

LEGISLATURE OF NEBRASKA
NINETY-SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 422

Introduced by Wickersham, 49; Dierks, 40; Jones, 43; Kremer, 34

Read first time January 9, 2001

Committee: Revenue

A BILL

1 FOR AN ACT relating to revenue and taxation; to amend section
2 79-1016, Revised Statutes Supplement, 2000; to change the
3 calculation of state aid value; and to repeal the
4 original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-1016, Revised Statutes Supplement,
2 2000, is amended to read:

3 79-1016. (1) On or before August 25, the county assessor
4 shall certify to the Property Tax Administrator the total taxable
5 value by school district in the county for the current assessment
6 year on forms prescribed by the Property Tax Administrator. On or
7 before October 10, the Property Tax Administrator shall compute and
8 certify to the State Department of Education the adjusted valuation
9 for the current assessment year for each class of property in each
10 school district and each local system. The adjusted valuation of
11 property for each school district and each local system, for
12 purposes of determining state aid pursuant to the Tax Equity and
13 Educational Opportunities Support Act, shall reflect as nearly as
14 possible state aid value as defined in subsection (2) of this
15 section. The Property Tax Administrator shall also notify each
16 school district and each local system of its adjusted valuation for
17 the current assessment year by class of property on or before
18 October 10. Establishment of the adjusted valuation shall be based
19 on assessment practices established by rule and regulation adopted
20 and promulgated by the Property Tax Administrator. The assessment
21 practices may include, but not be limited to, the appraisal methods
22 listed in section 77-112.

23 (2) For purposes of this section, state aid value means:

24 (a) For real property other than agricultural land, one
25 hundred percent of market value;

26 (b) For agricultural land, ~~eighty~~ seventy percent of
27 market value as provided in sections 77-1359 to 77-1363. For
28 agricultural land that receives special valuation pursuant to

1 section 77-1344, ~~one hundred~~ eighty-seven and one-half percent of
2 special valuation as defined in section 77-1343; and

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

5 (3) On or before November 10, any local system may file
6 with the Property Tax Administrator written objections to the
7 adjusted valuations prepared by the Property Tax Administrator,
8 stating the reasons why such adjusted valuations are not the
9 valuations required by subsection (2) of this section. The
10 Property Tax Administrator shall fix a time for a hearing. Either
11 party shall be permitted to introduce any evidence in reference
12 thereto. On or before January 1, the Property Tax Administrator
13 shall enter an order modifying or declining to modify, in whole or
14 in part, the adjusted valuations and shall certify the order to the
15 State Department of Education. Modification by the Property Tax
16 Administrator shall be based upon the evidence introduced at
17 hearing and shall not be limited to the modification requested in
18 the written objections or at hearing. The final determination of
19 the Property Tax Administrator may be appealed to the Tax
20 Equalization and Review Commission in accordance with the Tax
21 Equalization and Review Commission Act.

22 (4) On or before November 10, any local system or county
23 official may file with the Property Tax Administrator a written
24 request for a nonappealable correction of the adjusted valuation
25 due to clerical error or, for agricultural land, assessed value
26 changes by reason of land qualified or disqualified for special use
27 valuation pursuant to sections 77-1343 to 77-1348. For purposes of
28 this subsection, clerical error means transposition of numbers,

1 allocation of value to the wrong school district, mathematical
2 error, and omitted value. On or before the following January 1,
3 the Property Tax Administrator shall approve or deny the request
4 and, if approved, certify the corrected adjusted valuations
5 resulting from such action to the State Department of Education.

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

9 (6) A school district whose state aid is to be calculated
10 pursuant to subsection (4) of this section and whose state aid
11 payment is postponed as a result of failure to calculate state aid
12 pursuant to such subsection may apply to the state board for
13 lump-sum payment of such postponed state aid. Such application may
14 be for any amount up to one hundred percent of the postponed state
15 aid. The state board may grant the entire amount applied for or
16 any portion of such amount. The state board shall notify the
17 Director of Administrative Services of the amount of funds to be
18 paid in a lump sum and the reduced amount of the monthly payments.
19 The Director of Administrative Services shall, at the time of the
20 next state aid payment made pursuant to section 79-1022, draw a
21 warrant for the lump-sum amount from appropriated funds and forward
22 such warrant to the district.

23 Sec. 2. Original section 79-1016, Revised Statutes
24 Supplement, 2000, is repealed.