

LEGISLATIVE BILL 306

Approved by the Governor February 12, 1998

Introduced by Warner, 25; Schellpeper, 18

AN ACT relating to revenue and taxation; to amend sections 3-504, 13-508, 13-509, 77-1716, 77-1717, 77-1718, 77-1719.01, 77-1719.02, 77-1742, and 77-3445, Reissue Revised Statutes of Nebraska, section 32-559, Revised Statutes Supplement, 1996, and sections 51-201, 51-501, 60-305.15, 60-3001, 60-3002, 60-3004 to 60-3008, 70-651.05, 71-1637, 77-621, 77-623, 77-802, 77-802.01, 77-1504.01, 77-1601, 77-1601.02, 77-1609, 77-1610, 77-1613, 77-1613.01, 77-1616, 77-3442, 77-3443, 77-3444, 77-5007, 77-5030, 79-1003, 79-1018, 79-1018.01, and 80-202, Revised Statutes Supplement, 1997; to change and eliminate limitations, dates, and procedures for determining and, certifying tax levies; to change delinquency and due dates for property taxes; to provide for the taxation of assembled motor vehicles; to change motor vehicle tax and fee provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 77-1601.01, Revised Statutes Supplement, 1997; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 3-504, Reissue Revised Statutes of Nebraska, is amended to read:

3-504. Any authority established under the Cities Airport Authorities Act shall have power:

- (1) To sue and be sued;
- (2) To have a seal and alter the same at pleasure;
- (3) To acquire, hold, and dispose of personal property for its corporate purposes;
- (4) To acquire in the name of the city, by purchase or condemnation, real property or rights or easements therein necessary or convenient for its corporate purposes and, except (a) as may otherwise be provided in the act and (b) that if property is to be acquired outside the zoning jurisdiction of the city when such city is a city of the metropolitan class, approval must be obtained from the county board of the county where the property is located before the right of eminent domain may be exercised, to use the same so long as its corporate existence continues. Such power shall not be exercised by authorities of cities of the primary, first, and second classes and of villages created after September 2, 1973, without further approval until such time as at least three members of the authority have been elected. If the exercise of such power is necessary while three or more appointed members remain on the authority of cities of the primary, first, and second classes and of villages, the appointing body shall approve all proceedings under this subdivision;
- (5) To make bylaws for the management and regulation of its affairs and, subject to agreements with bondholders, to make rules and regulations for the use of projects and the establishment and collection of rentals, fees, and all other charges for services or commodities sold, furnished, or supplied by such authority. Any person violating such rules shall be guilty of a Class III misdemeanor;
- (6) With the consent of the city, to use the services of agents, employees, and facilities of the city, for which the authority may reimburse the city a proper proportion of the compensation or cost thereof, and also to use the services of the city attorney as legal advisor to the authority;
- (7) To appoint officers, agents, and employees and fix their compensation;
- (8) To make contracts, leases, and all other instruments necessary or convenient to the corporate purposes of the authority;
- (9) To design, construct, maintain, operate, improve, and reconstruct, so long as its corporate existence continues, such projects as are necessary and convenient to the maintenance and development of aviation services to and for the city in which such authority is established, including landing fields, heliports, hangars, shops, passenger and freight terminals, control towers, and all facilities necessary or convenient in connection with any such project, to contract for the construction, operation, or maintenance of any parts thereof or for services to be performed thereon, and to rent parts thereof and grant concessions thereon, all on such terms and conditions as the authority may determine;

(10) To include in such project, subject to zoning restrictions, space and facilities for any or all of the following: public recreation; business, trade, or other exhibitions; sporting or athletic events; public meetings; conventions; and all other kinds of assemblages and, in order to obtain additional revenue, space and facilities for business and commercial purposes. Whenever the authority deems it to be in the public interest, the authority may lease any such project or any part or parts thereof or contract for the management and operation thereof or any part or parts thereof. Any such lease or contract may be for such period of years as the authority shall determine;

(11) To charge fees, rentals, and other charges for the use of projects under the jurisdiction of such authority subject to and in accordance with such agreement with bondholders as may be made as hereinafter provided. Subject to contracts with bondholders, all fees, rentals, charges, and other revenue derived from any project shall be applied to the payment of operating, administration, and other necessary expenses of the authority properly chargeable to such project and to the payment of the interest on and principal of bonds or for making sinking-fund payments therefor. Subject to contracts with bondholders, the authority may treat one or more projects as a single enterprise with respect to revenue, expenses, the issuance of bonds, maintenance, operation, or other purposes;

(12) To certify annually to the governing body of the city the amount of tax to be levied for airport purposes which the authority requires under its adopted budget statement to be received from taxation, not to exceed three and five-tenths cents on each one hundred dollars of taxable valuation of all the taxable property in such city subject to section 77-3443. The governing body may levy and collect the taxes so certified at the same time and in the same manner as other taxes are levied and collected, and the proceeds of such taxes when due and as collected shall be set aside and deposited in the special account or accounts in which other revenue of the authority is deposited. An authority in a city of the first or second class or a village shall have power to certify annually to the governing body of such a city or village an additional amount of tax to be levied for airport purposes, not to exceed three and five-tenths cents on each one hundred dollars of taxable value, to be levied, collected, set aside, and deposited as specified in this subdivision, and if negotiable bonds of the authority are thereafter issued, this power shall continue until such bonds are paid in full. When such additional amount of tax is first certified, the governing body may then require, but not thereafter, approval of the same by a majority vote of the governing body or by a majority vote of the electors voting on the same at a general or special election. The additional levy shall be subject to section 77-3443. The provisions of this subdivision shall not apply to cities of the metropolitan class;

(13) To construct and maintain under, along, over, or across a project, telephone, telegraph, or electric wires and cables, fuel lines, gas mains, water mains, and other mechanical equipment not inconsistent with the appropriate use of such project, to contract for such construction and to lease the right to construct and use the same, or to use the same on such terms for such periods of time and for such consideration as the authority shall determine;

(14) To accept grants, loans, or contributions from the United States, the State of Nebraska, any agency or instrumentality of either of them, or the city in which such authority is established and to expend the proceeds thereof for any corporate purposes;

(15) To incur debt and issue negotiable bonds and to provide for the rights of the holders thereof;

(16) To enter on any lands, waters, and premises for the purposes of making surveys, soundings, and examinations; and

(17) To do all things necessary or convenient to carry out the powers expressly conferred on such authorities by the act.

Sec. 2. Section 13-508, Reissue Revised Statutes of Nebraska, is amended to read:

13-508. (1) After publication and hearing thereon and within the time prescribed by law, each governing body shall file with and certify to the levying board on or before September 20 of each year and file with the auditor a copy of the adopted statement of the amount for reimbursement of property taxes pursuant to subsection (2) of section 13-504 and the adopted budget statement which complies with sections 13-518 to 13-522 or 79-1023 to 79-1030, together with the amount of the tax required to fund the adopted budget, setting out separately (a) the amount to be levied for the payment of principal or interest on bonds issued by the governing body and (b) the amount to be levied for all other purposes. Proof of publication shall be attached

to the statements. The governing body, in certifying the amount required, may make allowance for delinquent taxes not exceeding five percent of the amount required plus the actual percentage of delinquent taxes for the preceding tax year and for the amount of estimated tax loss from any pending or anticipated litigation which involves taxation and in which tax collections have been or can be withheld or escrowed by court order. For purposes of this section, anticipated litigation shall be limited to the anticipation of an action being filed by a taxpayer who or which filed a similar action for the preceding year which is still pending. Except for such allowances, a governing body shall not certify an amount of tax more than one percent greater or lesser than the amount determined under section 13-505.

(2) After publication and hearing thereon and within the time prescribed by law, each governing body responsible for certifying a levy pursuant to section 77-1601.02 shall file with the levying board on or before October ~~14~~ 31 of each year and file with the auditor a certified copy of any resolution passed setting a tax levy which shall not exceed the maximum levy prescribed by state law and a statement reconciling the levy set by the governing body with the budget filed pursuant to subsection (1) of this section. The levy shall be set to fund property tax requirements in the adopted budget to four to eight places to the right of the decimal point.

(3) Each governing body shall use the final adjusted values as provided by the county assessor pursuant to section 13-509 for the current year in setting or certifying the levy. Each governing body may designate one of its members to perform any duty or responsibility required of such body by this section.

Sec. 3. Section 13-509, Reissue Revised Statutes of Nebraska, is amended to read:

13-509. On or before August ~~31~~ 20 of each year, the county assessor shall certify to each governing body or board empowered to levy or certify a tax levy the current taxable value of the taxable real and personal property subject to the applicable levy. Current taxable value for real property shall mean the value established by the county assessor and equalized by the county board of equalization, the agricultural and horticultural land valuation board, and the Tax Equalization and Review Commission. Current taxable value for tangible personal property other than motor vehicles shall mean the net book value reported by the taxpayer and certified by the county assessor, and current taxable value for motor vehicles shall mean the value certified by the county assessor pursuant to section 77-1514.

Sec. 4. Section 32-559, Revised Statutes Supplement, 1996, is amended to read:

32-559. ~~Any~~ Except as provided in section 77-3444, any issue to be submitted to the registered voters at a special election by a political* subdivision shall be certified by the clerk of the political subdivision to the election commissioner or county clerk at least fifty days prior to the election. A special election may be held by mail as provided in sections 32-952 to 32-959. No special election to be conducted by the election' commissioner or county clerk shall be held within thirty days prior to or sixty days after the statewide primary election, and no special election to be conducted by the election commissioner or county clerk shall be held within thirty days prior to or sixty days after the statewide general election.

In lieu of submitting the issue at a special election, any political subdivision may submit the issue at a statewide primary or general election or at any scheduled county election, except that no such issue shall be submitted at a statewide election or scheduled county election unless the issue to be submitted has been certified by the clerk of the political subdivision to the election commissioner or county clerk by March 1 for the primary election and by September 1 for the general election. After the election commissioner or county clerk has received the certification of the issue to be submitted, he or she shall be responsible for all matters relating to the submission of the issue to the registered voters, except that the clerk of the political subdivision shall be responsible for the publication or posting of any required special notice of the submission of such issue other than the notice required to be given of the statewide election issues. The election commissioner or county clerk shall prepare the ballots and issue absentee ballots and shall also conduct the submission of the issue, including the receiving and counting of the ballots on the issue. The election returns shall be made to the election commissioner or county clerk. The ballots, including absentee ballots, shall be counted and canvassed at the same time and in the same manner as the other ballots. Upon completion of the canvass of the vote by the county canvassing board, the election commissioner or county clerk shall certify the election results to the governing body of the political subdivision. The canvass by the county canvassing board shall have

the same force and effect as if made by the governing body of the political subdivision.

