

E AND R AMENDMENTS TO LB 121

Introduced by Enrollment and Review Committee: Nordquist, 7,  
Chairperson

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

3           Section 1. Section 13-519, Revised Statutes Cumulative  
4 Supplement, 2008, is amended to read:

5           13-519 (1)(a) Subject to subdivisions (1)(b) and (c) of  
6 this section, for all fiscal years beginning on or after July  
7 1, 1998, no governmental unit shall adopt a budget containing  
8 a total of budgeted restricted funds more than the last prior  
9 year's total of budgeted restricted funds plus allowable growth  
10 plus the basic allowable growth percentage of the base limitation  
11 established under section 77-3446. For the second fiscal year in  
12 which a county will receive a full year of receipts from the  
13 tax imposed in sections 77-27,223 to 77-27,227, the prior year's  
14 total of restricted funds shall be the prior year's total of  
15 restricted funds plus the total receipts from the tax imposed  
16 in sections 77-27,223 to 77-27,227 in the prior year. For fiscal  
17 years 2010-11 through 2013-14 in which a county will reassume the  
18 assessment function pursuant to section 77-1340 or section 8 of  
19 this act, the prior year's total of restricted funds shall be the  
20 prior year's total of restricted funds plus the total budgeted  
21 for the reassumption of the assessment function. If a governmental  
22 unit transfers the financial responsibility of providing a service  
23 financed in whole or in part with restricted funds to another

1 governmental unit or the state, the amount of restricted funds  
2 associated with providing the service shall be subtracted from  
3 the last prior year's total of budgeted restricted funds for the  
4 previous provider and may be added to the last prior year's total  
5 of restricted funds for the new provider. For governmental units  
6 that have consolidated, the calculations made under this section  
7 for consolidating units shall be made based on the combined total  
8 of restricted funds, population, or full-time equivalent students  
9 of each governmental unit.

10 (b) For all fiscal years beginning on or after July 1,  
11 2005, the last prior year's total of budgeted restricted funds  
12 shall be increased for a community college area by adding to such  
13 area's fiscal year base-year revenue the amount of revenue to be  
14 collected under subdivision (2)(c) of section 85-1517 that is in  
15 excess of the amount budgeted under this subdivision in the prior  
16 fiscal year.

17 (c) For all fiscal years beginning on or after July  
18 1, 2008, educational service units may exceed the limitations  
19 of subdivision (1)(a) of this section to the extent that one  
20 hundred ten percent of the needs for the educational service unit  
21 calculated pursuant to section 79-1241.03 exceeds the budgeted  
22 restricted funds allowed pursuant to subdivision (1)(a) of this  
23 section.

24 (2) A governmental unit may exceed the limit provided in  
25 subdivisions (1)(a) and (b) of this section for a fiscal year by up  
26 to an additional one percent upon the affirmative vote of at least  
27 seventy-five percent of the governing body.

1           (3) A governmental unit may exceed the applicable  
2 allowable growth percentage otherwise prescribed in this section  
3 by an amount approved by a majority of legal voters voting on  
4 the issue at a special election called for such purpose upon the  
5 recommendation of the governing body or upon the receipt by the  
6 county clerk or election commissioner of a petition requesting an  
7 election signed by at least five percent of the legal voters of  
8 the governmental unit. The recommendation of the governing body  
9 or the petition of the legal voters shall include the amount  
10 and percentage by which the governing body would increase its  
11 budgeted restricted funds for the ensuing year over and above  
12 the current year's budgeted restricted funds. The county clerk or  
13 election commissioner shall call for a special election on the  
14 issue within fifteen days after the receipt of such governing body  
15 recommendation or legal voter petition. The election shall be held  
16 pursuant to the Election Act, and all costs shall be paid by the  
17 governing body. The issue may be approved on the same question as a  
18 vote to exceed the levy limits provided in section 77-3444.

