

AMENDMENTS TO LB243

Introduced by Revenue.

1 1. Strike the original sections and insert the following new
2 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 18 or 20 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 77-5015, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 77-5015 (1) In any case appealed to the commission, all parties
3 shall be afforded an opportunity for hearing after reasonable notice. The
4 notice shall state the time and place of the hearing. Opportunity shall
5 be afforded all parties to present evidence and argument. The commission
6 shall prepare an official record, which includes testimony and exhibits,
7 in each case, but it shall not be necessary to transcribe the record of
8 the proceedings unless requested for purposes of rehearing, in which
9 event the transcript and record shall be furnished by the commission upon
10 request and tender of the cost of preparation.

11 (2)(a) If the commission has not reached a decision on an appeal by
12 the date when the first half of the following year's property taxes
13 become delinquent, then the assessed value of the property for the year
14 in question shall be reset to the previous year's assessed value and
15 shall remain at such value until a decision has been made.

16 (b) If the commission reaches a decision on an appeal after the
17 property taxes for the property become delinquent and if the commission
18 determines that the assessed value of the property is higher than the
19 value of the previous year's assessed value, then interest shall accrue
20 on the tax liability related to the difference in the value between the
21 previous year's assessed value and the assessed value determined by the
22 commission. The interest rate shall be the rate set in section 45-103
23 plus three percent, and the interest shall accrue from the date that the
24 property taxes became delinquent.

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

27 Sec. 15. Section 77-6702, Revised Statutes Cumulative Supplement,
28 2022, is amended to read:

29 77-6702 For purposes of the Nebraska Property Tax Incentive Act:

30 (1) Allowable growth percentage means the percentage increase, if
31 any, in the total assessed value of all real property in the state from

1 the prior year to the current year, as determined by the department,
2 ~~except that in no case shall the allowable growth percentage exceed five~~
3 ~~percent in any one year;~~

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

9 (3) Department means the Department of Revenue;

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

14 (5) School district taxes means property taxes levied on real
15 property in this state by a school district or multiple-district school
16 system, excluding any property taxes levied for bonded indebtedness and
17 any property taxes levied as a result of an override of limits on
18 property tax levies approved by voters pursuant to section 77-3444.

19 Sec. 16. Section 77-6706, Revised Statutes Cumulative Supplement,
20 2022, is amended to read:

21 77-6706 (1) For taxable years beginning or deemed to begin on or
22 after January 1, 2022, under the Internal Revenue Code of 1986, as
23 amended, there shall be allowed to each eligible taxpayer a refundable
24 credit against the income tax imposed by the Nebraska Revenue Act of 1967
25 or against the franchise tax imposed by sections 77-3801 to 77-3807. ~~The~~
26 ~~credit shall be equal to the credit percentage for the taxable year, as~~
27 ~~set by the department under subsection (2) of this section, multiplied by~~
28 ~~the amount of community college taxes paid by the eligible taxpayer~~
29 ~~during such taxable year.~~

30 (2) ~~(2)(a)~~ For taxable years beginning or deemed to begin during
31 calendar year 2022, the credit shall be equal to the credit percentage

1 for the taxable year, as set by the department under this subsection,
2 multiplied by the amount of community college taxes paid by the eligible
3 taxpayer during such taxable year. The the department shall set the
4 credit percentage so that the total amount of credits for such taxable
5 years shall be fifty million dollars. ;

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

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

14 ~~(c) For taxable years beginning or deemed to begin during calendar~~
15 ~~year 2024, the department shall set the credit percentage so that the~~
16 ~~total amount of credits for such taxable years shall be one hundred~~
17 ~~twenty-five million dollars;~~

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

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

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

31 (4) (3) If the community college taxes are paid by a corporation

1 having an election in effect under subchapter S of the Internal Revenue
2 Code, a partnership, a limited liability company, a trust, or an estate,
3 the refundable credit shall be claimed by such corporation, partnership,
4 limited liability company, trust, or estate.

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

11 Sec. 17. Section 85-1517, Reissue Revised Statutes of Nebraska, is
12 amended to read:

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

14 (a) The board may certify to the county board of equalization of
15 each county within the community college area a tax levy not to exceed
16 ten and one-quarter cents on each one hundred dollars on the taxable
17 valuation of all property subject to the levy within the community
18 college area, uniform throughout the area, for the purpose of supporting
19 operating expenditures of the community college area;

20 (b) In addition to the levies provided in subdivisions (1)(a) and
21 (c) of this section, the board may certify to the county board of
22 equalization of each county within the community college area a tax levy
23 not to exceed one cent on each one hundred dollars on the taxable
24 valuation of all property within the community college area, uniform
25 throughout such area, for the purposes of paying off bonds issued under
26 sections 85-1520 to 85-1527 and establishing a capital improvement and
27 bond sinking fund as provided in section 85-1515. The levy provided by
28 this subdivision may be exceeded by that amount necessary to retire the
29 general obligation bonds assumed by the community college area or issued
30 pursuant to section 85-1515 according to the terms of such bonds or for
31 any obligation pursuant to section 85-1535 entered into prior to January

