issued under sections 85-1520 to  
31 85-1527 and establishing a capital improvement and bond sinking fund as

1 provided in section 85-1515. The levy provided by this subdivision may be  
2 exceeded by that amount necessary to retire general obligation bonds  
3 assumed by the community college area or issued pursuant to section  
4 85-1515 according to the terms of such bonds or for any obligation  
5 pursuant to section 85-1535 entered into prior to January 1, 1997. ~~;~~ and

6 (c) For fiscal years 2013-14 through 2023-24, in ~~In~~ addition to the  
7 levies provided in subdivisions (a) and (b) of this subsection, the board  
8 of a community college area with a campus located on the site of a former  
9 ammunition depot may certify to the county board of equalization of each  
10 county within the community college area a tax levy not to exceed three-  
11 quarters of one cent on each one hundred dollars on the taxable valuation  
12 of all property within the community college area, uniform throughout  
13 such area, to pay for funding accessibility barrier elimination project  
14 costs and abatement of environmental hazards as such terms are defined in  
15 section 79-10,110. Such tax levy shall not be so certified unless  
16 approved by an affirmative vote of a majority of the board taken at a  
17 public meeting of the board following notice and a hearing. The board  
18 shall give at least seven days' notice of such public hearing and shall  
19 publish such notice once in a newspaper of general circulation in the  
20 area to be affected by the increase. The proceeds of such tax levy shall  
21 be deposited in the capital improvement and bond sinking fund provided  
22 for in section 85-1515 for use in funding accessibility barrier  
23 elimination project costs and abatement of environmental hazards as such  
24 terms are defined in section 79-10,110.

25 (3) The taxes provided by this section shall be levied and assessed  
26 in the same manner as other property taxes and entered on the books of  
27 the county treasurer. The proceeds of the tax, as collected, shall be  
28 remitted to the treasurer of the board not less frequently than once each  
29 month.

30 Sec. 21. (1) Beginning in fiscal year 2024-25, funds shall be  
31 distributed to community college areas as provided in this section in

1 order to offset the funds lost by community college areas due to the  
2 elimination of their levy authority under subdivisions (2)(a) and (c) of  
3 section 85-1517.

4 (2) The amount to be distributed to each community college area  
5 under this section shall be equal to:

6 (a) For fiscal year 2024-25, the amount of property taxes levied by  
7 such community college area for fiscal year 2023-24 pursuant to  
8 subdivisions (2)(a) and (c) of section 85-1517 or the amount of property  
9 taxes that would have been generated from a levy of seven and one-half  
10 cents per one hundred dollars of taxable valuation, whichever is greater,  
11 with such amount then increased by three and one-half percent or the  
12 percentage increase in the reimbursable educational units of the  
13 community college area, whichever is greater. Such amount shall be  
14 calculated by the Coordinating Commission for Postsecondary Education and  
15 certified to the community college area and to the budget administrator  
16 of the budget division of the Department of Administrative Services by  
17 August 15, 2024; and

18 (b) For fiscal year 2025-26 and each fiscal year thereafter, the  
19 amount distributed under this section to such community college area in  
20 the prior fiscal year, increased by three and one-half percent or the  
21 percentage increase in the reimbursable educational units of the  
22 community college area, whichever is greater. Such amount shall be  
23 calculated by the Coordinating Commission for Postsecondary Education and  
24 certified to the community college area and to the budget administrator  
25 of the budget division of the Department of Administrative Services by  
26 August 15 of each year.

27 (3) The Coordinating Commission for Postsecondary Education shall  
28 annually certify the total amount to be distributed to all community  
29 college areas under subsection (2) of this section to the State  
30 Treasurer. The State Treasurer shall transfer the certified amount from  
31 the General Fund to the Community College Future Fund in ten equal

1 payments distributed monthly beginning in September of the fiscal year  
2 and continuing through June.

3 (4) The Coordinating Commission for Postsecondary Education shall  
4 annually make distributions to the community college areas in the amounts  
5 determined pursuant to subsection (2) of this section. The distributions  
6 shall be made in ten equal payments distributed monthly beginning in  
7 September of the fiscal year and continuing through June. Community  
8 college areas shall receive no payments during the months of July and  
9 August.

10 (5) The Community College Future Fund is created. The fund shall be  
11 administered by the Coordinating Commission for Postsecondary Education  
12 and shall be used to provide state distributions to community college  
13 areas pursuant to this section. The fund shall consist of transfers  
14 authorized by the Legislature. Any money in the fund available for  
15 investment shall be invested by the state investment officer pursuant to  
16 the Nebraska Capital Expansion Act and the Nebraska State Funds  
17 Investment Act.