19           (4) In lieu of the election procedures in subsection (3)  
20 of this section, any governmental unit may exceed the allowable  
21 growth percentage otherwise prescribed in this section by an amount  
22 approved by a majority of legal voters voting at a meeting of  
23 the residents of the governmental unit, called after notice is  
24 published in a newspaper of general circulation in the governmental  
25 unit at least twenty days prior to the meeting. At least ten  
26 percent of the registered voters residing in the governmental unit  
27 shall constitute a quorum for purposes of taking action to exceed

1 the allowable growth percentage. If a majority of the registered  
2 voters present at the meeting vote in favor of exceeding the  
3 allowable growth percentage, a copy of the record of that action  
4 shall be forwarded to the Auditor of Public Accounts along with  
5 the budget documents. The issue to exceed the allowable growth  
6 percentage may be approved at the same meeting as a vote to exceed  
7 the limits or final levy allocation provided in section 77-3444.

8           Sec. 2. Section 13-520, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10           13-520 The limitations in section 13-519 shall not apply  
11 to (1) restricted funds budgeted for capital improvements, (2)  
12 restricted funds expended from a qualified sinking fund for  
13 acquisition or replacement of tangible personal property with a  
14 useful life of five years or more, (3) restricted funds pledged  
15 to retire bonded indebtedness, used by a public airport to retire  
16 interest-free loans from the Department of Aeronautics in lieu of  
17 bonded indebtedness at a lower cost to the public airport, or used  
18 to pay other financial instruments that are approved and agreed to  
19 before July 1, 1999, in the same manner as bonds by a governing  
20 body created under section 35-501, (4) restricted funds budgeted  
21 in support of a service which is the subject of an agreement or  
22 a modification of an existing agreement whether operated by one  
23 of the parties to the agreement or by an independent joint entity  
24 or joint public agency, (5) restricted funds budgeted to pay for  
25 repairs to infrastructure damaged by a natural disaster which is  
26 declared a disaster emergency pursuant to the Emergency Management  
27 Act, (6) restricted funds budgeted to pay for judgments, except

1 judgments or orders from the Commission of Industrial Relations,  
2 obtained against a governmental unit which require or obligate a  
3 governmental unit to pay such judgment, to the extent such judgment  
4 is not paid by liability insurance coverage of a governmental unit,  
5 ~~or~~ (7) the dollar amount by which restricted funds budgeted by a  
6 natural resources district to administer and implement ground water  
7 management activities and integrated management activities under  
8 the Nebraska Ground Water Management and Protection Act exceed  
9 its restricted funds budgeted to administer and implement ground  
10 water management activities and integrated management activities  
11 for FY2003-04, or (8) restricted funds budgeted to pay for the  
12 reassumption of the assessment function pursuant to section 77-1340  
13 or section 8 of this act in fiscal years 2010-11 through 2013-14.

14 Sec. 3. Section 23-3202, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16 23-3202 No person, ~~except the Property Tax Administrator~~  
17 ~~performing the assessment function pursuant to section 77-1340,~~  
18 shall be eligible to file for, be appointed to, or hold the office  
19 of county assessor or serve as deputy assessor in any county of  
20 this state unless he or she holds a county assessor certificate  
21 issued pursuant to section 77-422.

22 Sec. 4. Section 32-519, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 32-519 (1) ~~Except as provided in sections 22-417 and~~  
25 ~~77-1340,~~ section 22-417, at the statewide general election in 1990  
26 and each four years thereafter, a county assessor shall be elected  
27 in each county having a population of more than three thousand

1 five hundred inhabitants and more than one thousand two hundred tax  
2 returns. The county assessor shall serve for a term of four years.

3 (2) The county board of any county shall order the  
4 submission of the question of electing a county assessor in the  
5 county to the registered voters of the county at the next statewide  
6 general election upon presentation of a petition to the county  
7 board (a) conforming to the provisions of section 32-628, (b)  
8 not less than sixty days before any statewide general election,  
9 (c) signed by at least ten percent of the registered voters of  
10 the county secured in not less than two-fifths of the townships  
11 or precincts of the county, and (d) asking that the question be  
12 submitted to the registered voters in the county. The form of  
13 submission upon the ballot shall be as follows: For election of  
14 county assessor; Against election of county assessor. If a majority  
15 of the votes cast on the question are against the election of a  
16 county assessor in such county, the duties of the county assessor  
17 shall be performed by the county clerk and the office of county  
18 assessor shall either cease with the expiration of the term of  
19 the incumbent or continue to be abolished if no such office exists  
20 at such time. If a majority of the votes cast on the question  
21 are in favor of the election of a county assessor, the office  
22 shall continue or a county assessor shall be elected at the next  
23 statewide general election.

