

ONE HUNDRED SEVENTH LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 264CA

PROPOSED CONSTITUTIONAL AMENDMENT

Introduced by Erdman, 47; Albrecht, 17; Brewer, 43; Clements, 2;
Halloran, 33; Hansen, B., 16; McDonnell, 5; Murman, 38.

Read first time January 05, 2022

Committee: Revenue

1 THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA,
2 SECOND SESSION, RESOLVE THAT:

3 Section 1. At the general election in November 2022, the following
4 proposed amendment to the Constitution of Nebraska shall be submitted to
5 the electors of the State of Nebraska for approval or rejection:

6 To amend Article VIII, section 1:

7 VIII-1 (1) This subsection applies on and after January 1, 2024.
8 Notwithstanding any other provision of this Constitution to the contrary,
9 no taxes other than retail consumption taxes and excise taxes shall be
10 imposed upon the people of Nebraska.

11 (2) This subsection applies prior to January 1, 2024. The necessary
12 revenue of the state and its governmental subdivisions shall be raised by
13 taxation in such manner as the Legislature may direct. Notwithstanding
14 Article I, section 16, Article III, section 18, or Article VIII, section
15 4, of this Constitution or any other provision of this Constitution to
16 the contrary: (a) ~~(1)~~ Taxes shall be levied by valuation uniformly and
17 proportionately upon all real property and franchises as defined by the
18 Legislature except as otherwise provided in or permitted by this
19 Constitution; (b) ~~(2)~~ tangible personal property, as defined by the
20 Legislature, not exempted by this Constitution or by legislation, shall
21 all be taxed at depreciated cost using the same depreciation method with
22 reasonable class lives, as determined by the Legislature, or shall all be
23 taxed by valuation uniformly and proportionately; (c) ~~(3)~~ the Legislature

1 may provide for a different method of taxing motor vehicles and may also
2 establish a separate class of motor vehicles consisting of those owned
3 and held for resale by motor vehicle dealers which shall be taxed in the
4 manner and to the extent provided by the Legislature and may also
5 establish a separate class for trucks, trailers, semitrailers, truck-
6 tractors, or combinations thereof, consisting of those owned by residents
7 and nonresidents of this state, and operating in interstate commerce, and
8 may provide reciprocal and proportionate taxation of such vehicles. The
9 tax proceeds from motor vehicles taxed in each county shall be allocated
10 to the county and the cities, villages, and school districts of such
11 county; (d) ~~(4)~~ the Legislature may provide that agricultural land and
12 horticultural land, as defined by the Legislature, shall constitute a
13 separate and distinct class of property for purposes of taxation and may
14 provide for a different method of taxing agricultural land and
15 horticultural land which results in values that are not uniform and
16 proportionate with all other real property and franchises but which
17 results in values that are uniform and proportionate upon all property
18 within the class of agricultural land and horticultural land; (e) ~~(5)~~ the
19 Legislature may enact laws to provide that the value of land actively
20 devoted to agricultural or horticultural use shall for property tax
21 purposes be that value which such land has for agricultural or
22 horticultural use without regard to any value which such land might have
23 for other purposes or uses; (f) ~~(6)~~ the Legislature may prescribe
24 standards and methods for the determination of the value of real property
25 at uniform and proportionate values; (g) ~~(7)~~ in furtherance of the
26 purposes for which such a law of the United States has been adopted,
27 whenever there exists a law of the United States which is intended to
28 protect a specifically designated type, use, user, or owner of property
29 or franchise from discriminatory state or local taxation, such property
30 or franchise shall constitute a separate class of property or franchise
31 under the laws of the State of Nebraska, and such property or franchise

1 may not be taken into consideration in determining whether taxes are
2 levied by valuation uniformly or proportionately upon any property or
3 franchise, and the Legislature may enact laws which statutorily recognize
4 such class and which tax or exempt from taxation such class of property
5 or franchise in such manner as it determines; and (h) ~~(8)~~ the Legislature
6 may provide that livestock shall constitute a separate and distinct class
7 of property for purposes of taxation and may further provide for
8 reciprocal and proportionate taxation of livestock located in this state
9 for only part of a year. Each actual property tax rate levied for a
10 governmental subdivision shall be the same for all classes of taxed
11 property and franchises. Taxes uniform as to class of property or the
12 ownership or use thereof may be levied by valuation or otherwise upon
13 classes of intangible property as the Legislature may determine, and such
14 intangible property held in trust or otherwise for the purpose of funding
15 pension, profit-sharing, or other employee benefit plans as defined by
16 the Legislature may be declared exempt from taxation. Taxes other than
17 property taxes may be authorized by law. Existing revenue laws shall
18 continue in effect until changed by the Legislature.

19 Sec. 2. The proposed amendment shall be submitted to the electors
20 in the manner prescribed by the Constitution of Nebraska, Article XVI,
21 section 1, with the following ballot language:

22 A constitutional amendment to provide that, beginning January 1,
23 2024, no taxes other than retail consumption taxes and excise taxes shall
24 be imposed upon the people of Nebraska.

25 For

26 Against.