Sec. 5. Section 51-201, Revised Statutes Supplement, 1997, is amended to read:

51-201. The city council of any city, the board of trustees of any incorporated village, the county board of any county, and the electors of any township at their annual town meeting shall have the power to establish a public library free of charge for the use of the inhabitants of such city, village, county, or township.

Any such council, board, or electors may also contract for the use of a public library already established and may levy a tax of not more than ten and five-tenths cents on each one hundred dollars upon the taxable value of all the taxable property in such city, village, county, or township annually to be levied and collected in like manner as other taxes in such city, village, county, or township, except that when any county discontinues township organization, the county shall levy and collect a tax of not more than ten and five-tenths cents on each one hundred dollars for such public library. ~~On and after July 1, 1998, the~~ The levy shall be subject to section sections 77-3442 and 77-3443. The amount collected from such levy shall be known as the library fund.

Before establishing a county library, the county board shall submit the question to the voters of the county at a general election pursuant to section 32-559, including only incorporated and unincorporated areas which do not have a public library, and a majority of the voters voting on the question of whether to establish a county library shall authorize the establishment of such county library and the levying of the tax. A city, village, or township within the county that has a public library may merge with the county library, if established, upon a majority vote pursuant to section 51-201.04. When such questions are submitted and carried, the county board shall include the county library in its next succeeding estimate and levy. Such submission shall not be required when the board levies a tax for the purpose of contracting for use of a library already established. When the county board makes a levy for a county library or for the purpose of contracting for use of a public library already established, the county board shall omit from the levy of the library tax all property within the limits of any city, village, or township in such county which already maintains a library by public tax unless the voters of the city, village, or township have voted to merge with the county library.

The method of merger of libraries provided in this section and sections 51-201.03 to 51-201.07 shall not be construed as the exclusive way to merge libraries or library facilities. Nothing in such sections shall prohibit a county, city, village, or township from entering into an agreement pursuant to the Interlocal Cooperation Act relating to library services.

Sec. 6. Section 51-501, Revised Statutes Supplement, 1997, is amended to read:

51-501. (1) The city council of any city, the board of trustees of any incorporated village, the county board of any county, and the electors of any township at their annual town meeting shall have the power to establish a museum for the use of the inhabitants of such city, village, county, or township or to contract for the use of a museum already established and may levy a tax of not more than seven cents on each one hundred dollars upon the taxable value of all the taxable property within the city, village, township, or county to be levied each year and collected in like manner as other taxes in such city, village, county, or township and to be known as the museum fund. The levy shall be part of the levy of the city, village, county, or township and shall be subject to section sections 77-3442 and 77-3443.

(2) When the county board makes a levy for a county museum, it shall omit from the levy of the museum tax all property within the limits of any city, village, or township in such county which already maintains a museum by public tax. Before establishing such county museum or levying such tax, the county board shall submit the question to the voters of the county and a majority of the voters voting thereon shall have authorized the establishment of such county museum and the levying of the tax. Such questions shall be submitted at a general election only, and when so submitted and carried, it is hereby made the duty of the county board to include the county museum in its next succeeding estimate and levy.

(3) The electors of the county may discontinue such levy by vote of the people in the same manner that the initial levy was authorized, except that the proposition to discontinue such levy shall be placed on the ballot by the county board of such county at a general election only when requested to do so by a petition signed by at least twenty percent of the legal voters of such county based on the total vote cast for Governor at the last general election in the county.

Sec. 7. Section 60-305.15, Revised Statutes Supplement, 1997, is amended to read:

60-305.15. (1) As registration fees are received by the Division of Motor Carrier Services of the Department of Motor Vehicles pursuant to section 60-305.09, the division shall remit the fees to the State Treasurer, less a collection fee of three percent of thirty percent of the registration fees collected. The collection fee shall be credited to the Property Tax Division Cash Fund. The State Treasurer shall credit the remainder of the thirty percent of the fees collected to the Motor Vehicle Tax Fund and the remaining seventy percent of the fees collected to the Highway Trust Fund.

(2) On or before the last day of each quarter of the calendar year, the State Treasurer shall distribute all funds in the Motor Vehicle Tax Fund to the county treasurer of each county in the same proportion as the number of original motor vehicle registrations in each county bears to the total of all original registrations within the state in the registration year immediately preceding.

(3) Upon receipt of motor vehicle tax funds from the State Treasurer, the county treasurer shall distribute such funds to taxing agencies within the county in the same proportion that the levy of each such taxing agency bears to the total of such levies of all taxing agencies in the county.

(4) In the event any taxing district has been annexed, merged, dissolved, or in any way absorbed into another taxing district, an apportionment of motor vehicle tax funds to which such taxing district would have been entitled shall be apportioned to the successor taxing district which has assumed the functions of the annexed, merged, dissolved, or absorbed taxing district.

(5) On or before March 1 of each year, the Department of Motor Vehicles shall furnish to the State Treasurer a tabulation showing the total number of original motor vehicle registrations in each county for the immediately preceding calendar year, which shall be the basis for computing the distribution of motor vehicle tax funds as provided in subsection (2) of this section.

(6) The Motor Vehicle Tax Fund is created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 8. Section 60-3001, Revised Statutes Supplement, 1997, is amended to read:

60-3001. For purposes of sections 60-3001 to 60-3008 and section 15 of this act:

(1) Assembled motor vehicle means a motor vehicle that is materially altered from its construction by the removal, addition, or substitution of new or used major component parts. Its make shall be assembled, and its model year shall be the year in which the motor vehicle was assembled;

(2) Bus has the same meaning as in section 60-612;

(3) ~~(2)~~ Current model year vehicle means a motor vehicle for which the model year as designated by the manufacturer corresponds to the calendar year;

(4) ~~(3)~~ motor vehicle means every motor vehicle, trailer, and semitrailer subject to the payment of registration fees or permit fees under the laws of this state and every cabin trailer as defined in section 60-301 registered for operation upon the highways of this state;

(5) ~~(4)~~ Motor vehicle fee means the fee imposed upon motor vehicles under section 60-3007;

(6) ~~(5)~~ Motor vehicle tax means the tax imposed upon motor vehicles under section 60-3002;

(7) ~~(6)~~ Registration period means the period from the date of registration pursuant to section 60-302 to the first day of the month following one year after such date; and

(8) ~~(7)~~ Situs of a motor vehicle means the tax district where the motor vehicle is stored and kept for the greater portion of the calendar year. For a motor vehicle used or owned by a student, the situs is at the place of residence of the student if different from the place at which he or she is attending school.

Sec. 9. Section 60-3002, Revised Statutes Supplement, 1997, is amended to read:

60-3002. In addition to the registration fees provided by Chapter 60, article 3, and the motor vehicle fee imposed in section 60-3007, a motor vehicle tax is imposed on motor vehicles registered for operation upon the highways of this state except:

(1) Motor vehicles exempt from the registration fee in section 60-335;

(2) One. motor vehicle owned and used for his or her personal transportation by a disabled or blind honorably discharged veteran of the United States Armed Forces as defined in section 77-202.23 whose disability or blindness is recognized by the United States Department of Veterans Affairs if an application for the exemption has been approved under subsection (1) of section 60-3006;

(3) Motor vehicles owned by Indians as defined in 25 U.S.C. 479;

(4) Motor vehicles owned by a member of the United States Armed Forces serving in this state in compliance with military or naval orders if such person is a resident of a state other than Nebraska;

(5) Motor vehicles owned by the state and its governmental subdivisions and exempt as provided in subdivision (1)(a) of section 77-202;

(6) Motor vehicles owned and used exclusively by an organization or society qualified for a tax exemption provided in subdivision (1)(b) or (1)(c) of section 77-202 if an application for the exemption provided in this subdivision has been approved under subsection (2) of section 60-3006; and

(7) Trucks, truck-trailers, trailers, semitrailers, or combinations thereof registered under section 60-305.09.

Sec. 10. Section 60-3004, Revised Statutes Supplement, 1997, is amended to read:

60-3004. (1) The motor vehicle tax schedules are set out in this section.

(2) The motor vehicle tax shall be calculated by multiplying the base tax times the fraction which corresponds to the age category of the vehicle as shown in the following table:

YEAR	FRACTION
First	1.00
Second	0.90
Third	0.80
Fourth	0.70
Fifth	0.60
Sixth	0.51
Seventh	0.42
Eighth	0.33
Ninth	0.24
Tenth and Eleventh	0.15
Twelfth and Thirteenth	0.07
Fourteenth and older	0.00

(3) The base tax shall be:

(a) Passenger cars, trucks, utility vehicles, and vans, up to five tons -- An amount determined using the following table:

Value when new	Base tax
Up to \$9,999	\$ 60
\$10,000 to \$11,999	100
\$12,000 to \$13,999	140
\$14,000 to \$15,999	180
\$16,000 to \$17,999	220
\$18,000 to \$19,999	260
\$20,000 to \$21,999	300
\$22,000 to \$23,999	340
\$24,000 to \$25,999	380
\$26,000 to \$27,999	420
\$28,000 to \$29,999	460
\$30,000 to \$31,999	500
\$32,000 to \$33,999	540
\$34,000 to \$35,999	580
\$36,000 to \$37,999	620
\$38,000 to \$39,999	660
\$40,000 to \$41,999	700
\$42,000 to \$43,999	740
\$44,000 to \$45,999	780
\$46,000 to \$47,999	820
\$48,000 to \$49,999	860
\$50,000 to \$51,999	900
\$52,000 to \$53,999	940
\$54,000 to \$55,999	980
\$56,000 to \$57,999	1,020
\$58,000 to \$59,999	1,060
\$60,000 to \$61,999	1,100
\$62,000 to \$63,999	1,140
\$64,000 to \$65,999	1,180
\$66,000 to \$67,999	1,220

\$68,000 to \$69,999	1,260
\$70,000 to \$71,999	1,300
\$72,000 to \$73,999	1,340
\$74,000 to \$75,999	1,380
\$76,000 to \$77,999	1,420
\$78,000 and over	1,460

(b) Assembled passenger cars, trucks, utility vehicles, and vans, up to five tons -- \$60:

(c) Motorcycles -- An amount determined using the following table:

Value when new	Base tax
Up to \$3,999	\$ 25
\$ 4,000 to \$ 5,999	50
\$ 6,000 to \$ 7,999	75
\$ 8,000 to \$ 9,999	100
\$10,000 to \$11,999	125
\$12,000 to \$13,999	150
\$14,000 to \$15,999	175
\$16,000 to \$17,999	200
\$18,000 to \$19,999	225
\$20,000 and over	250

(d) ~~(e)~~ Recreational vehicles -- Cabin trailers, up to one thousand pounds -- \$10

(e) ~~(d)~~ Recreational vehicles -- Cabin trailers, one thousand pounds and over and less than two thousand pounds -- \$25