24 (3) The county assessor shall meet the qualifications  
25 found in sections 23-3202 and 23-3204. The county assessor shall be  
26 elected on the partisan ballot.

27 Sec. 5. Section 77-1339, Revised Statutes Cumulative

1 Supplement, 2008, is amended to read:

2 77-1339 (1) Any two or more ~~contiguous~~ counties may enter  
3 into an agreement for joint or cooperative performance of the  
4 assessment function.

5 (2) Such agreement shall provide for:

6 (a) The division, merger, or consolidation of  
7 administrative functions between or among the parties, or the  
8 performance thereof by one county on behalf of all the parties;

9 (b) The financing of the joint or cooperative  
10 undertaking;

11 (c) The rights and responsibilities of the parties with  
12 respect to the direction and supervision of work to be performed  
13 under the agreement;

14 (d) The duration of the agreement and procedures for  
15 amendment or termination thereof; and

16 (e) Any other necessary or appropriate matters.

17 (3) The agreement may provide for the suspension of the  
18 powers and duties of the office of county assessor in any one or  
19 more of the parties.

20 (4) Unless the agreement provides for the performance  
21 of the assessment function by the assessor of one county for  
22 and on behalf of all other counties party thereto, the agreement  
23 shall prescribe the manner of electing the assessor, and the  
24 employees of the office, who shall serve pursuant to the agreement.  
25 Each county party to the agreement shall be represented in the  
26 procedure for choosing such assessor. No person shall be appointed  
27 assessor pursuant to an agreement who could not be so appointed

1 for a single county. Except to the extent made necessary by the  
2 multicounty character of the assessment agency, qualifications for  
3 employment as assessor or in the assessment agency and terms and  
4 conditions of work shall be similar to those for the personnel  
5 of a single county assessment agency. Any county may include in  
6 any one or more of its employee benefit programs an assessor  
7 serving pursuant to an agreement made under this section and the  
8 employees of the assessment agency. As nearly as practicable, such  
9 inclusion shall be on the same basis as for similar employees  
10 of a single county only. An agreement providing for the joint  
11 or cooperative performance of the assessment function may provide  
12 for such assessor and employee coverage in county employee benefit  
13 programs.

14 (5) No agreement made pursuant to the provisions of this  
15 section shall take effect until it has been approved in writing by  
16 the Tax Commissioner.

17 (6) Copies of any agreement made pursuant to the  
18 provisions of this section, and of any amendment thereto, shall be  
19 filed in the office of the Tax Commissioner and county board of the  
20 counties involved.

21 Sec. 6. Section 77-1340, Revised Statutes Cumulative  
22 Supplement, 2008, is amended to read:

23 77-1340 (1) The county board of a county may, by  
24 resolution, request the Property Tax Administrator to assume the  
25 duties, responsibilities, and authority of the county assessor and  
26 to perform the same in and for the county. Such a resolution must  
27 be adopted on or before October 31, 2006, and every other year



1 thereafter.

2 (2) If the Property Tax Administrator finds that direct  
3 state performance of the duties, responsibilities, and authority  
4 of the county assessor will be either (a) necessary or desirable  
5 for the economic and efficient performance thereof or (b) necessary  
6 or desirable for improving the quality of assessment in the  
7 state, he or she may recommend assumption of such duties,  
8 responsibilities, and authority. The Tax Commissioner shall decide  
9 whether to recommend assumption and deliver such recommendation to  
10 the Governor and the Legislature by December 15, 2006, and every  
11 other year thereafter.

12 (3) The Tax Commissioner may recommend assuming the  
13 duties, responsibilities, and authority of the county assessor or  
14 reject assuming such duties, responsibilities, and authority. If  
15 the Tax Commissioner rejects the request, the assessment function  
16 shall not be transferred and the county may make another request.

