

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 59

Introduced by Scheer, 19.

Read first time January 08, 2015

Committee:

- 1 A BILL FOR AN ACT relating to the Tax Equity and Educational
- 2 Opportunities Support Act; to amend section 79-1016, Reissue Revised
- 3 Statutes of Nebraska; to change provisions relating to valuation;
- 4 and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-1016, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 79-1016 (1) On or before August 25, the county assessor shall
4 certify to the Property Tax Administrator the total taxable value by
5 school district in the county for the current assessment year on forms
6 prescribed by the Tax Commissioner. The county assessor may amend the
7 filing for changes made to the taxable valuation of the school district
8 in the county if corrections or errors on the original certification are
9 discovered. Amendments shall be certified to the Property Tax
10 Administrator on or before September 30.

11 (2) On or before October 10, the Property Tax Administrator shall
12 compute and certify to the State Department of Education the adjusted
13 valuation for the current assessment year for each class of property in
14 each school district and each local system. The adjusted valuation of
15 property for each school district and each local system, for purposes of
16 determining state aid pursuant to the Tax Equity and Educational
17 Opportunities Support Act, shall reflect as nearly as possible state aid
18 value as defined in subsection (3) of this section. The Property Tax
19 Administrator shall notify each school district and each local system of
20 its adjusted valuation for the current assessment year by class of
21 property on or before October 10. Establishment of the adjusted valuation
22 shall be based on the taxable value certified by the county assessor for
23 each school district in the county adjusted by the determination of the
24 level of value for each school district from an analysis of the
25 comprehensive assessment ratio study or other studies developed by the
26 Property Tax Administrator, in compliance with professionally accepted
27 mass appraisal techniques, as required by section 77-1327. The Tax
28 Commissioner shall adopt and promulgate rules and regulations setting
29 forth standards for the determination of level of value for state aid
30 purposes.

31 (3) For purposes of this section, state aid value means:

1 (a) For real property, ~~one hundred other than agricultural and~~
2 ~~horticultural land, ninety-six percent of actual value;~~

3 ~~(b) For agricultural and horticultural land, seventy-two percent of~~
4 actual value as provided in sections 77-1359 to 77-1363. For agricultural
5 and horticultural land that receives special valuation pursuant to
6 section 77-1344, seventy-two percent of special valuation as defined in
7 section 77-1343; and

8 (~~b~~ e) For personal property, the net book value as defined in
9 section 77-120.

10 (4) On or before November 10, any local system may file with the Tax
11 Commissioner written objections to the adjusted valuations prepared by
12 the Property Tax Administrator, stating the reasons why such adjusted
13 valuations are not the valuations required by subsection (3) of this
14 section. The Tax Commissioner shall fix a time for a hearing. Either
15 party shall be permitted to introduce any evidence in reference thereto.
16 On or before January 1, the Tax Commissioner shall enter a written order
17 modifying or declining to modify, in whole or in part, the adjusted
18 valuations and shall certify the order to the State Department of
19 Education. Modification by the Tax Commissioner shall be based upon the
20 evidence introduced at hearing and shall not be limited to the
21 modification requested in the written objections or at hearing. A copy of
22 the written order shall be mailed to the local system within seven days
23 after the date of the order. The written order of the Tax Commissioner
24 may be appealed within thirty days after the date of the order to the Tax
25 Equalization and Review Commission in accordance with section 77-5013.

26 (5) On or before November 10, any local system or county official
27 may file with the Tax Commissioner a written request for a nonappealable
28 correction of the adjusted valuation due to clerical error as defined in
29 section 77-128 or, for agricultural and horticultural land, assessed
30 value changes by reason of land qualified or disqualified for special use
31 valuation pursuant to sections 77-1343 to 77-1347.01. On or before the

1 following January 1, the Tax Commissioner shall approve or deny the
2 request and, if approved, certify the corrected adjusted valuations
3 resulting from such action to the State Department of Education.

4 (6) On or before May 31 of the year following the certification of
5 adjusted valuation pursuant to subsection (2) of this section, any local
6 system or county official may file with the Tax Commissioner a written
7 request for a nonappealable correction of the adjusted valuation due to
8 changes to the tax list that change the assessed value of taxable
9 property. Upon the filing of the written request, the Tax Commissioner
10 shall require the county assessor to recertify the taxable valuation by
11 school district in the county on forms prescribed by the Tax
12 Commissioner. The recertified valuation shall be the valuation that was
13 certified on the tax list, pursuant to section 77-1613, increased or
14 decreased by changes to the tax list that change the assessed value of
15 taxable property in the school district in the county in the prior
16 assessment year. On or before the following July 31, the Tax Commissioner
17 shall approve or deny the request and, if approved, certify the corrected
18 adjusted valuations resulting from such action to the State Department of
19 Education.

20 (7) No injunction shall be granted restraining the distribution of
21 state aid based upon the adjusted valuations pursuant to this section.

22 (8) A school district whose state aid is to be calculated pursuant
23 to subsection (5) of this section and whose state aid payment is
24 postponed as a result of failure to calculate state aid pursuant to such
25 subsection may apply to the state board for lump-sum payment of such
26 postponed state aid. Such application may be for any amount up to one
27 hundred percent of the postponed state aid. The state board may grant the
28 entire amount applied for or any portion of such amount. The state board
29 shall notify the Director of Administrative Services of the amount of
30 funds to be paid in a lump sum and the reduced amount of the monthly
31 payments. The Director of Administrative Services shall, at the time of

1 the next state aid payment made pursuant to section 79-1022, draw a
2 warrant for the lump-sum amount from appropriated funds and forward such
3 warrant to the district.

4 Sec. 2. Original section 79-1016, Reissue Revised Statutes of
5 Nebraska, is repealed.