(f) ~~(e)~~ Recreational vehicles -- Cabin trailers, two thousand pounds and over -- \$40

(g) ~~(f)~~ Recreational vehicles -- Self-propelled mobile homes, less than eight thousand pounds -- \$160

(h) ~~(g)~~ Recreational vehicles Self-propelled mobile homes, eight thousand pounds and over and less than twelve thousand pounds -- \$410

(i) ~~(h)~~ Recreational vehicles -- Self-propelled mobile homes, twelve thousand pounds and over -- \$860

(j) ~~(i)~~ Trucks -- Five tons and over and less than ten tons -- \$260

(k) ~~(j)~~ Trucks -- Ten tons and over and less than sixteen tons -

(l) ~~(k)~~ Trucks -- Sixteen tons and over and less than thirty tons -

(m) ~~(l)~~ Trucks -- Thirty tons and over -- \$1,160

(n) ~~(m)~~ Buses -- \$360

(o) ~~(n)~~ Trailers other than semitrailers -- Less than four thousands pounds -- \$15

(p) ~~(o)~~ Trailers other than semitrailers -- Four thousand pounds and over and less than nine thousand pounds -- \$30

(q) ~~(p)~~ Trailers other than semitrailers -- Nine thousand pounds and over -- \$45

(r) ~~(q)~~ Semitrailers -- \$110

(s) ~~(r)~~ All other motor vehicles not listed in subdivisions (3)(a) through ~~(q)~~ (r) of this section -- \$310

(4) For purposes of subsection (3) of this section, truck means all trucks and combinations of trucks or truck-tractors, except those trucks, truck-trailers, trailers, semitrailers, or combinations thereof registered under section 60-305.09, and the tax is based on the gross vehicle weight for purposes of registration.

(5) For purposes of subsection (3) of this section, trailer and semitrailer have the same meanings as in section 60-301.

(6) Current model year vehicles are designated as first-year vehicles for purposes of the schedules.

(7) When a motor vehicle is registered which is newer than the current model year by the manufacturer's designation, the motor vehicle is subject to the initial motor vehicle tax in the first registration period and ninety-five percent of the initial motor vehicle tax in the second registration period.

(8) When a motor vehicle is registered which is required to have a title branded as previous salvage pursuant to section 60-130, the motor vehicle tax shall be reduced by twenty-five percent.

(9) If the owner of any motor vehicle increases the gross vehicle weight for which the motor vehicle is registered and the increase results in a higher motor vehicle tax, the owner shall register the motor vehicle under the new weight and pay the difference between the motor vehicle taxes prorated for the remainder of the period of registration.

(10) All assembled motor vehicles other than passenger cars, trucks, utility vehicles, and vans up to five tons shall follow the schedules of the

motor vehicle body type.

Sec. 11. Section 60-3005, Revised Statutes Supplement, 1997, is amended to read:

60-3005. (1) The ~~Property Tax Administrator~~ Department of Motor Vehicles shall (a) determine the value when new of passenger cars, trucks, utility vehicles, and vans, weighing up to five tons, and (b) certify such determination to the county treasurer or designated county official pursuant to section 23-186 of each county by ~~September 1~~ November 15 of the prior year. The ~~Property Tax Administrator~~ department shall make a determination for such makes and models of motor vehicles already manufactured or being manufactured and shall, as new makes and models of motor vehicles become available to Nebraska residents, continue to make such determinations. The value when new is the manufacturer's suggested retail price for a new motor vehicle of that year using the manufacturer's body type and model with standard equipment and not including transportation or delivery cost.

(2) Any person or taxing official may, within ten days after a determination has been certified by the ~~Property Tax Administrator~~ department, file objections in writing with the ~~Property Tax Administrator~~ department stating why the determination is incorrect.

(3) Any affected person may file an objection to the determination of the ~~Property Tax Administrator~~ department not more than fifteen days before and not later than thirty days after the registration date. The objection must be filed in writing with the ~~Property Tax Administrator~~ department and state why the determination is incorrect.

(4) Upon the filing of objections the ~~Property Tax Administrator~~ department shall fix a time for a hearing. Any party may introduce evidence in reference to the objections, and the ~~Property Tax Administrator~~ department shall act upon the objections and make an order. The final determination by the ~~Property Tax Administrator~~ department may be appealed. The appeal shall be in accordance with the Tax Equalization and Review commission Act. In an appeal, the department's determination of the manufacturer's suggested retail price shall be presumed to be correct and the party challenging the determination shall bear the burden of proving it incorrect.

(5) ~~Beginning on January 1, 1998, the powers and duties of the Property Tax Administrator under this section shall be transferred to the Department of Motor Vehicles. The personnel of the property tax division of the Department of Revenue involved in such powers and duties shall become personnel of the Department of Motor Vehicles on such date. The furniture, equipment, books, files, records, and other property used by the property tax division in carrying out the powers and duties of this section shall be transferred and delivered to the Department of Motor Vehicles on or before such date. The rules, regulations, and orders of the Property Tax Administrator under this section shall remain in effect unless changed or eliminated by the Department of Motor Vehicles.~~

Sec. 12. Section 60-3006, Revised Statutes Supplement, 1997, is amended to read:

60-3006. (1) A veteran of the United States Armed Forces who qualifies for an exemption from the motor vehicle tax under subdivision (2) of section 60-3002 shall apply for the exemption to the county treasurer or designated county official pursuant to section 23-186 not more than fifteen days before and not later than thirty days after the registration date for the motor vehicle. A renewal application shall be made annually not sooner than the first day of the last month of the registration period or later than the last day of the registration period. The county treasurer or designated county official shall approve or deny the application and notify the applicant of his or her decision within twenty days after the filing of the application. An applicant may appeal the denial of an application to the county board within twenty days after the date the notice was mailed.

(2) An organization which qualifies for an exemption from the motor vehicle tax under subdivision (6) of section 60-3002 shall apply for the exemption to the county treasurer or designated county official not more than fifteen days before and not later than thirty days after the registration date for the motor vehicle. For a newly acquired motor vehicle, an application for exemption must be made within thirty days after the purchase date. A renewal application shall be made annually not sooner than the first day of the last month of the registration period or later than the last day of the registration period. The county treasurer or designated county official shall examine the application and recommend either exempt or nonexempt status to the county board within twenty days after receipt of the application. The county board, after a hearing on ten days' notice to the applicant and after considering the recommendation of the county treasurer or designated county official and any other information it may obtain, shall approve or deny the

exemption on the basis of law and of rules and regulations adopted and promulgated by the Property Tax Administrator. The county board shall certify its decision to the applicant, the county treasurer or designated county official, and the Property Tax Administrator within ten days after the hearing. The decision of the county board may be appealed to the Tax Equalization and Review Commission.

Sec. 13. Section 60-3007, Revised Statutes Supplement, 1997, is amended to read:

60-3007. (1) In addition to the registration fees provided by Chapter 60, article 3, and the motor vehicle tax imposed in section 60-3002, a motor vehicle fee is imposed on all motor vehicles registered for operation in this state.

(2) The county treasurer or designated county official pursuant to section 23-186 shall annually determine the motor vehicle fee on each motor vehicle registered in the county based on the age of the motor vehicle pursuant to this section and cause a notice of the amount of the fee to be mailed to the registrant at the address shown upon his or her registration certificate. The notice shall be printed on a prenumbered statement form prescribed by the Department of Motor Vehicles, shall be combined with the notice of the motor vehicle tax, and shall be mailed on or before the first day of the last month of the registration period.

(3) The motor vehicle tax, motor vehicle fee, and registration fee shall be paid to the county treasurer or designated official prior to the registration of the motor vehicle for the following registration period. After retaining one percent of the motor vehicle fee collected for costs, the remaining proceeds shall be remitted to the State Treasurer for credit to the Motor Vehicle Fee Fund. The State Treasurer shall return funds from the Motor Vehicle Fee Fund remitted by a county treasurer or designated county official which are needed for refunds or credits authorized by law.

(4) The Motor Vehicle Fee Fund is created. On or before the last day of each calendar quarter, the State Treasurer shall distribute all funds in the motor Vehicle Fee Fund as follows: (a) Fifty percent to the county treasurer of each county, amounts in the same proportion as the most recent allocation received by each county from the Highway Allocation Fund; and (b) fifty percent to the treasurer of each municipality, amounts in the same proportion as the most recent allocation received by each municipality from the Highway Allocation Fund. Funds from the Motor Vehicle Fee Fund shall be considered local revenue available for matching state sources. All receipts by counties and municipalities from the Motor Vehicle Fee Fund shall be used for road, bridge, and street purposes. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(5) The motor vehicle fee schedules are set out in this section. Except for passenger cars, trucks, utility vehicles, and vans, up to five tons, with a value when new of less than \$20,000, and for assembled passenger cars, trucks, utility vehicles, and vans up to five tons, the fee shall be calculated by multiplying the base fee times the fraction which corresponds to the age category of the vehicle as shown in the following table:

YEAR	FRACTION
First through fifth	1.00
Sixth through tenth	.70
Eleventh and over	.35

(6) The base fee shall be:

(a) Passenger cars, trucks, utility vehicles, and vans -- Up to five tons, with a value when new of \$20,000 through \$39,999 -- \$20

(b) Passenger cars, trucks, utility vehicles, and vans -- Up to five tons, with a value when new of \$40,000 or more -- \$30

(c) Motorcycles -- \$10

(d) Recreational vehicles - Cabin trailers and self-propelled mobile homes -- \$10

(e) Trucks and buses -- \$30

(f) Trailers other than semitrailers -- \$20

(g) Semitrailers -- \$30

The fee for passenger cars, trucks, utility vehicles, and vans, up to five tons, with a value when new of less than \$20,000, and for assemble passenger cars, trucks, utility vehicles, and vans up to five tons shall be five dollars.

(7) For purposes of subsection (6) of this section, truck means all trucks and combinations of trucks or truck-tractors, except those trucks, truck-trailers, trailers, or semitrailers registered under section 60-305.09, and the fee is based on the gross vehicle weight for purposes of registration.

(8) For purposes of subsection (6) of this section, trailer and

semitrailer have the same meanings as in section 60-301.

(9) Current model year vehicles are designated as first-year vehicles for purposes of the schedules.

(10) When a motor vehicle is registered which is newer than the current model year by the manufacturer's designation, the motor vehicle is subject to the initial motor vehicle fee for six registration periods.

(11) If the owner of any motor vehicle increases the gross vehicle weight for which the motor vehicle is registered and the increase results in a higher motor vehicle fee, the owner shall register the motor vehicle under the new weight and pay the difference between the motor vehicle fees prorated for the remainder of the registration period.