17 (4) Upon a recommendation by the Tax Commissioner that  
18 the assumption of the assessment function should be undertaken  
19 according to the criteria in subsection (2) of this section, the  
20 Tax Commissioner shall request from the Legislature a sufficient  
21 appropriation in the next regular session of the Legislature  
22 following the recommendation to assume the assessment function. If  
23 the appropriation is not made, the Tax Commissioner shall notify  
24 the county on or before July 1 that the assessment function will  
25 not be undertaken. If a sufficient appropriation is made, the Tax  
26 Commissioner shall notify the county on or before July 1 that the  
27 assessment function will be undertaken beginning the next following

1 July 1.

2 (5) If the Tax Commissioner recommends assumption of  
3 the assessment function and the Legislature makes an appropriation  
4 which the Tax Commissioner determines is sufficient to undertake  
5 the assumption, then commencing on the second July 1 after the  
6 adoption of the resolution by the county board, (a) the Property  
7 Tax Administrator shall undertake and perform the assessment  
8 function and all other duties and functions of the county  
9 assessor's office, including appraisal and reappraisal, (b) the  
10 office and functions of the county assessor shall be suspended, and  
11 (c) the performance of the assessment function by the Property Tax  
12 Administrator shall be deemed performance by the county assessor.  
13 Upon the assumption of the assessment function by the Property Tax  
14 Administrator, the term of office of the incumbent county assessor  
15 shall terminate and the county need no longer elect a county  
16 assessor pursuant to section 32-519. At that time, the county  
17 assessor and the employees of the county assessor's office shall  
18 become state employees with the status of newly hired employees  
19 except as provided in section 77-1340.02. No transferred county  
20 assessor or employee shall incur a loss of income or the right to  
21 participate in state-sponsored benefits as a result of becoming a  
22 state employee with the status of a newly hired employee pursuant  
23 to this section.

24 (6) Beginning July 1, 2010, the Property Tax  
25 Administrator shall bill each county for which the Property Tax  
26 Administrator has assumed the assessment function under this  
27 section for the services rendered on a quarterly basis. Beginning

1 July 1, 2010, through June 30, 2011, the Property Tax Administrator  
2 shall bill twenty-five percent of the cost of the services  
3 rendered; beginning July 1, 2011, through June 30, 2012, the  
4 Property Tax Administrator shall bill fifty percent of the cost of  
5 the services rendered; and beginning July 1, 2012, through June  
6 30, 2013, the Property Tax Administrator shall bill seventy-five  
7 percent of the cost of the services rendered. Reimbursements to  
8 the Department of Revenue shall be credited to the Department of  
9 Revenue Property Assessment Division Cash Fund.

10 (7) The county board of a county may, by resolution,  
11 reassume the assessment function prior to November 1, 2009, for  
12 fiscal year 2010-11, prior to September 1, 2010, for fiscal  
13 year 2011-12, and prior to September 1, 2011, for fiscal year  
14 2012-13. The county board shall appoint an individual with a  
15 valid assessor's certificate to the position of county assessor.  
16 The appointment shall be effective July 1 of the year following  
17 the adoption of the resolution. On July 1 of such year, the  
18 appointed county assessor shall assume the title and perform the  
19 assessment functions and any other duties mandated of the office of  
20 county assessor. The appointed assessor shall continue to perform  
21 the county assessor's duties until an assessor is elected at  
22 the next election. At the close of business on June 30 of the  
23 year following the adoption of the resolution, the Property Tax  
24 Administrator shall cease his or her performance of the county  
25 assessment function. The Property Tax Administrator shall at that  
26 time transfer all books, files, and similar records with regard  
27 to the county assessment function of the county to the county

1 assessor. All contracts of the Department of Revenue pertaining to  
2 the operation of the county assessment function shall be assumed  
3 by the county until the expiration of the contract. On July 1 of  
4 the year following the adoption of the resolution, the employees of  
5 the Department of Revenue involved in the performance of the county  
6 assessment function in that county shall become county employees.

