

E AND R AMENDMENTS TO LB 958

Introduced by Hansen, 26, Chairman Enrollment and Review

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

3           Section 1. Section 13-520, Revised Statutes Supplement, 2015, is  
4 amended to read:

5           13-520 The limitations in section 13-519 shall not apply to (1)  
6 restricted funds budgeted for capital improvements, (2) restricted funds  
7 expended from a qualified sinking fund for acquisition or replacement of  
8 tangible personal property with a useful life of five years or more, (3)  
9 restricted funds pledged to retire bonded indebtedness, used by a public  
10 airport to retire interest-free loans from the Department of Aeronautics  
11 in lieu of bonded indebtedness at a lower cost to the public airport, or  
12 used to pay other financial instruments that are approved and agreed to  
13 before July 1, 1999, in the same manner as bonds by a governing body  
14 created under section 35-501, (4) restricted funds budgeted in support of  
15 a service which is the subject of an agreement or a modification of an  
16 existing agreement whether operated by one of the parties to the  
17 agreement or by an independent joint entity or joint public agency, (5)  
18 restricted funds budgeted to pay for repairs to infrastructure damaged by  
19 a natural disaster which is declared a disaster emergency pursuant to the  
20 Emergency Management Act, (6) restricted funds budgeted to pay for  
21 judgments, except judgments or orders from the Commission of Industrial  
22 Relations, obtained against a governmental unit which require or obligate  
23 a governmental unit to pay such judgment, to the extent such judgment is  
24 not paid by liability insurance coverage of a governmental unit or a pool  
25 of funds maintained by the governmental unit to self-insure against such  
26 liabilities, or (7) the dollar amount by which restricted funds budgeted  
27 by a natural resources district to administer and implement ground water

1 management activities and integrated management activities under the  
2 Nebraska Ground Water Management and Protection Act exceed its restricted  
3 funds budgeted to administer and implement ground water management  
4 activities and integrated management activities for FY2003-04.

5 Sec. 2. Section 13-521, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 13-521 (1) A governmental unit may choose not to increase its total  
8 of restricted funds by the full amount allowed by law in a particular  
9 year. In such cases, the governmental unit may carry forward to future  
10 budget years the amount of unused restricted funds authority. The  
11 governmental unit shall calculate its unused restricted funds authority  
12 and submit an accounting of such amount with the budget documents for  
13 that year. Such unused restricted funds authority may then be used in  
14 later years for increases in the total of restricted funds allowed by  
15 law. This subsection shall not apply to community colleges for fiscal  
16 years beginning on or after July 1, 2017 ~~Any unused budget authority~~  
17 ~~existing on April 8, 1998, by reason of any prior law may be used for~~  
18 ~~increases in restricted funds authority.~~

19 (2) For any fiscal year beginning on or after July 1, 2017, a  
20 community college may choose not to increase its total of restricted  
21 funds by the full amount allowed by law in a particular year. In such  
22 cases, the community college may carry forward to future budget years the  
23 amount of unused restricted funds authority. The community college shall  
24 calculate its unused restricted funds authority and submit an accounting  
25 of such amount with the budget documents for that year. The amount of  
26 unused restricted funds authority that may be used by a community college  
27 in a single fiscal year to increase its total of restricted funds above  
28 the restricted funds authority as calculated pursuant to section 13-519  
29 shall be limited to three percent of the difference of the total of  
30 restricted funds minus the exclusions in section 13-520 for the  
31 immediately preceding fiscal year.

1           Sec. 3. Section 77-4212, Revised Statutes Cumulative Supplement,  
2   2014, is amended to read:

3           77-4212 (1) For tax year 2007, the amount of relief granted under  
4   the Property Tax Credit Act shall be one hundred five million dollars.  
5   For tax year 2008, the amount of relief granted under the act shall be  
6   one hundred fifteen million dollars. It is the intent of the Legislature  
7   to fund the Property Tax Credit Act for tax years after tax year 2008  
8   using available revenue. For tax year 2017, the amount of relief granted  
9   under the act shall be two hundred twenty-four million dollars. The  
10   relief shall be in the form of a property tax credit which appears on the  
11   property tax statement.