(12) An owner of a motor vehicle which is exempt from the imposition of a motor vehicle tax pursuant to subdivisions (1) through (6) of section 60-3002 shall also be exempt from the imposition of the motor vehicle fee imposed pursuant to this section

(13) Assembled motor vehicles other than passenger cars, trucks, utility vehicles, and vans up to five tons shall follow the schedules for the motor vehicle body type.

Sec. 14. Section 60-3008, Revised Statutes Supplement, 1997, is amended to read:

60-3008. (1) Upon the transfer of title ownership of any motor vehicle, upon a change in the tax situs of a motor vehicle to a location outside of this state, upon a trade-in or surrender of a motor vehicle under a lease, or whenever a type or class of motor vehicle previously taxed and registered is subsequently declared by legislative act or court decision to be illegal or ineligible to be operated on the public roads and no longer subject to registration fees and motor vehicle fees and taxes, the transferor, in the case of a transfer, the owner, in the case of a change in the tax situs, the lessee, in the case of a trade-in or surrender under a lease, or the last registered owner, in the case of a legislative act or court decision, shall be credited with or refunded the fee and tax for the number of unexpired months remaining in the registration period from the date of transfer, date of registration in another state, date of trade-in or surrender under a lease, effective date of the legislative act, or date the court decision is rendered, except that when the motor vehicle is transferred, the situs is changed, the motor vehicle is traded in or surrendered under a lease, a legislative act is enacted, or a court decision is rendered within the same calendar month in which the vehicle is acquired, no credit or refund of the fee and tax shall be allowed for that month.

(2) If the transferor or lessee acquires another motor vehicle at the time of the transfer, trade-in, or surrender, the transferor or lessee shall have the credit provided for in this section applied toward payment of the motor vehicle fees and taxes then owing. otherwise the transferor or lessee shall file a claim for refund with the county treasurer or designated county official pursuant to section 23-186 upon a form prescribed by the Auditor of Public Accounts.

(3) ~~The~~ On and after January 1, 1998, the transferor, owner, lessee, or last registered owner shall make a claim for credit or refund of the fee and tax for the unexpired months in the registration period within sixty days from the date of transfer, date of registration in another state, date of trade-in or surrender, effective date of the legislative act, or date the court decision is rendered or shall be deemed to have forfeited his or her right to the refund. Any person entitled to a credit or refund of tax pursuant to section 77-1240.03, as such section existed prior to January 1, 1998, shall be subject to the provisions of such section.

(4) The county treasurer or designated county official pursuant to section 23-186 shall refund the motor vehicle fee from motor vehicle fees which have not been transferred to the State Treasurer. The county treasurer shall make payment to the claimant from the undistributed motor vehicle taxes of the taxing unit where the tax money was originally distributed, but no refund of less than two dollars shall be paid.

Sec. 15. If a motor vehicle registration expires during 1997, the taxes and fees on renewal are calculated under the law as it existed on December 31, 1997, regardless of when the taxes and fees are paid.

Sec. 16. Section 70-651.05, Revised Statutes Supplement, 1997, is amended to read:

70-651.05. All payments made under sections 70-651.01 to 70-651.05 shall be in lieu of all other taxes, payments in lieu of taxes, franchise payments, occupation taxes, and excise taxes but shall not be in lieu of the taxes and fees imposed in sections 60 3002 and 60 3907, motor vehicle licenses and wheel taxes, permit fees, fuel taxes, and other such excise taxes or general sales taxes levied against the public generally.

Sec. 17. Section 71-1637, Revised Statutes Supplement, 1997, is amended to read:

71-1637. (1) Any city by its mayor and council or by its commission, any village by its village board, any county by its board of supervisors or commissioners, or any township by its electors shall have power to employ a visiting community nurse, a home health nurse, or a home health agency defined in subdivision (17) of section 71-2017.01 and the rules and regulations adopted and promulgated pursuant to such section. Such nurses or home health agency shall do and perform such duties as the city, village, county, or township, by their officials and electors, shall prescribe and direct. The city, village, county, or township shall have the power to levy a tax, not exceeding three and five-tenths cents on each one hundred dollars on the taxable valuation of the taxable property of such city, village, county, or township, for the purpose of paying the salary and expenses of such nurses or home health agency. ~~Beginning July 1, 1998, the~~ ~~The~~ levy shall be subject to ~~section~~ sections 77-3442 and 77-3443. The city, village, county, or township shall have the power to constitute and empower such nurses or home health agency with police power to carry out the order of such city, village, county, or township.

(2) The governing body of any city, village, county, or township may contract with any visiting nurses association, licensed hospital home health agency, or other licensed home health agency, including those operated by the Department of Health and Human Services, to perform the duties contemplated in subsection (1) of this section, subject to the supervision of the governing body, and may pay the expense of such contract out of the general funds of the city, village, county, or township.

(3) Nothing in this section shall be construed to allow any city, village, county, township, nurse, or home health agency to (a) avoid the requirements of individual licensure, (b) perform any service beyond the scope of practice of licensure or beyond the limits of licensure prescribed by subdivision (17) of section 71-2017.01, or (c) violate any rule or regulation adopted and promulgated by the Department of Health and Human Services, the Department of Health and Human Services Regulation and Licensure, or the Department of Health and Human Services Finance and support.

Sec. 18. Section 77-621, Revised Statutes Supplement, 1997, is amended to read:

77-621. On or before August ~~15~~ 10, the Property Tax Administrator shall certify to the railroad company and- county assessor the railroad company's total taxable equalized value and the distribution of that value determined pursuant to section 77-604. The report of distributed value shall include:

(1) The number of miles of main track and sidetrack of each railroad located in each governmental subdivision and the total length of main track and sidetrack in the county;

(2) The assessed valuation per mile of such main track and sidetrack; and

(3) The valuations that shall be placed to the credit of such governmental subdivision in the county.

Sec. 19. Section 77-623, Revised Statutes Supplement, 1997, is amended to read:

77-623. For purposes of certifying values pursuant to section 13-509, the county assessor shall include the railroad company value as certified by the Property Tax Administrator pursuant to section 77-621. The taxes so levied shall be clue and payable in the same manner of personal as other property taxes pursuant to ~~sections 77-295 to 77-297~~ section 77-203.

Sec. 20. Section 77-802, Revised Statutes Supplement, 1997, is amended to read:

77-802. The Property Tax Administrator shall apportion the total taxable value including the franchise value to all taxing subdivisions in proportion to the ratio of the original cost of all operating real and tangible personal property of that public service entity having a situs in that taxing subdivision to the original cost of all operating real and tangible personal property of that public service entity having a situs in the state.

If the apportionment in accordance with this section does not fairly represent the proportion of the taxable value, including franchise value properly allocable to the county, the taxpayer may petition for or the Property Tax Administrator may require the inclusion of any other method to effectuate an equitable allocation of the value of the public service entity for purposes of taxation.

On or before August 1, the Property Tax Administrator shall mail a draft appraisal to each public service entity as defined in section 77-801.01.

On or before August ~~15~~ 10, the Property Tax Administrator shall, by certified mail, notify each public service entity of its taxable value and the distribution of that value to the taxing subdivisions in which the entity has situs. On or before August ~~15~~ 10, the Property Tax Administrator shall also certify to the county assessors the taxable value so determined.

Sec. 21. Section 77-802.01, Revised Statutes Supplement, 1997, is amended to read:

77-802.01. For purposes of certifying values pursuant to section 13-509, the county assessor shall include the public service entity value as certified by the Property Tax Administrator pursuant to section 77-802. The taxes so levied shall be due and payable in the same manner ~~of personal~~ as other property taxes pursuant to ~~sections 77-205 to 77-207~~ section 77-203.

Sec. 22. Section 77-1504.01, Revised Statutes Supplement, 1997, is amended to read:

77-1504.01. After completion of its actions and based upon the hearings conducted pursuant to sections 77-1502 and 77-1504, a county board of equalization may petition the Tax Equalization and Review Commission to consider an adjustment to a class or subclass of real property within the county. Petitions must be filed with the commission on or before August 4 1. The commission shall hear and take action on a petition filed by a county board of equalization on or before August ~~15~~ 10. Hearings conducted pursuant to this section shall be in the manner prescribed in section 77-5026. The burden of proof is on the petitioning county to show that failure to make an adjustment would result in values that are not equitable and in accordance with the law. The county assessor of the county adjusted by an order of the commission shall recertify the abstract of assessment to the Property Tax Administrator on or before August 20.

Sec. 23. Section 77-1601, Revised Statutes Supplement, 1997, is amended to read:

77-1601. (1) The county board of equalization shall each year, on or before ~~November 1~~ October 15, levy the necessary taxes for the current year if within the limit of the law. The levy shall include an amount for operation of all functions of county government and shall also include all ~~such levies necessary to fund tax requests~~ levies as certified under sections 77-1601.01 and section 77-1601.02 that are authorized as provided in sections 77-3442 to 77-3444.

(2) within thirty days after a levy has been made pursuant to this section, the county board of equalization upon its own motion may act to correct a clerical error which has resulted in the calculation of an incorrect levy by any entity otherwise authorized to certify a tax levy request under ~~sections 77-1601.01 and section 77-1601.02~~. The county board of equalization shall hold a special hearing to determine what adjustment to the levy is proper, legal, or necessary. Notice of the place and time of such hearing shall be published at least five days prior to the date set for hearing in a newspaper of general circulation within the county. The published notice shall set forth (a) the time and place of the hearing, (b) the dollar amount at issue, and (c) a statement setting forth the nature of the error. Notice shall also be provided to the governing body of each political subdivision affected by the error.

(3) Upon the conclusion of the special hearing, the county board of equalization shall issue a corrected levy if it determines that an error was made in the original levy which warrants correction. The county board of equalization shall then order (a) the county assessor, county clerk, and county treasurer to revise assessment books, unit valuation ledgers, tax statements, and any other tax records to reflect the correction made and (b) the recertification of the information provided to the Property Tax Administrator pursuant to section 77-1613.01.

Sec. 24. Section 77-1601.02, Revised Statutes Supplement, 1997, is amended to read:

77-1601.02. (1) ~~Through 1997, the preliminary levy certified in section 77-1601.01 shall be the final levy unless the governing body of a political subdivision passes by a majority vote a resolution or ordinance setting the levy at a different amount. Beginning in 1998, the preliminary levy certified in section 77-1601.01 shall be the final~~ The property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the county board of equalization in section 77-1601 unless the governing body of the county, municipality, school district, sanitary and improvement district, natural resources district, educational service unit, or community college passes by a majority vote a resolution or ordinance setting the levy tax request at a different amount. School systems with multiple school districts shall hold a hearing to approve or modify the preliminary systemwide levies tax requests on or before October

~~20 5. For a school system with multiple districts, the school board of the Class VI school district or kindergarten through grade twelve district shall have the authority to set the tax levy for the school system. Such resolution or ordinance shall only be passed after a special public hearing called for such purpose is held and after notice is published in a newspaper of general circulation in the area of the political subdivision at least five days prior to the hearing. The hearing notice shall contain the following information: The dollar amount of the prior year's tax request and the property tax rate that was necessary to fund that tax request; the property tax rate that would be necessary to fund last year's tax request if applied to the current year's valuation; and the proposed dollar amount of the tax request for the current year and the property tax rate that will be necessary to fund that tax request. Any resolution setting a tax ~~levy request~~ under this section shall be certified and forwarded to the county clerk prior to October 14 of the year for which the tax request is to apply.~~

(2) Any ~~tax~~ levy which is not in compliance with ~~section 77-1601.01 or this section~~ this section and section 77-1601 shall be construed as an unauthorized levy under section 77-1606.