7           Sec. 7. Section 77-1342, Revised Statutes Cumulative  
8 Supplement, 2008, is amended to read:

9           77-1342 There is hereby created a fund to be known as  
10 the Department of Revenue Property Assessment Division Cash Fund  
11 to which shall be credited all money received by the Department  
12 of Revenue for services performed for county and multicounty  
13 assessment districts, for charges for publications, manuals, and  
14 lists, as an assessor's examination fee authorized by section  
15 77-421, and under the provisions of sections 60-3,202, 77-684,  
16 ~~and~~ 77-1250, and 77-1340. The fund shall be used to carry out  
17 any duties and responsibilities of the department. The county or  
18 multicounty assessment district shall be billed by the department  
19 for services rendered. Reimbursements to the department shall be  
20 credited to the fund, and expenditures therefrom shall be made only  
21 when such funds are available. The department shall only bill for  
22 the actual amount expended in performing the service.

23           The fund shall not, at the close of each year, be  
24 lapsed to the General Fund. Any money in the Department of Revenue  
25 Property Assessment Division Cash Fund available for investment  
26 shall be invested by the state investment officer pursuant to  
27 the Nebraska Capital Expansion Act and the Nebraska State Funds

1 Investment Act.

2 ~~Any money in the Department of Property Assessment and~~  
3 ~~Taxation Cash Fund on July 1, 2007, shall be transferred to the~~  
4 ~~Department of Revenue Property Assessment Division Cash Fund on~~  
5 ~~such date.~~

6 Sec. 8. (1) On July 1, 2013, the Property Tax  
7 Administrator shall relinquish the property assessment function  
8 in all counties that transferred the assessment function to the  
9 Property Tax Administrator and have not reassumed the assessment  
10 function prior to such date.

11 (2) On July 1, 2013, the employees of the Department  
12 of Revenue involved in the performance of the county assessment  
13 function shall become county employees.

14 (3) At the close of business on June 30, 2013, the  
15 Property Tax Administrator shall cease his or her performance of  
16 the county assessment function and the county assessor appointed  
17 pursuant to subsection (4) of this section shall assume the county  
18 assessment function. The Property Tax Administrator shall at that  
19 time transfer all books, files, and similar records with regard  
20 to the county assessment function of the county to the county  
21 assessor.

22 (4) In such counties, the county board shall appoint an  
23 individual with a valid assessor's certificate to the position of  
24 county assessor. The appointment shall be effective July 1, 2013.  
25 On July 1, 2013, the appointed county assessor shall assume the  
26 title and perform the assessment functions and any other duties  
27 mandated of the office of county assessor. The appointed assessor

1 shall continue to perform the county assessor's duties until an  
2 assessor is elected at the next election.

3 (5) The Property Tax Administrator shall provide to each  
4 county board of a county that transferred the assessment function  
5 to the Property Tax Administrator on or before October 1, 2009, a  
6 line-item allocation of its total cost of the assessment function  
7 for the fiscal year ending June 30, 2009. This allocation of costs  
8 shall also identify the costs attributable to those employees that  
9 perform duties in more than one county.

10 (6) All contracts of the Department of Revenue pertaining  
11 to the operation of the county assessment function shall be assumed  
12 by the county until the expiration of the contract.

13 (7) Counties in which there are employees of the  
14 department who provide services to more than one county shall enter  
15 into an agreement pursuant to section 77-1339 for the continued  
16 performance of the services provided by the employee. No agreement  
17 pursuant to section 77-1339 is necessary if one of the counties  
18 in which the employee is providing services agrees to retain the  
19 employee as a permanent full-time employee.

20 Sec. 9. (1)(a) On the date of employment transfer,  
21 all employees of the Department of Revenue transferred to a  
22 county pursuant to section 77-1340 or section 8 of this act shall  
23 immediately have the right to participate in the particular county  
24 employees retirement plan and shall have all retirement funds  
25 transferred from the State Employees Retirement System of the State  
26 of Nebraska.