12           (2)(a) For tax years prior to tax year 2017, to ~~To~~ determine the  
13   amount of the property tax credit, the county treasurer shall multiply  
14   the amount disbursed to the county under subdivision ~~subsection~~ (4)(a) of  
15   this section by the ratio of the real property valuation of the parcel to  
16   the total real property valuation in the county. The amount determined  
17   shall be the property tax credit for the property.

18           (b) Beginning with tax year 2017, to determine the amount of the  
19   property tax credit, the county treasurer shall multiply the amount  
20   disbursed to the county under subdivision (4)(b) of this section by the  
21   ratio of the credit allocation valuation of the parcel to the total  
22   credit allocation valuation in the county. The amount determined shall be  
23   the property tax credit for the property.

24           (3) If the real property owner qualifies for a homestead exemption  
25   under sections 77-3501 to 77-3529, the owner shall also be qualified for  
26   the relief provided in the act to the extent of any remaining liability  
27   after calculation of the relief provided by the homestead exemption. If  
28   the credit results in a property tax liability on the homestead that is  
29   less than zero, the amount of the credit which cannot be used by the  
30   taxpayer shall be returned to the State Treasurer by July 1 of the year  
31   the amount disbursed to the county was disbursed. The State Treasurer

1 shall immediately credit any funds returned under this section to the  
2 Property Tax Credit Cash Fund.

3 (4)(a) For tax years prior to tax year 2017, the The amount  
4 disbursed to each county shall be equal to the amount available for  
5 disbursement determined under subsection (1) of this section multiplied  
6 by the ratio of the real property valuation in the county to the real  
7 property valuation in the state. By September 15, the Property Tax  
8 Administrator shall determine the amount to be disbursed under this  
9 subdivision ~~subsection~~ to each county and certify such amounts to the  
10 State Treasurer and to each county. The disbursements to the counties  
11 shall occur in two equal payments, the first on or before January 31 and  
12 the second on or before April 1. After retaining one percent of the  
13 receipts for costs, the county treasurer shall allocate the remaining  
14 receipts to each taxing unit levying taxes on taxable property in the tax  
15 district in which the real property is located in the same proportion  
16 that the levy of such taxing unit bears to the total levy on taxable  
17 property of all the taxing units in the tax district in which the real  
18 property is located.

19 (b) Beginning with tax year 2017, the amount disbursed to each  
20 county shall be equal to the amount available for disbursement determined  
21 under subsection (1) of this section multiplied by the ratio of the  
22 credit allocation valuation in the county to the credit allocation  
23 valuation in the state. By September 15, the Property Tax Administrator  
24 shall determine the amount to be disbursed under this subdivision to each  
25 county and certify such amounts to the State Treasurer and to each  
26 county. The disbursements to the counties shall occur in two equal  
27 payments, the first on or before January 31 and the second on or before  
28 April 1. After retaining one percent of the receipts for costs, the  
29 county treasurer shall allocate the remaining receipts to each taxing  
30 unit based on its share of the credits granted to all taxpayers in the  
31 taxing unit.

1           (5) For purposes of this section, credit allocation valuation means  
2 the taxable value for all real property except agricultural land and  
3 horticultural land, one hundred twenty percent of taxable value for  
4 agricultural land and horticultural land that is not subject to special  
5 valuation, and one hundred twenty percent of taxable value for  
6 agricultural land and horticultural land that is subject to special  
7 valuation.

8           (~~6~~ 5) The State Treasurer shall transfer from the General Fund to  
9 the Property Tax Credit Cash Fund one hundred five million dollars by  
10 August 1, 2007, and one hundred fifteen million dollars by August 1,  
11 2008.

12           (~~7~~ 6) The Legislature shall have the power to transfer funds from  
13 the Property Tax Credit Cash Fund to the General Fund.

14           Sec. 4. Original section 13-521, Reissue Revised Statutes of  
15 Nebraska, section 77-4212, Revised Statutes Cumulative Supplement, 2014,  
16 and section 13-520, Revised Statutes Supplement, 2015, are repealed.

17           2. On page 1, strike beginning with "sections" in line 1 through  
18 line 8 and insert "section 13-521, Reissue Revised Statutes of Nebraska,  
19 section 77-4212, Revised Statutes Cumulative Supplement, 2014, and  
20 section 13-520, Revised Statutes Supplement, 2015; to change provisions  
21 relating to budget limitation exceptions, use of unused restricted funds  
22 by community colleges, and property tax credits; and to repeal the  
23 original sections."