Sec. 25. Section 77-1609, Revised Statutes Supplement, 1997, is amended to read:

77-1609. If an appeal is taken from the decision of ~~the district court or~~ the Tax Equalization and Review Commission, the appellant shall, on or before the time such appeal is taken, file with the county assessor, county clerk, and county treasurer a notice to the effect that such appeal has been taken and also file ~~in the district court or with~~ the commission a copy of such notice, verified by affidavit, to the ~~effect that such notice has been filed, with the county treasurer.~~ The county assessor, county clerk, or county treasurer shall not be charged with such notice of appeal in case of a failure to file with him or her a copy of such petition and notice.

Sec. 26. Section 77-1610, Revised Statutes Supplement, 1997, is amended to read:

77-1610. If the tax books have been delivered to the county treasurer for collection of the taxes before the determination of such appeal in ~~the district court or~~ the Tax Equalization and Review Commission, a copy of such decision shall be certified by ~~the clerk of the court or~~ the commission to the county assessor, county clerk, and county treasurer. The county treasurer ~~who~~ shall thereupon distribute or return to the parties entitled ~~thereto to~~ the tax ~~so~~ held undistributed in accordance with such decision and ~~the county treasurer shall~~ correct the tax rolls in his or her office to conform to such decision unless a further appeal is taken, in which case the county treasurer shall hold the taxes until the final determination of the appeal and thereupon distribute or return the same in conformity to such decision.

Sec. 27. Section 77-1613, Revised Statutes Supplement, 1997, is amended to read:

77-1613. After the levy of taxes has been made and before November ~~30~~ 20, the county assessor shall transcribe the assessments into a suitable book to be provided at the expense of the county, properly ruled and headed with the distinct columns in which shall be entered the description of the lands, number of acres and value, number of city and village lots and their value, taxable value of taxable personal property, delinquent taxes of previous years, the amount of taxes due on the day the first installment becomes due, and the amount of delinquent taxes due on the day the second installment thereof becomes due, as provided by law, in the event the taxpayer elects to pay taxes in two equal semiannual installments.

Sec. 28. Section 77-1613.01, Revised Statutes Supplement, 1997, is amended to read:

77-1613.01. The county assessor or county clerk shall certify to the Property Tax Administrator, on or before ~~December 5~~ November 27 of each year, the total taxable valuation and the Certificate of Taxes Levied. The certificate shall be used for statistical purposes and shall specify the information necessary to determine the total taxable value, tax levies, and total property taxes requested by the political subdivisions for the current year on forms prescribed and furnished by the Property Tax Administrator. The certificate shall include for each political subdivision a statement of the amount of property taxes sought and the tax levy made for (1) the payment of principal or interest on bonds issued by the political subdivision and (2) all other purposes.

Sec. 29. Section 77-1616, Revised Statutes Supplement, 1997, is amended to read:

77-1616. The tax list shall be completed and delivered to the treasurer on or before ~~December 1~~ November 22. At the same time the

county assessor or county clerk shall transmit a warrant, which warrant shall be signed by the county assessor or county clerk and shall in general terms command the treasurer to collect taxes therein mentioned according to law. No informality therein, and no delay in the transmitting of the same after the time above specified, shall affect the validity of any taxes or sales, or other proceedings for the collection of taxes as provided for in this chapter. Whenever it shall be discovered that the warrant provided for in this section was not at the proper time attached to any tax list, or was not transmitted as herein provided for any preceding year or years, in the hands of the county treasurer, the county assessor shall forthwith attach or transmit such warrant, which shall be in the same form and have the same force and effect as if it had been attached to such tax list, or transmitted as herein provided, before the delivery thereof to the county treasurer.

Sec. 30. Section 77-1716, Reissue Revised Statutes of Nebraska, is amended to read:

77-1716. The county treasurer may, at any time prior to ~~December 1~~ January 1 of each year, send a notice to each person on the personal tax roll, advising such taxpayer of the amount of personal taxes for that year. At any time after ~~December 1~~ May 1 and before ~~July 1~~ September 1 next following, the county treasurer is required to notify by mail any taxpayer, whose personal tax is delinquent, on account of such taxpayer not having paid the personal taxes, or the first installment thereof, on ~~December 1~~ May 1, as required by law, of the amount of such delinquent personal tax. The notice shall also recite that unless the entire tax is paid by ~~July 1~~ September 1, next following, distress warrant will be issued therefor.

Sec. 31. Section 77-1717, Reissue Revised Statutes of Nebraska, is amended to read:

77-1717. After ~~July 1~~ September 1 of each year next after the personal taxes for the last preceding year have become delinquent, the county treasurer shall collect the same, together with interest and costs of collection, by distress and sale of personal property belonging to the person against whom levied, in the manner provided by law, for the levy and sale of personal property on execution.

Sec. 32. Section 77-1718, Reissue Revised Statutes of Nebraska, is amended to read:

77-1718. On or before ~~October 1~~ November 1 of each year, the county treasurer shall issue and deliver to the sheriff of the county distress warrants against all persons having delinquent personal tax for that year (1) unless such a person shall have paid such delinquent personal taxes in full, on or before ~~July 1~~ September 1, with interest at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, or (2) unless such person shall, on or before ~~July 1~~ September 1, file with the treasurer an affidavit that he or she is unable by reason of poverty to pay any such tax, in which case a distress warrant shall not be issued until ordered by the county board. At least ~~thirty~~ twenty days prior to the issuance of a distress warrant, the county treasurer shall mail a notice to the delinquent taxpayer that, unless payment of the delinquent tax is made within ~~thirty~~ twenty days, a distress warrant will be issued. Each such distress warrant shall include all delinquent personal taxes of the person against whom issued. When distress warrants have been issued and turned over to the sheriff, the county treasurer shall report and certify to the county board the total number of distress warrants issued and the total amount of money involved.

Sec. 33. Section 77-1719.01, Reissue Revised Statutes of Nebraska, is amended to read:

77-1719.01. On or before ~~July 1~~ August 1 of each year, the sheriff shall report to the county board showing the total amount collected on current distress warrants and the amount remaining uncollected.

Sec. 34. Section 77-1719.02, Reissue Revised Statutes of Nebraska, is amended to read:

77-1719.02. On or before ~~September 1~~ October 1 of each year, the county treasurer shall verify this report to the county board, and shall make an itemized report covering the amount uncollected. Such itemized report shall include the number of the distress warrant, the name and address of the taxpayer, the amount involved, and the reason for failure to collect same, or the failure of the sheriff to make a legal return on same. If such report of the county treasurer to the county board shows any false return by the sheriff, or failure to make legal return, the county board shall direct the sheriff to appear at a public hearing at a time to be fixed by such board. Notice of the hearing shall be given to the sheriff at least ten days prior thereto. At such hearing, the board shall hear evidence and make its findings as to whether there has been willful neglect of duty on the part of the

sheriff. If the board shall find that there has not been willful neglect of duty it shall enter an order finding that the sheriff should be absolved from any liability for failure to collect such distress warrants. If the board shall find there has been willful neglect of duty, it shall cause proceedings to be instituted under sections 23-2001 to 23-2009 to remove such sheriff from office. Failure of the sheriff to comply with the requirements of sections 77-1719 and 77-1719.01 shall be prima facie evidence of willful neglect of duty and willful maladministration in office. The failure or refusal of any member of the county board to carry out the provisions of sections 77-1718 to 77-1719.04 shall be deemed a Class III misdemeanor.

Sec. 35. Section 77-1742, Reissue Revised Statutes of Nebraska, is amended to read:

77-1742. On or before ~~October 1~~ November 1 annually, and at such other times as the county board may direct, the county treasurer shall make out and file with the county clerk a statement in writing, setting forth in detail the name of each person charged with personal- property tax which he and his the county treasurer and his or her deputies have been unable to collect by reason of the removal or insolvency of the person charged with such tax, the value of the property and the amount of tax, the cause of inability to collect such tax in each separate case, in a column provided in the list for that purpose. The treasurer shall, at the same time, make out and file with the county clerk a similar detailed list of errors in assessment of real estate, and errors in footing of tax books, giving in each case a description of the property, the valuation and amount of the several taxes and special assessments, and cause of error. The truth of the statement contained in such lists shall be verified by affidavit of the county treasurer.

Sec. 36. Section 77-3442, Revised Statutes supplement, 1997, is amended to read:

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

(2)(a) Except as provided in subdivision (2)(b) of this section, school districts and multiple-district school systems may levy a maximum levy of (i) one dollar and ten cents per one hundred dollars of taxable valuation of property subject to the levy until fiscal year 2001-02 and (ii) one dollar per one hundred dollars of taxable valuation of property subject to the levy for fiscal year 2001-02 and all subsequent fiscal years. Excluded from this limitation are amounts levied to pay for sums agreed to be paid by a school district to certificated employees in exchange for a voluntary termination of employment and amounts levied to pay for special building funds and sinking funds established for projects commenced prior to April 1, 1996, for construction, expansion, or alteration of school district buildings. For purposes of this subsection, commenced means any action taken by the school board on the record which commits the board to expend district funds in planning, constructing, or carrying out the project.

(b) Federal aid school districts may exceed the maximum levy prescribed by subdivision (2)(a) of this section only to the extent necessary to qualify to receive federal aid pursuant to Title VIII of Public Law 103-382. For purposes of this subdivision, federal aid school district means any school district which receives ten percent or more of the revenue for its general fund budget from federal government sources pursuant to Title VIII of Public Law 103-382.

(3) Community colleges may levy a maximum levy on each one hundred dollars of taxable property subject to the levy of (a) eight cents for fiscal year 1998-99 and fiscal year 1999-2000 and (b) seven cents for fiscal year 2000-01 and each fiscal year thereafter.

(4) Natural resources districts may levy a maximum levy of four and one-half cents per one hundred dollars of taxable valuation of property subject to the levy.

(5) Educational service units may levy a maximum levy of one and one-half cents per one hundred dollars of taxable valuation of property subject to the levy.

