

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 590

Introduced by Friesen, 34.

Read first time January 21, 2015

Committee: Education

- 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 the taxable
- 4 value certified by county assessors; and to repeal the original
- 5 section.
- 6 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 shall include in
7 such certification the current assessed valuation of any taxable real
8 property which is having its property taxes divided under section 18-2147
9 rather than such property's redevelopment project valuation as defined in
10 section 18-2103. The county assessor may amend the filing for changes
11 made to the taxable valuation of the school district in the county if
12 corrections or errors on the original certification are discovered.
13 Amendments shall be certified to the Property Tax Administrator on or
14 before September 30.

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

1 Commissioner shall adopt and promulgate rules and regulations setting
2 forth standards for the determination of level of value for state aid
3 purposes.

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

5 (a) For real property other than agricultural and horticultural
6 land, ninety-six percent of actual value;

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

12 (c) For personal property, the net book value as defined in section
13 77-120.

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

30 (5) On or before November 10, any local system or county official
31 may file with the Tax Commissioner a written request for a nonappealable

1 correction of the adjusted valuation due to clerical error as defined in
2 section 77-128 or, for agricultural and horticultural land, assessed
3 value changes by reason of land qualified or disqualified for special use
4 valuation pursuant to sections 77-1343 to 77-1347.01. On or before the
5 following January 1, the Tax Commissioner shall approve or deny the
6 request and, if approved, certify the corrected adjusted valuations
7 resulting from such action to the State Department of Education.

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

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

26 (8) A school district whose state aid is to be calculated pursuant
27 to subsection (5) of this section and whose state aid payment is
28 postponed as a result of failure to calculate state aid pursuant to such
29 subsection may apply to the state board for lump-sum payment of such
30 postponed state aid. Such application may be for any amount up to one
31 hundred percent of the postponed state aid. The state board may grant the

1 entire amount applied for or any portion of such amount. The state board
2 shall notify the Director of Administrative Services of the amount of
3 funds to be paid in a lump sum and the reduced amount of the monthly
4 payments. The Director of Administrative Services shall, at the time of
5 the next state aid payment made pursuant to section 79-1022, draw a
6 warrant for the lump-sum amount from appropriated funds and forward such
7 warrant to the district.

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