

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 614

Introduced by Raikes, 25

Read first time January 17, 2007

Committee: Education

A BILL

1 FOR AN ACT relating to the Tax Equity and Educational Opportunities
2 Support Act; to amend section 79-1016, Revised Statutes
3 Cumulative Supplement, 2006, as affected by Referendum
4 2006, No. 422; to change provisions relating to adjusted
5 valuation; and to repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-1016, Revised Statutes Cumulative
2 Supplement, 2006, as affected by Referendum 2006, No. 422, is
3 amended to read:

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

13 (2) On or before October 10, the Property Tax
14 Administrator shall compute and certify to the State Department of
15 Education the adjusted valuation for the current assessment year
16 for each class of property in each school district and each local
17 system. The adjusted valuation of property for each school district
18 and each local system, for purposes of determining state aid
19 pursuant to the Tax Equity and Educational Opportunities Support
20 Act, shall reflect as nearly as possible state aid value as defined
21 in subsection (3) of this section. The Property Tax Administrator
22 shall notify each school district and each local system of its
23 adjusted valuation for the current assessment year by class of
24 property on or before October 10. ~~Establishment of the~~ The adjusted
25 valuation of each school district shall be based on the taxable

1 value certified by the county assessor for each school district
2 in the county adjusted by the determination of the level of value
3 for each school district from an analysis of the comprehensive
4 assessment ratio study or other studies developed by the Property
5 Tax Administrator, in compliance with professionally accepted mass
6 appraisal techniques, as required by section 77-1327, of the
7 county in which all or part of the school district is located
8 as established by the Tax Equalization and Review Commission. If
9 the Property Tax Administrator finds that the level of value of
10 the county is different than the level of value of the school
11 district by more than a mere difference of opinion, the Property
12 Tax Administrator may determine the level of value for the school
13 district. If the Property Tax Administrator finds that through
14 the action of the county board of equalization the level of value
15 of real property has been significantly altered, the Property Tax
16 Administrator may determine the level of value for the county
17 or any school district located in the county. The Property Tax
18 Administrator shall adopt and promulgate rules and regulations
19 setting forth standards for the determination of level of value for
20 school aid purposes.

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

22 (a) For real property other than agricultural and
23 horticultural land, one hundred percent of actual value;

24 (b) For agricultural and horticultural land, seventy-five
25 percent of actual value as provided in sections 77-1359 to 77-1363.

1 For agricultural and horticultural land that receives special
2 valuation pursuant to section 77-1344, seventy-five percent of
3 special valuation as defined in section 77-1343; and

4 (c) For personal property, the net book value as defined
5 in section 77-120.

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

25 (5) On or before November 10, any local system or

1 county official may file with the Property Tax Administrator a
2 written request for a nonappealable correction of the adjusted
3 valuation due to clerical error as defined in section 77-128 or,
4 for agricultural and horticultural land, assessed value changes by
5 reason of land qualified or disqualified for special use valuation
6 pursuant to sections 77-1343 to 77-1348. On or before the following
7 January 1, the Property Tax Administrator shall approve or deny the
8 request and, if approved, certify the corrected adjusted valuations
9 resulting from such action to the State Department of Education.

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

1 resulting from such action to the State Department of Education.

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

5 (8) A school district whose state aid is to be calculated
6 pursuant to subsection (5) of this section and whose state aid
7 payment is postponed as a result of failure to calculate state
8 aid pursuant to such subsection may apply to the state board for
9 lump-sum payment of such postponed state aid. Such application may
10 be for any amount up to one hundred percent of the postponed state
11 aid. The state board may grant the entire amount applied for or any
12 portion of such amount. The state board shall notify the Director
13 of Administrative Services of the amount of funds to be paid in
14 a lump sum and the reduced amount of the monthly payments. The
15 Director of Administrative Services shall, at the time of the next
16 state aid payment made pursuant to section 79-1022, draw a warrant
17 for the lump-sum amount from appropriated funds and forward such
18 warrant to the district.

19 Sec. 2. Original section 79-1016, Revised Statutes
20 Cumulative Supplement, 2006, as affected by Referendum 2006, No.
21 422, is repealed.