(6) Incorporated cities and villages may levy a maximum levy of forty-five cents per one hundred dollars of taxable valuation of property subject to the levy plus an additional five cents per one hundred dollars of taxable valuation to provide financing for the municipality's share of revenue required under an agreement executed pursuant to the Interlocal Cooperation Act. The maximum levy shall include amounts levied to pay for sums to support a library pursuant to section 51-201, museum pursuant to section 51-501, visiting community nurse, home health nurse, or home health agency pursuant to section 71-1637, or statue, memorial, or monument pursuant to section 80-202.

(7) Sanitary and improvement districts which have been in existence for more than five years may levy a maximum levy of forty cents per one hundred dollars of taxable valuation of property subject to the levy, and sanitary and improvement districts which have been in existence for five years or less shall not have a maximum levy.

(8) Counties may levy or authorize a maximum levy of fifty cents per one hundred dollars of taxable valuation of property subject to the levy, except that five cents per one hundred dollars of taxable valuation of property subject to the levy may only be levied to provide financing for the county's share of revenue required under an agreement executed pursuant to the Interlocal Cooperation Act. The maximum levy shall include amounts levied to pay for sums to support a library pursuant to section 51-201 or museum pursuant to section 51-501. The county may allocate up to fifteen cents of its authority to ~~all~~ other political subdivisions subject to allocation of property tax authority under subsection (1) of section 77-3443 and not specifically covered in this section to levy taxes as authorized by law which do not collectively exceed fifteen cents per one hundred dollars of taxable valuation on any parcel or item of taxable property. The county may allocate to one or more other political subdivisions subject to allocation of property tax authority by the county under subsection (1) of section 77-3443 some or all of the county's five cents per one hundred dollars of valuation authorized for support of an interlocal agreement to be levied by the political subdivision for the purpose of supporting that political subdivision's share of revenue required under an agreement executed pursuant to the Interlocal Cooperation Act. If an allocation by a county would cause another county to exceed its levy authority under this section, the second county may exceed the levy authority in order to levy the amount allocated.

(9) Property tax levies for judgments obtained against a political subdivision which require or obligate a political subdivision to pay such judgment, to the extent such judgment is not paid by liability insurance coverage of a political subdivision, for preexisting lease-purchase contracts approved prior to July 1, 1998, and for bonded indebtedness approved according to law and secured by a levy on property are not included in the levy limits established by this section.

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

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

Sec. 37. Section 77-3443, Revised Statutes Supplement, 1997, is amended to read:

77-3443. (1) All (a) political subdivisions other than school districts, community colleges, natural resources districts, educational service units, cities, villages, counties, and sanitary and improvement districts and (b) political subdivisions subject to municipal allocation under subsection (2) of this section may levy taxes as authorized by law which are authorized by the county board ~~and of the county in which the greatest portion of the valuation is located, which~~ are counted in the county levy limit provided in section 77-3442, and which do not collectively total more than fifteen cents per one hundred dollars of taxable valuation on any parcel or item of taxable property for all governments for which allocations are made by the municipality or count, except that such limitation shall not apply to property tax levies for preexisting lease-purchase contracts approved prior to July 1, 1998, and for bonded indebtedness approved according to law and secured by a levy on property. The county board shall review and approve or disapprove the levy request of all political subdivisions subject to this subsection. The county board may approve all or a portion of the levy request and may approve a levy request that would allow the requesting political subdivision to levy a tax at a levy greater than that permitted by law. The county board of a county which contains a transit authority created pursuant to section 14-1803 shall allocate no less than three cents per one hundred dollars of taxable property within the city subject to the levy to the transit authority if requested by such authority. For any political subdivision subject to this subsection that receives taxes from more than one county, the levy shall be allocated only by the county in which the greatest portion of the valuation is located. The levy request must be made on or before September 30. The county board of equalization shall certify all levies by October ~~31~~ 15 to insure that the taxes levied by political subdivisions subject to this subsection do not exceed the allowable limit for any parcel or item of taxable property. The levy allocated by the county may be exceeded as

provided in section 77-3444.

(2) All city airport authorities established under the Cities Airport Authorities Act, community redevelopment authorities established under the Community Development Law, transit authorities established under the Transit Authority Law, and offstreet parking districts established under the Offstreet Parking District Act, ~~public libraries or museums organized by a city or village pursuant to section 51-201 or 51-501 cities or villages employing visiting community nurses or home health nurses or establishing home health agencies, and cities or villages erecting statutes, monuments, or memorials pursuant to section 80-202~~ may be allocated property taxes as authorized by law which are authorized by the city or village and are counted in the city or village levy limit provided by section 77-3442, except that such limitation shall not apply to property tax levies for preexisting lease-purchase contracts approved prior to July 1, 1998, and for bonded indebtedness approved according to law and secured by a levy on property. The city council of a city which has created a transit authority pursuant to section 14-1803 shall allocate no less than three cents per one hundred dollars of taxable property subject to the levy to the transit authority if requested by such authority. The city council or village board shall review and approve or disapprove the levy request of the political subdivisions subject to this subsection. The city council or village board may approve all or a portion of the levy request and may approve a levy request that would allow a levy greater than that permitted by law. ~~The levy request must be made on or before September 30. The city council or village board shall see all levies by October 31. The levy allocated by the municipality may be exceeded as provided in section 77-3444.~~

(3) On or before August 1, all political subdivisions subject to county or municipal levy authority under this section shall submit a preliminary request for levy allocation to the county board, city council, or village board that is responsible for levying such taxes. The preliminary request of the political subdivision shall be in the form of a resolution adopted by a majority vote of members present of the political subdivision's governing body. The failure of a political subdivision to make a preliminary request shall preclude such political subdivision from using procedures set forth in section 77-3444 to exceed the final levy allocation as determined in subsection (4) of this section.

(4) Each county board, city council, or village board shall (a) adopt a resolution by a majority vote of members present which determines a final allocation of levy authority to its political subdivisions and (b) forward a copy of such resolution to the chairperson of the governing body of each of its political subdivisions. No final levy allocation shall be changed after September 1 except by agreement between both the county board, city council, or village board which determined the amount of the final levy allocation and the governing body of the political subdivision whose final levy allocation is at issue.

Sec. 38. Section 77-3444, Revised Statutes Supplement, 1997, is amended to read:

77-3444. (1) A political subdivision, other than a Class I school district, may exceed the limits provided in section 77-3442 or a final levy allocation determination as provided in section 77-3443 by an amount not to exceed a maximum levy approved by a majority of registered voters voting in a primary, general, or special election at which the issue is placed before the registered voters. A vote to exceed the limits provided in section 77-3442 or a final levy allocation as provided in section 77-3443 must be approved prior to ~~September 30~~ October 10 of the fiscal year which is to be the first to exceed the limits or final levy allocation. The governing body of the political subdivision may call for the submission of the issue to the voters (a) by passing a resolution calling for exceeding the limits or final levy allocation by a vote of at least two-thirds of the members of the governing body and delivering a copy of the resolution to the county clerk or election commissioner of every county which contains all or part of the political subdivision or (b) upon receipt of a petition by the county clerk or election commissioner of every county containing all or part of the political subdivision requesting an election signed by at least five percent of the registered voters residing in the political subdivision. The resolution or petition shall include the amount of levy which would be imposed in excess of the limits provided in section 77-3442 or the final levy allocation as provided in section 77-3443 and the duration of the excess levy authority. The excess levy authority shall not have a duration greater than five years. Any resolution or petition calling for a special election shall be filed with the county clerk or election commissioner no later than thirty days prior to the date of the election, and the time of publication and providing a copy of

the notice of election required in section 32-802 shall be no later than twenty days prior to the election. The county clerk or election commissioner shall place the issue on the ballot at an election as called for in the resolution or petition which is at least thirty days after receipt of the resolution or petition. The election shall be held pursuant to the Election Act. For petitions filed with the county clerk or election commissioner on or after May 1, 1998, the petition shall be in the form as provided in sections 32-628 to 32-631. Any excess levy authority approved under this section shall terminate pursuant to its terms, on a vote of the governing body of the political subdivision to terminate the authority to levy more than the limits, or at the end of the fourth fiscal year following the first year in which the levy exceeded the limit or the final levy allocation, or as provided in subsection (5) of this section, whichever is earliest. A governing body may pass no more than one resolution calling for an election pursuant to this section during any one calendar year. There shall be no limit on the number of elections held pursuant to this section which are initiated by petition.

(2) The ballot question may include any terms and conditions set forth in the resolution or petition and shall include the following: "Shall (name of political subdivision) be allowed to levy a property tax not to exceed cents per one hundred dollars of taxable valuation in excess of the limits prescribed by law until fiscal year for the purposes of (general operations; building construction, remodeling, or site acquisition; or both general operations and building construction, remodeling, or site acquisition)?" If a majority of the votes cast upon the ballot question are in favor of such tax, the county board shall authorize a tax in excess of the limits in section 77-3442 or the final levy allocation in section 77-3443 but such tax shall not exceed the amount stated in the ballot question. If a majority of those voting on the ballot question are opposed to such tax, the governing body of the political subdivision shall not impose such tax.

(3) The county clerk or election commissioner may set a uniform date for a special election to be held before ~~September 30~~ October 10, 1998, to submit the issue of exceeding the limits provided in section 77-3442 or the final levy allocation as provided in section 77-3443 to the voters of political subdivisions in the county seeking additional levy authority. Any political subdivision may individually or in conjunction with one or more other political subdivisions conduct a special election on a date different from that set by the county clerk or election commissioner, except that a governing body shall pass a resolution calling for a special election for this purpose and deliver a copy of the resolution to the county clerk or election commissioner no later than thirty days prior to the date of the election.

~~(3)~~ (4) In lieu of the election procedures in subsection (1) of this section, any political subdivision subject to section 77-3443, other than a Class I school district, and villages may approve a levy in excess of the limits in section 77-3442 or the final levy allocation provided in section 77-3443 for a period of one year at a meeting of the residents of the political subdivision or village, called after notice is published in a newspaper of general circulation in the political subdivision or village at least twenty days prior to the meeting. At least ten percent of the registered voters residing in the political subdivision or village shall constitute a quorum for purposes of taking action to exceed the limits or final levy allocation. If a majority of ~~these casting votes~~ the registered voters present at the meeting vote in favor of exceeding the limits or final levy allocation, a copy of the record of that action shall be forwarded to the county board prior to ~~September 30~~ October 10 and the county board shall authorize a levy as approved by the residents for the year.