1 1, 1997; and

2 (c) In addition to the levies provided in subdivisions (1)(a) and
3 (b) of this section, the board may also certify to the county board of
4 equalization of each county within the community college area a tax levy
5 on each one hundred dollars on the taxable valuation of all property
6 within the community college area, uniform throughout such area, in the
7 amount which will produce funds only in the amount necessary to pay for
8 funding accessibility barrier elimination project costs and abatement of
9 environmental hazards as such terms are defined in section 79-10,110.
10 Such tax levy shall not be so certified unless approved by an affirmative
11 vote of a majority of the board taken at a public meeting of the board
12 following notice and a hearing. The board shall give at least seven days'
13 notice of such public hearing and shall publish such notice once in a
14 newspaper of general circulation in the area to be affected by the
15 increase. The proceeds of such tax levy shall be deposited in the capital
16 improvement and bond sinking fund provided for in section 85-1515 for use
17 in funding the projects authorized pursuant to this subdivision.

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

19 (2)(a) For fiscal years 2013-14 through 2023-24, the ~~(a)~~ The board
20 may certify to the county board of equalization of each county within the
21 community college area a tax levy not to exceed the difference between
22 eleven and one-quarter cents and the rate levied for such fiscal year
23 pursuant to subdivision (b) of this subsection on each one hundred
24 dollars on the taxable valuation of all property subject to the levy
25 within the community college area, uniform throughout the area, for the
26 purpose of supporting operating expenditures of the community college
27 area. For purposes of calculating the amount of levy authority available
28 for operating expenditures pursuant to this subdivision, the rate levied
29 pursuant to subdivision (b) of this subsection shall not include amounts
30 to retire general obligation bonds assumed by the community college area
31 or issued pursuant to section 85-1515 according to the terms of such

1 bonds or for any obligation pursuant to section 85-1535 entered into
2 prior to January 1, 1997. For fiscal year 2024-25 and each fiscal year
3 thereafter, the board may certify a levy under this subdivision only if
4 such levy is authorized under section 18 or 20 of this act. If so
5 authorized, the levy provided by this subdivision may be exceeded by the
6 amount necessary to generate sufficient revenue as described in section
7 18 or 20 of this act. ÷

8 (b) For fiscal year 2013-14 and each fiscal year thereafter, in In
9 addition to the levies provided in subdivisions (a) and (c) of this
10 subsection, the board may certify to the county board of equalization of
11 each county within the community college area a tax levy not to exceed
12 two cents on each one hundred dollars on the taxable valuation of all
13 property within the community college area, uniform throughout such area,
14 for the purposes of paying off bonds issued under sections 85-1520 to
15 85-1527 and establishing a capital improvement and bond sinking fund as
16 provided in section 85-1515. The levy provided by this subdivision may be
17 exceeded by that amount necessary to retire general obligation bonds
18 assumed by the community college area or issued pursuant to section
19 85-1515 according to the terms of such bonds or for any obligation
20 pursuant to section 85-1535 entered into prior to January 1, 1997. ~~÷ and~~

21 (c) For fiscal years 2013-14 through 2023-24, in In addition to the
22 levies provided in subdivisions (a) and (b) of this subsection, the board
23 of a community college area with a campus located on the site of a former
24 ammunition depot may certify to the county board of equalization of each
25 county within the community college area a tax levy not to exceed three-
26 quarters of one cent on each one hundred dollars on the taxable valuation
27 of all property within the community college area, uniform throughout
28 such area, to pay for funding accessibility barrier elimination project
29 costs and abatement of environmental hazards as such terms are defined in
30 section 79-10,110. Such tax levy shall not be so certified unless
31 approved by an affirmative vote of a majority of the board taken at a

1 public meeting of the board following notice and a hearing. The board
2 shall give at least seven days' notice of such public hearing and shall
3 publish such notice once in a newspaper of general circulation in the
4 area to be affected by the increase. The proceeds of such tax levy shall
5 be deposited in the capital improvement and bond sinking fund provided
6 for in section 85-1515 for use in funding accessibility barrier
7 elimination project costs and abatement of environmental hazards as such
8 terms are defined in section 79-10,110.

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

14 Sec. 18. (1) Beginning in fiscal year 2024-25, funds shall be
15 distributed to community college areas as provided in this section in
16 order to offset the funds lost by community college areas due to the
17 elimination of their levy authority under subdivisions (2)(a) and (c) of
18 section 85-1517.