27 (b) For transferred employees who are transferring

1 retirement funds, the amount transferred shall equal the employee  
2 and employer accounts of the transferring employee plus earnings on  
3 those amounts during the period of employment with the state.

4 (2) Upon the completion of the transfer of funds pursuant  
5 to subsection (1) of this section, the transferred employee shall  
6 receive vesting credit for such employee's years of participation  
7 in the retirement system of the county from which the employee was  
8 transferred, if any, plus all years of participation in the State  
9 Employees Retirement System. Each employee that was employed by the  
10 department after the assessment function was transferred from the  
11 county shall receive vesting credit for such employee's years of  
12 participation in the State Employees Retirement System.

13 Sec. 10. (1) The state shall transfer all accrued sick  
14 leave of an employee of the Department of Revenue transferred to a  
15 county pursuant to section 77-1340 or section 8 of this act up to  
16 the maximum number of accumulated hours for sick leave allowed by  
17 the county. The state shall reimburse the county for twenty-five  
18 percent of the value of the accrued sick leave hours based on the  
19 straight-time rate of pay for each employee.

20 (2) The transferred employee may transfer the maximum  
21 amount of accrued annual leave earned as an employee of the state  
22 and allowed by the county. The state shall reimburse the county for  
23 one hundred percent of the value of the hours of accrued annual  
24 leave transferred based on the straight-time rate of pay for each  
25 employee.

26 (3) Subsections (1) and (2) of this section shall not  
27 apply to an employee who is appointed to the position of county

1 assessor by the county board. Such employee shall be paid for his  
2 or her accrued annual leave based on his or her straight-time rate  
3 of pay and for twenty-five percent of the value of his or her  
4 accrued sick leave hours based on his or her straight-time rate of  
5 pay.

6 (4) A transferred employee may credit years of service  
7 with both the county and state toward the accrual rate for sick  
8 leave and annual leave plans. When accrued sick leave and annual  
9 leave for a transferred employee are at a greater rate value than  
10 allowed by the county's sick leave and annual leave plans, the  
11 state shall pay the employee the difference between the value  
12 of the benefits allowed by the county and the state based on  
13 twenty-five percent of the employee's straight-time rate of pay  
14 for the sick leave and one hundred percent of the employee's  
15 straight-time rate of pay for annual leave. The state shall  
16 reimburse the counties and employee not later than December 31,  
17 2013.

18 (5) The transferred employee shall not receive any  
19 additional accrual rate value for county benefits until the  
20 employee meets the qualifications for the increased accrual rates  
21 pursuant to the county's requirements.

22 (6) The transferred employee may participate in and be  
23 covered by the county's insurance program. The waiting period  
24 for medical insurance coverage of transferred employees shall be  
25 waived.

26 (7) For purposes of this section, straight-time rate of  
27 pay means the rate of pay in effect on June 30 of the year of



1 transfer.

2           Sec. 11. Section 77-3442, Revised Statutes Cumulative  
3 Supplement, 2008, is amended to read:

4           77-3442 (1) Property tax levies for the support of local  
5 governments for fiscal years beginning on or after July 1, 1998,  
6 shall be limited to the amounts set forth in this section except as  
7 provided in section 77-3444.

8           (2) (a) Except as provided in subdivision (2) (e) of this  
9 section, school districts and multiple-district school systems,  
10 except learning communities and school districts that are members  
11 of learning communities, may levy a maximum levy of one dollar and  
12 five cents per one hundred dollars of taxable valuation of property  
13 subject to the levy.

14           (b) For each fiscal year, learning communities may levy  
15 a maximum levy for the general fund budgets of member school  
16 districts of ninety-five cents per one hundred dollars of taxable  
17 valuation of property subject to the levy. The proceeds from the  
18 levy pursuant to this subdivision shall be distributed pursuant to  
19 section 79-1073.

20           (c) Except as provided in subdivision (2) (e) of this  
21 section, for each fiscal year, school districts that are members  
22 of learning communities may levy for purposes of such districts'  
23 general fund budget and special building funds a maximum combined  
24 levy of the difference of one dollar and five cents on each one  
25 hundred dollars of taxable property subject to the levy minus  
26 the learning community levies pursuant to subdivisions (2) (b) and  
27 (2) (g) of this section for such learning community.