(5) A political subdivision, other than a Class I school district, may rescind or modify a previously approved excess levy authority prior to its expiration by a majority of registered voters voting on the issue in a primary, general, or special election at which the issue is placed before the registered voters. A vote to rescind or modify must be approved prior to October 10 of the fiscal year for which it is to be effective. The governing body of the political subdivision may call for the submission of the issue to the voters (a) by passing a resolution calling for the rescission or modification by a vote of at least two-thirds of the members of the governing body and delivering a copy of the resolution to the county clerk or election commissioner of every county which contains all or part of the political subdivision or (b) upon receipt of a petition by the county clerk or election commissioner of every county containing all or part of the political subdivision requesting an election signed by at least five percent of the registered voters residing in the political subdivision. The resolution or petition shall include the amount and the duration of the previously approved

excess levy authority and a statement that either such excess levy authority will be rescinded or such excess levy authority will be modified. If the excess levy authority will be modified, the amount and duration of such modification shall be stated. The modification shall not have a duration greater than five years. The county clerk or election commissioner shall place the issue on the ballot at an election as called for in the resolution or petition which is at least thirty days after receipt of the resolution or petition, and the time of publication and providing a copy of the notice of election required in section 32-802 shall be no later than twenty days prior to the election. The election shall be held pursuant to the Election Act.

(4) (6) For purposes of this section, when the political subdivision is a sanitary and improvement district, registered voter means a person qualified to vote as provided in section 31-735. Any election conducted under this section for a sanitary and improvement district shall be conducted and counted as provided in sections 31-735 to 31-735.06.

(5) (7) For purposes of this section, when the political subdivision is a school district or a multiple-district school system, registered voter includes both (a) persons qualified to vote for the members of the school board of the school district which is voting to exceed the maximum levy limits pursuant to this section and (b) persons in those portions of any Class I district which are affiliated with or a part of the school district which is voting pursuant to this section, if such voter is also qualified to vote for the school board of the affected Class I school district.

Sec. 39. Section 77-3445, Reissue Revised Statutes of Nebraska, is amended to read:

77-3445. A council on public improvements and services may be created within each county or for adjoining counties by resolutions of county boards or by joint resolutions passed by at least three different types of political subdivisions located in the county which are authorized to levy property taxes or which may benefit from property taxes affected by the levy limits imposed by sections 77-3442 to 77-3444. Such councils shall include, but are not limited to, one elected official from each school board, county board, incorporated city or village, natural resources district, community college, educational service unit, hospital district, airport authority, fire protection district, and township taxing property within the county or counties. The elected governing body of each political subdivision which has the legal authority to request property tax funding or a levy set by the county board within a county may by resolution of the governing body appoint one elected official from the governing board to the council on public improvements and services.

Councils on public improvements and services may meet, beginning in 1996, as often as necessary prior to the adoption of budgets and property tax requests affected by the levy limits described in sections 77-3442 to 77-3444. The council shall jointly examine the budgets and property tax requests of each governmental agency or quasi-governmental agency with statutory authority to request a share of the property tax. The county clerk or designated county official of each county shall attend such meetings and keep a public record of the proceedings. Each council on public improvements and services which is created by resolution as provided in this section shall hold at least one public meeting prior to the adoption of public budgets affected by the levy limits imposed by sections 77-3442 to 77-3444. ~~At such meetings the county clerk or designated county official may provide information on the preliminary property tax rate determined by dividing the amount requested for property taxes in the budget of the previous years by final or estimated valuation for the political subdivision for the current year.~~ Such council may continue to meet to discuss issues of public service provision in an effective and coordinated manner, the impacts of levy limits, state and federal law, program, or aid changes, and the joint provision or use of capital facilities and equipment.

Sec. 40. Section 77-5007, Revised Statutes Supplement, 1997, is amended to read:

77-5007. The commission has the power and duty to hear and determine appeals of:

- (1) Decisions of any county board of equalization equalizing the value of individual tracts, lots, or parcels of real property so that all real property is assessed uniformly and proportionately;
- (2) Decisions of any county board of equalization granting or denying tax-exempt status for real or personal property or an exemption from motor vehicle taxes and fees;
- (3) Decisions of the Property Tax Administrator determining the taxable property of a railroad company, car company, public service entity, or air carrier within the state;

(4) Decisions of the Property Tax Administrator determining adjusted valuation pursuant to section 79-1016;

(5) Decisions of any county board of equalization on the valuation of personal property or any penalties imposed under sections 77-1233.04 to 77-1233.06;

(6) Decisions of any county board of equalization et- on claims that a levy is or is not for an unlawful or unnecessary purpose or in excess of the requirements of the county;

(7) Decisions of any county board of equalization granting or rejecting an application for a homestead exemption;

(8) Decisions of the Department of Motor Vehicles determining the taxable value of motor vehicles pursuant to section 60-3005;

(9) Any other decision of any county board of equalization; and

~~(9)~~ (10) Any other decision of the Property Tax Administrator.

Sec. 41. Section 77-5030, Revised Statutes Supplement, 1997, is amended to read:

77-5030. On or before August ~~15~~ 10 of each year, the Property Tax Administrator shall certify the distributed taxable value of the property valued by the state, as equalized by the commission, to each county assessor.

Sec. 42. Section 79-1003, Revised Statutes Supplement, 1997, is amended to read:

79-1003. For purposes of the Tax Equity and Educational Opportunities Support Act:

(1) Adjusted general fund operating expenditures means general fund operating expenditures as calculated pursuant to subdivision (21) of this section minus the transportation allowance and, for purposes of state aid paid in school fiscal year 1998-99 and each school fiscal year thereafter, minus the special education allowance;

(2) Adjusted valuation means the assessed valuation of taxable property of each district in the state, for school fiscal years before school fiscal year 1998-99, and of each local system in the state, for school fiscal year 1998-99 and each school fiscal year thereafter, adjusted pursuant to the adjustment factors described in section 79-1016. For the calculation of state aid to be paid in school year 1995-96, adjusted valuation means the adjusted valuation for the property tax year ending during the school year in which the aid based upon that value is to be paid. For calculation of state aid to be paid in school year 1996-97 and each school year thereafter, adjusted valuation means the adjusted valuation for the property tax year ending during the school year immediately preceding the school year in which the aid based upon that value is to be paid. For purposes of determining the local effort rate yield pursuant to section 79-1015, adjusted valuation does not include the value of any property which a court, by a final judgment from which no appeal is taken, has declared to be nontaxable or exempt from taxation;

(3) Allocated income tax funds means the amount of assistance paid to a district pursuant to section 79-1004 or 79-1005 and, for school fiscal year 1998-99 and each school fiscal year thereafter, as adjusted by the minimum levy adjustment pursuant to section 79-1008.02;

(4) Average daily membership means the average daily membership for grades kindergarten through twelve attributable to the district for school fiscal years before school fiscal year 1998-99, and for school fiscal year 1998-99 and each school fiscal year thereafter, attributable to the local system, as provided in each district's annual statistical summary and includes the proportionate share of students enrolled in a public school instructional program on less than a full-time basis;

(5) Average daily membership tiers means groupings of districts by the number of students comprising a district's average daily membership in a specified grade range;

(6) Base fiscal year means (a) for school district reorganizations which occurred prior to the 1995-96 school fiscal year, the first fiscal year in which all data sources reflect the reorganized district as a single district for the calculation of state aid and (b) for school district reorganizations which occur during or after the 1995-96 school fiscal year, the second fiscal year following the year in which the reorganization occurred;

(7) Board means the school board or board of education of each school district;

(8) Categorical federal funds means funds limited to a specific purpose by federal law, including, but not limited to, Chapter 1 funds, Chapter 2 funds, Title VI funds, federal vocational education funds, federal school lunch funds, Indian education funds, and Head Start funds;

(9) Consolidate means to voluntarily reduce the number of school districts providing education to a grade group and does not include

dissolution pursuant to section 79-498;

(10) Current school year means the current school fiscal year;

(11) Department means the State Department of Education;

(12) District means any Class I, II, III, IV, V, or VI school district;

(13) Ensuing school year means the school year following the current school year;

(14) Equalization aid means the amount of assistance paid to a district pursuant to sections 79-1008 to 79-1022;

(15) Fall membership means the total membership in kindergarten through grade twelve attributable to the district for school fiscal years before school fiscal year 1998-99, and for school fiscal year 1998-99 and each school fiscal year thereafter, attributable to the local system, as reported on the fall school district membership reports for the local system pursuant to section 79-528;

(16) Fiscal year means the state fiscal year which is the period from July 1 to the following June 30;

(17) Formula students means (a) for state aid certified pursuant to section 79-1022, the sum of fall membership from the school year immediately preceding the school year in which the aid is to be paid, multiplied by the average ratio of average daily membership to fall membership for the most recently available complete data year and the two school years prior to the most recently available complete data year, and tuitioned students from the school year immediately preceding the school year in which the aid is to be paid and (b) for final calculation of state aid pursuant to section 79-1065, the sum of average daily membership and tuitioned students from the school year immediately preceding the school year in which the aid was paid;

(18) Full-day kindergarten means kindergarten offered by a district for at least one thousand thirty-two instructional hours;

(19) General fund budget of expenditures means the total budgeted expenditures for general fund purposes as certified in the budget statement adopted pursuant to the Nebraska Budget Act, except that for purposes of the limitation imposed in section 79-1023, the general fund budget of expenditures does not include any special grant funds, exclusive of local matching funds, received by a district subject to the approval of the department;

(20) General fund expenditures means all expenditures from the general fund;

(21) General fund operating expenditures means the total general fund expenditures minus categorical funds, tuition paid, transportation fees paid to other districts, adult education, summer school, community services, redemption of the principal portion of general fund debt service, and transfers from other funds into the general fund. (a) For state aid to be paid for school years through 1997-98, general fund operating expenditures shall be as reported in the annual financial reports from the most recently available complete data year, and (b)(i) for state aid certified pursuant to section 79-1022 and budget limitations certified pursuant to section 79-1026 for school year 1998-99 and each year thereafter, general fund operating expenditures shall equal the general fund operating expenditures from the most recently available complete data year, adjusted by the average annual change in each district's general fund operating expenditures for the most recently available complete data year and the two school years immediately preceding the most recently available complete data year and (ii) for final calculation of state aid pursuant to section 79-1065, general fund operating expenditures shall be as reported in the annual financial reports from the most recently available complete data year;

(22) Income tax liability means the amount of the reported income tax liability for resident individuals pursuant to the Nebraska Revenue Act of 1967 less all nonrefundable credits earned and refunds made;

(23) income tax receipts means the amount of income tax collected pursuant to the Nebraska Revenue Act of 1967 less all nonrefundable credits earned and refunds made;

(24) High school district means a school district providing instruction in at least grades nine through twelve;

(25) Local system means a Class VI district and the associated Class I districts or a Class II, III, IV, or V district and any affiliated Class I districts or portions of Class I districts. The membership, expenditures, and resources of Class I districts that are affiliated with multiple high school districts will be attributed to local systems based on the percent of the Class I valuation that is affiliated with each high school district;

(26) Low-income child means a child under nineteen years of age living in a household having an annual adjusted gross income of fifteen thousand dollars or less for the second calendar year preceding the beginning

of the school fiscal year for which aid is being calculated;