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

21 (a) For fiscal year 2024-25, the amount of property taxes levied by
22 such community college area for fiscal year 2023-24 pursuant to
23 subdivisions (2)(a) and (c) of section 85-1517 or the amount of property
24 taxes that would have been generated from a levy of seven and one-half
25 cents per one hundred dollars of taxable valuation, whichever is greater,
26 with such amount then increased by three and one-half percent or the
27 percentage increase in the reimbursable educational units of the
28 community college area, whichever is greater. Such amount shall be
29 calculated by the Coordinating Commission for Postsecondary Education and
30 certified to the community college area and to the budget administrator
31 of the budget division of the Department of Administrative Services by

1 August 15, 2024; and

2 (b) For fiscal year 2025-26 and each fiscal year thereafter, the
3 amount distributed under this section to such community college area in
4 the prior fiscal year, increased by three and one-half percent or the
5 percentage increase in the reimbursable educational units of the
6 community college area, whichever is greater. Such amount shall be
7 calculated by the Coordinating Commission for Postsecondary Education and
8 certified to the community college area and to the budget administrator
9 of the budget division of the Department of Administrative Services by
10 August 15 of each year.

11 (3) The Coordinating Commission for Postsecondary Education shall
12 annually certify the total amount to be distributed to all community
13 college areas under subsection (2) of this section to the State
14 Treasurer. The State Treasurer shall transfer the certified amount from
15 the General Fund to the Community College Future Fund in ten equal
16 payments distributed monthly beginning in September of the fiscal year
17 and continuing through June.

18 (4) The Coordinating Commission for Postsecondary Education shall
19 annually make distributions to the community college areas in the amounts
20 determined pursuant to subsection (2) of this section. The distributions
21 shall be made in ten equal payments distributed monthly beginning in
22 September of the fiscal year and continuing through June. Community
23 college areas shall receive no payments during the months of July and
24 August.

25 (5) The Community College Future Fund is created. The fund shall be
26 administered by the Coordinating Commission for Postsecondary Education
27 and shall be used to provide state distributions to community college
28 areas pursuant to this section. The fund shall consist of transfers
29 authorized by the Legislature. Any money in the fund available for
30 investment shall be invested by the state investment officer pursuant to
31 the Nebraska Capital Expansion Act and the Nebraska State Funds

1 Investment Act.

2 (6) Beginning in fiscal year 2024-25, if the state fails to provide
3 full funding of the amounts described in subsection (2) of this section
4 for any fiscal year, each community college area may, if approved by a
5 majority vote of the community college board of governors, levy an amount
6 for such fiscal year under subdivision (2)(a) of section 85-1517
7 sufficient to generate revenue equal to the amount that would have been
8 provided to the community college area under subsection (2) of this
9 section if fully funded minus the amount that was actually provided to
10 the community college area. The property tax levy provided for in this
11 subsection is in addition to the maximum allowable property tax levy
12 described in subdivision (2)(b) of section 85-1517 and any property tax
13 levied for funding accessibility barrier elimination project costs and
14 abatement of environmental hazards as such terms are defined in section
15 79-10,110.

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

18 Sec. 19. Section 85-2231, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 85-2231 Sections 85-2231 to 85-2237 and section 20 of this act shall
21 be known and may be cited as the Community College Aid Act.

22 Sec. 20. For fiscal year 2024-25 and each fiscal year thereafter, if
23 the amount of aid provided to a community college area pursuant to the
24 Community College Aid Act is less than the amount of aid provided to such
25 community college area in the immediately preceding fiscal year or the
26 amount of aid provided to such community college area in fiscal year
27 2022-23, whichever is greater, the community college area may, if
28 approved by a majority vote of the community college board of governors,
29 levy an amount under subdivision (2)(a) of section 85-1517 sufficient to
30 generate revenue equal to the difference in aid from the immediately
31 preceding fiscal year or fiscal year 2022-23, whichever is applicable.

1 The property tax levy provided for in this section is in addition to the
2 maximum allowable property tax levy described in subdivision (2)(b) of
3 section 85-1517 and any property tax levied for funding accessibility
4 barrier elimination project costs and abatement of environmental hazards
5 as such terms are defined in section 79-10,110.

6 Sec. 21. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 24 of this act
7 become operative on January 1, 2024. Sections 11, 12, 13, 15, 16, 17, 18,
8 19, 20, and 23 of this act become operative three calendar months after
9 the adjournment of this legislative session. The other sections of this
10 act become operative on their effective date.

11 Sec. 22. Original section 77-5015, Reissue Revised Statutes of
12 Nebraska, is repealed.

13 Sec. 23. Original sections 85-1517 and 85-2231, Reissue Revised
14 Statutes of Nebraska, and sections 77-1736.06, 77-3442, 77-4212, 77-6702,
15 and 77-6706, Revised Statutes Cumulative Supplement, 2022, are repealed.

16 Sec. 24. Original sections 77-1632 and 77-1633, Revised Statutes
17 Cumulative Supplement, 2022, are repealed.

18 Sec. 25. Since an emergency exists, this act takes effect when
19 passed and approved according to law.