1           (d) Excluded from the limitations in subdivisions (2)(a)  
2 and (2)(c) of this section are amounts levied to pay for  
3 sums agreed to be paid by a school district to certificated  
4 employees in exchange for a voluntary termination of employment  
5 and amounts levied to pay for special building funds and sinking  
6 funds established for projects commenced prior to April 1, 1996,  
7 for construction, expansion, or alteration of school district  
8 buildings. For purposes of this subsection, commenced means any  
9 action taken by the school board on the record which commits  
10 the board to expend district funds in planning, constructing, or  
11 carrying out the project.

12           (e) Federal aid school districts may exceed the maximum  
13 levy prescribed by subdivision (2)(a) or (2)(c) of this section  
14 only to the extent necessary to qualify to receive federal aid  
15 pursuant to Title VIII of Public Law 103-382, as such title existed  
16 on September 1, 2001. For purposes of this subdivision, federal  
17 aid school district means any school district which receives ten  
18 percent or more of the revenue for its general fund budget from  
19 federal government sources pursuant to Title VIII of Public Law  
20 103-382, as such title existed on September 1, 2001.

21           (f) For school fiscal year 2002-03 through school fiscal  
22 year 2007-08, school districts and multiple-district school systems  
23 may, upon a three-fourths majority vote of the school board of  
24 the school district, the board of the unified system, or the  
25 school board of the high school district of the multiple-district  
26 school system that is not a unified system, exceed the maximum  
27 levy prescribed by subdivision (2)(a) of this section in an amount

1 equal to the net difference between the amount of state aid that  
2 would have been provided under the Tax Equity and Educational  
3 Opportunities Support Act without the temporary aid adjustment  
4 factor as defined in section 79-1003 for the ensuing school fiscal  
5 year for the school district or multiple-district school system  
6 and the amount provided with the temporary aid adjustment factor.  
7 The State Department of Education shall certify to the school  
8 districts and multiple-district school systems the amount by which  
9 the maximum levy may be exceeded for the next school fiscal year  
10 pursuant to this subdivision (f) of this subsection on or before  
11 February 15 for school fiscal years 2004-05 through 2007-08.

12 (g) For each fiscal year, learning communities may levy a  
13 maximum levy of two cents on each one hundred dollars of taxable  
14 property subject to the levy for special building funds for member  
15 school districts. The proceeds from the levy pursuant to this  
16 subdivision shall be distributed pursuant to section 79-1073.01.

17 (h) For each fiscal year, learning communities may levy  
18 a maximum levy of five cents on each one hundred dollars of  
19 taxable property subject to the levy for elementary learning center  
20 facilities and for up to fifty percent of the estimated cost for  
21 capital projects approved by the learning community coordinating  
22 council pursuant to section 79-2111.

23 (3) Community colleges may levy a maximum levy calculated  
24 pursuant to the Community College Foundation and Equalization Aid  
25 Act on each one hundred dollars of taxable property subject to the  
26 levy.

27 (4) (a) Natural resources districts may levy a maximum

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

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

13 (c) In addition, natural resources districts located in  
14 a river basin, subbasin, or reach that has been determined to  
15 be fully appropriated pursuant to section 46-714 or designated  
16 as overappropriated pursuant to section 46-713 by the Department  
17 of Natural Resources shall also have the power and authority to  
18 levy a tax equal to the dollar amount by which their restricted  
19 funds budgeted to administer and implement ground water management  
20 activities and integrated management activities under the Nebraska  
21 Ground Water Management and Protection Act exceed their restricted  
22 funds budgeted to administer and implement ground water management  
23 activities and integrated management activities for FY2005-06, not  
24 to exceed three cents on each one hundred dollars of taxable  
25 valuation on all of the taxable property within the district for  
26 fiscal year 2006-07 and each fiscal year thereafter through fiscal  
27 year 2011-12.

1           (5) Any educational service unit authorized to levy a  
2 property tax pursuant to section 79-1225 may levy a maximum levy of  
3 one and one-half cents per one hundred dollars of taxable valuation  
4 of property subject to the levy.