(27) Most recently available complete data year means the most recent single school fiscal year for which the annual financial report, fall school district membership report, annual statistical summary, Nebraska income tax liability by school district, and adjusted valuation data are available;

(28) Regular route transportation means the transportation of students on regularly scheduled daily routes to and from the attendance center;

(29) Reorganized district means any district involved in a consolidation and currently educating students following consolidation;

(30) Special education means specially designed kindergarten through grade twelve instruction pursuant to section 79-1125, and includes special education transportation;

(31) Special education allowance means the amount of special education receipts included in local system formula resources under subdivisions (7) and ~~(16)~~ (17) of section 79-1018.01;

(32) State aid means the amount of assistance paid to a district pursuant to sections 79-1005 and 79-1007 to 79-1022 and for school fiscal year 1998-99 and each school fiscal year thereafter, pursuant to sections 79-1005, 79-1005.01, and 79-1007 to 79-1022;

(33) State board means the State Board of Education;

(34) State support means all funds provided to districts by the State of Nebraska for the general fund support of elementary and secondary education;

(35) Transportation allowance means: (a) For state aid to be paid through school year 1997-98, the lesser of (i) the general fund expenditures for regular route transportation and in lieu of transportation expenditures pursuant to section 79-611, in the most recently available complete data year, but not including special education transportation expenditures or other expenditures previously excluded from general fund operating expenditures or (ii) the number of miles traveled in the most recently available complete data year by vehicles owned, leased, or contracted by the district for the purpose of regular route transportation multiplied by four hundred percent of the mileage rate established by the Department of Administrative Services pursuant to section 81-1176 as of January 1 of the most recently available complete data year added to in lieu of transportation expenditures pursuant to section 79-611, from the same data year. For school fiscal year 1996-97, the determination of the transportation allowance shall be based on the best available information previously collected by the State Department of Education and shall not include in lieu of transportation expenditures under section 79-611; and (b) for state aid to be paid in school year 1998-99 and each year thereafter, the lesser of (i) the general fund expenditures for regular route transportation and in lieu of transportation expenditures pursuant to section 79-611 in the most recently available complete data year, but not including special education transportation expenditures or other expenditures previously excluded from general fund operating expenditures, except that for state aid certified pursuant to section 79-1022 and budget limitations certified pursuant to section 79-1026, the general fund operating expenditures for regular route transportation and in lieu of transportation expenditures shall equal such expenditures from the most recently available complete data year, adjusted by the average annual change in each district's such expenditures for the most recently available complete data year and the two school years immediately preceding the most recently available complete data year or (ii) the number of miles traveled in the most recently available complete data year by vehicles owned, leased, or contracted by the district for the purpose of regular route transportation multiplied by four hundred percent of the mileage rate established by the Department of Administrative Services pursuant to section 81-1176 as of January 1 of the most recently available complete data year added to in lieu of transportation expenditures pursuant to section 79-611 from the same data year or, for state aid certified pursuant to section 79-1022 and budget limitations certified pursuant to section 79-1026, the in lieu of transportation expenditures for this subdivision shall equal such expenditures from the most recently available complete data year, adjusted by the average annual change in each district's such expenditures for the most recently available complete data year and the two school years immediately preceding the most recently available complete data year; and

(36) Tuitioned students means students in kindergarten through grade twelve of the district whose tuition is paid by the district to some other district or education agency.

Sec. 43. Section 79-1018, Revised Statutes Supplement, 1997, is amended to read:

79-1018. For school fiscal years before school fiscal year 1998-99, district formula resources include other actual receipts available for the funding of general fund operating expenditures as determined by the department, except that receipts from the Community Improvements Cash Fund and receipts acquired pursuant to the Low-Level Radioactive Waste Disposal Act shall not be included. Other actual receipts include:

- (1) Public power district sales tax revenue;
- (2) Fines and license fees;
- (3) Tuition receipts from individuals, other districts, or any other source except those derived from adult education;
- (4) Transportation receipts;
- (5) Interest on investments;
- (6) Other miscellaneous local receipts, not including receipts from private foundations, individuals, associations, or charitable organizations;
- (7) Special education receipts, excluding grant funds received pursuant to section 9-812;
- (8) Receipts from the state for wards of the court and wards of the state;
- (9) All receipts from the temporary school fund;
- (10) Receipts from the insurance Tax Fund, except that for the calculation of state aid to be paid in school year 1996-97 and each school year thereafter, other actual receipts do not include Insurance Tax Fund receipts;
- (11) Motor vehicle tax receipts;
- (12) Pro rata motor vehicle license fee receipts;
- ~~(12)~~ (13) Other miscellaneous noncategorical state receipts;
- ~~(13)~~ (14) Impact aid entitlements for the school fiscal year which have actually been received by the district to the extent allowed by federal law;
- ~~(14)~~ (15) All other noncategorical federal receipts;
- ~~(15)~~ (16) All receipts pursuant to the enrollment option program under sections 79-232 to 79-246; and
- ~~(16)~~ (17) Receipts under the federal Medicare Catastrophic Coverage Act of 1988 as authorized pursuant to sections 43-2510 and 43-2511 but only to the extent of the amount the district would have otherwise received pursuant to the Special Education Act. For state aid to be paid for school years through 1997-98, other actual receipts shall be as reported in the annual financial reports from the most recently available complete data year. For state aid certified pursuant to section 79-1022 for school year 1998-99 and each year thereafter, other actual receipts shall equal each district's other actual receipts from the most recently available complete data year, adjusted by the average annual change in each district's other actual receipts for the most recently available complete data year and the two school years immediately preceding the most recently available complete data year. For final calculation of state aid pursuant to section 79-1065, other actual receipts shall be as reported in the annual financial reports from the most recently available complete data year.

Sec. 44. Section 79-1018.01, Revised Statutes Supplement, 1997, is amended to read:

79-1018.01. For school fiscal year 1998-99 and each school fiscal year thereafter, local system formula resources include other actual receipts available for the funding of general fund operating expenditures as determined by the department for the most recently available complete data year, except that receipts from the Community Improvements Cash Fund and receipts acquired pursuant to the Low-Level Radioactive Waste Disposal Act shall not be included. Other actual receipts include:

- (1) Public power district sales tax revenue;
- (2) Fines and license fees;
- (3) Tuition receipts from individuals, other districts, or any other source except those derived from adult education;
- (4) Transportation receipts;
- (5) Interest on investments;
- (6) Other miscellaneous noncategorical local receipts, not including receipts from private foundations, individuals, associations, or charitable organizations;
- (7) Special education receipts, excluding grant funds received pursuant to section 9-812;
- (8) Receipts from the state for wards of the court and wards of the state;
- (9) All receipts from the temporary school fund;
- (10) Receipts from the Insurance Tax Fund, except that for the calculation of state aid to be paid in school year 1996-97 and each school

year thereafter, other actual receipts do not include Insurance Tax Fund receipts;

(11) Motor vehicle tax receipts received on or after January 1, 1998;

(12) Pro rata motor vehicle license fee receipts;

~~(12)~~ (13) other miscellaneous state receipts excluding revenue from the textbook loan program authorized by section 79-734;

~~(13)~~ (14) Impact aid entitlements for the school fiscal year which have actually been received by the district to the extent allowed by federal law;

~~(14)~~ (15) All other noncategorical federal receipts;

~~(15)~~ (16) All receipts pursuant to the enrollment option program under sections 79-232 to 79-246; and

~~(16)~~ (17) Receipts under the federal Medicare Catastrophic Coverage Act of 1988 as authorized pursuant to sections 43-2510 and 43-2511 but only to the extent of the amount the district would have otherwise received pursuant to the Special Education Act. For state aid to be paid for school years through 1997-98, other actual receipts shall be as reported in the annual financial reports from the most recently available complete data year. For state aid certified pursuant to section 79-1022 for school year 1998-99 and each year thereafter, other actual receipts shall equal each district's other actual receipts from the most recently available complete data year, adjusted by the average annual change in each district's other actual receipts for the most recently available complete data year and the two school years immediately preceding the most recently available complete data year. For final calculation of state aid pursuant to section 79-1065, other actual receipts shall be as reported in the annual financial reports from the most recently available complete data year.

Sec. 45. Section 80-202, Revised Statutes Supplement, 1997, is amended to read:

80-202. The board of supervisors or commissioners of any county, the electors of any township at the annual or special township meeting, or the commissioners, council, or trustees of any city or village may by proper resolution, motion, or ordinance decide to erect or aid in the erection of any such statue, monument, or other memorial. Such resolution, motion, or ordinance shall specify the general features and plan of such statue, monument, or other memorial, the proposed location, the probable cost, and the amount thereof to be paid by such county, township, city, or village. The resolution, motion, or ordinance shall thereafter be published once in the official paper of the county, city, or village, and twenty days after the publication date of the publication, the proper authorities may levy a tax, in addition to the taxes otherwise authorized to be levied upon the taxable property of such county, township, city, or village, to pay the amount so to be paid by such county, township, city, or village, in like manner as general taxes are levied, or to pay such amount from the general fund. The levy shall be subject to ~~section~~ sections 77-3442 and 77-3443.

Sec. 46. Sections 4, 38, and 47 of this act become operative on December 1, 1997. Sections 7 to 16, 40, and 48 of this act become operative on January 1, 1998. Sections 1, 5, 6, 17, 36, 37, 45, and 49 of this act become operative on July 1, 1998. The other sections of this act become operative on their effective date.

Sec. 47. Original section 32-559, Revised Statutes Supplement, 1996, and section 77-3444, Revised Statutes Supplement, 1997, are repealed.

Sec. 48. Original sections 60-305.15, 60-3001, 60-3002, 60-3004 to 60-3008, 70-651.05, and 77-5007, Revised Statutes Supplement, 1997, are repealed.

Sec. 49. Original section 3-504, Reissue Revised Statutes of Nebraska, and sections 51-201, 51-501, 71-1637, 77-3442, 77-3443, and 80-202, Revised Statutes Supplement, 1997, are repealed.

Sec. 50. Original sections 13-508, 13-509, 77-1716, 77-1717, 77-1718, 77-1719.01, 77-1719.02, 77-1742, and 77-3445, Reissue Revised Statutes of Nebraska, and sections 77-621, 77-623, 77-602, 77-802.01, 77-1504.01, 77-1601, 77-1601.02, 77-1609, 77-1610, 77-1613, 77-1613.01, 77-1616, 77-5030, 79-1003, 79-1018, and 79-1018.01, Revised Statutes Supplement, 1997, are repealed.

Sec. 51. The following section is outright repealed: Section 77-1601.01, Revised Statutes Supplement, 1997.

Sec. 52. Since an emergency exists, this act takes effect when passed and approved according to law.