18 (6) Beginning in fiscal year 2024-25, if the state fails to provide  
19 full funding of the amounts described in subsection (2) of this section  
20 for any fiscal year, each community college area may, if approved by a  
21 majority vote of the community college board of governors, levy an amount  
22 for such fiscal year under subdivision (2)(a) of section 85-1517  
23 sufficient to generate revenue equal to the amount that would have been  
24 provided to the community college area under subsection (2) of this  
25 section if fully funded minus the amount that was actually provided to  
26 the community college area. The property tax levy provided for in this  
27 subsection is in addition to the maximum allowable property tax levy  
28 described in subdivision (2)(b) of section 85-1517 and any property tax  
29 levied for funding accessibility barrier elimination project costs and  
30 abatement of environmental hazards as such terms are defined in section  
31 79-10,110.

1           (7) For purposes of this section, reimbursable educational unit has  
2 the same meaning as in section 85-1503.

3           Sec. 22. Section 85-2231, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5           85-2231 Sections 85-2231 to 85-2237 and section 23 of this act shall  
6 be known and may be cited as the Community College Aid Act.

7           Sec. 23. For fiscal year 2024-25 and each fiscal year thereafter, if  
8 the amount of aid provided to a community college area pursuant to the  
9 Community College Aid Act is less than the amount of aid provided to such  
10 community college area in the immediately preceding fiscal year or the  
11 amount of aid provided to such community college area in fiscal year  
12 2022-23, whichever is greater, the community college area may, if  
13 approved by a majority vote of the community college board of governors,  
14 levy an amount under subdivision (2)(a) of section 85-1517 sufficient to  
15 generate revenue equal to the difference in aid from the immediately  
16 preceding fiscal year or fiscal year 2022-23, whichever is applicable.  
17 The property tax levy provided for in this section is in addition to the  
18 maximum allowable property tax levy described in subdivision (2)(b) of  
19 section 85-1517 and any property tax levied for funding accessibility  
20 barrier elimination project costs and abatement of environmental hazards  
21 as such terms are defined in section 79-10,110.

22           Sec. 24. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 29 of this act  
23 become operative on January 1, 2024. Sections 11, 12, 13, 18, 19, 20, 21,  
24 22, 23, and 28 of this act become operative three calendar months after  
25 the adjournment of this legislative session. Sections 14, 15, 17, and 27  
26 of this act become operative on July 1, 2023. The other sections of this  
27 act become operative on their effective date.

28           Sec. 25. If any section in this act or any part of any section is  
29 declared invalid or unconstitutional, the declaration shall not affect  
30 the validity or constitutionality of the remaining portions.

31           Sec. 26. Original section 77-5015, Reissue Revised Statutes of



1 Nebraska, is repealed.

2 Sec. 27. Original sections 77-5003 and 77-5015.02, Reissue Revised  
3 Statutes of Nebraska, and section 77-5004, Revised Statutes Cumulative  
4 Supplement, 2022, are repealed.

5 Sec. 28. Original sections 85-1517 and 85-2231, Reissue Revised  
6 Statutes of Nebraska, and sections 77-1736.06, 77-3442, 77-4212, 77-6702,  
7 and 77-6706, Revised Statutes Cumulative Supplement, 2022, are repealed.

8 Sec. 29. Original sections 77-1632 and 77-1633, Revised Statutes  
9 Cumulative Supplement, 2022, are repealed.

10 Sec. 30. Since an emergency exists, this act takes effect when  
11 passed and approved according to law.

12 2. On page 1, strike beginning with "the" in line 1 through line 4  
13 and insert "revenue and taxation; to amend sections 77-5003, 77-5015,  
14 77-5015.02, 85-1517, and 85-2231, Reissue Revised Statutes of Nebraska,  
15 and sections 77-1632, 77-1633, 77-1736.06, 77-3442, 77-4212, 77-5004,  
16 77-6702, and 77-6706, Revised Statutes Cumulative Supplement, 2022; to  
17 adopt the School District Property Tax Limitation Act; to change  
18 provisions of the Property Tax Request Act, the interest rate for refunds  
19 or claims relating to taxes, community college area levying authority,  
20 provisions of the Property Tax Credit Act, provisions relating to the Tax  
21 Equalization and Review Commission, and provisions of the Nebraska  
22 Property Tax Incentive Act; to provide for distribution of aid and  
23 levying authority to community college areas as prescribed; to create a  
24 fund; to provide duties for the Coordinating Commission for Postsecondary  
25 Education and the State Treasurer; to harmonize provisions; to provide  
26 operative dates; to provide severability; to repeal the original  
27 sections; and to declare an emergency."