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

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

27           (7) Sanitary and improvement districts which have been in

1 existence for more than five years may levy a maximum levy of forty  
2 cents per one hundred dollars of taxable valuation of property  
3 subject to the levy, and sanitary and improvement districts which  
4 have been in existence for five years or less shall not have  
5 a maximum levy. Unconsolidated sanitary and improvement districts  
6 which have been in existence for more than five years and are  
7 located in a municipal county may levy a maximum of eighty-five  
8 cents per hundred dollars of taxable valuation of property subject  
9 to the levy.

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

1 section 77-3443 some or all of the county's five cents per one  
2 hundred dollars of valuation authorized for support of an agreement  
3 or agreements to be levied by the political subdivision for the  
4 purpose of supporting that political subdivision's share of revenue  
5 required under an agreement or agreements executed pursuant to the  
6 Interlocal Cooperation Act or the Joint Public Agency Act. If an  
7 allocation by a county would cause another county to exceed its  
8 levy authority under this section, the second county may exceed  
9 the levy authority in order to levy the amount allocated. Property  
10 tax levies for costs of reassumption of the assessment function  
11 pursuant to section 77-1340 or section 8 of this act are not  
12 included in the levy limits established in this subsection for  
13 fiscal years 2010-11 through 2013-14.

14 (9) Municipal counties may levy or authorize a maximum  
15 levy of one dollar per one hundred dollars of taxable valuation  
16 of property subject to the levy. The municipal county may allocate  
17 levy authority to any political subdivision or entity subject to  
18 allocation under section 77-3443.

19 (10) Property tax levies for judgments, except judgments  
20 or orders from the Commission of Industrial Relations, obtained  
21 against a political subdivision which require or obligate a  
22 political subdivision to pay such judgment, to the extent such  
23 judgment is not paid by liability insurance coverage of a  
24 political subdivision, for preexisting lease-purchase contracts  
25 approved prior to July 1, 1998, for bonded indebtedness approved  
26 according to law and secured by a levy on property except as  
27 provided in section 44-4317 for bonded indebtedness issued by

1 educational service units and school districts, and for payments by  
2 a public airport to retire interest-free loans from the Department  
3 of Aeronautics in lieu of bonded indebtedness at a lower cost to  
4 the public airport are not included in the levy limits established  
5 by this section.

6 (11) The limitations on tax levies provided in this  
7 section are to include all other general or special levies  
8 provided by law. Notwithstanding other provisions of law, the  
9 only exceptions to the limits in this section are those provided by  
10 or authorized by sections 77-3442 to 77-3444.

11 (12) Tax levies in excess of the limitations in this  
12 section shall be considered unauthorized levies under section  
13 77-1606 unless approved under section 77-3444.

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

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



1 the voters of the school district and levies for the refinancing of  
2 such bonded indebtedness, shall be considered unauthorized levies  
3 under section 77-1606.

4           Sec. 12. Sections 3, 4, 5, 13, and 15 of this act become  
5 operative on July 1, 2013. The other sections of this act become  
6 operative on their effective date.

7           Sec. 13. Original sections 23-3202 and 32-519, Reissue  
8 Revised Statutes of Nebraska, and section 77-1339, Revised Statutes  
9 Cumulative Supplement, 2008, are repealed.

10           Sec. 14. Original section 13-520, Reissue Revised  
11 Statutes of Nebraska, and sections 13-519, 77-1340, 77-1342,  
12 and 77-3442, Revised Statutes Cumulative Supplement, 2008, are  
13 repealed.

14           Sec. 15. The following sections are outright repealed:  
15 Sections 77-1340.01, 77-1340.02, and 77-1340.03, Reissue Revised  
16 Statutes of Nebraska, and section 77-1340, Revised Statutes  
17 Cumulative Supplement, 2008, as amended by section 6 of this  
18 legislative bill.

19           2. On page 1, line 3, after "sections" insert "13-519,";  
20 in line 8 strike "2012" and insert "2013"; and in line 14 strike  
21 "5" and insert "6".