

AMENDMENTS TO LB388

(Amendments to Standing Committee amendments, AM3203)

Introduced by Linehan, 39.

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

3           Section 1. Sections 1 to 8 of this act shall be known and may be  
4 cited as the Property Tax Growth Limitation Act.

5           Sec. 2. For purposes of the Property Tax Growth Limitation Act:

6           (1) Approved bonds means bonds as defined in subdivision (1) of  
7 section 10-134 that are approved according to law, excluding any bonds  
8 issued to finance a project or projects if the issuance of bonds for such  
9 project or projects was the subject of a general obligation bond election  
10 held at the most recent regularly scheduled election and was not approved  
11 at such election;

12           (2) Auditor means the Auditor of Public Accounts;

13           (3) Consumer price index percentage means the annual percentage  
14 change in the Consumer Price Index for All Urban Consumers published by  
15 the federal Bureau of Labor Statistics, as reported for December of the  
16 prior calendar year for the preceding twelve-month period;

17           (4) Emergency means an emergency, as defined in section 81-829.39,  
18 for which a state of emergency proclamation or local state of emergency  
19 proclamation has been issued under the Emergency Management Act;

20           (5) Growth percentage means the percentage obtained by dividing (a)  
21 the political subdivision's growth value by (b) the political  
22 subdivision's total property valuation from the prior year;

23           (6) Growth value means the increase in a political subdivision's  
24 total property valuation from the prior year to the current year due to  
25 (a) improvements to real property as a result of new construction and  
26 additions to existing buildings, (b) any other improvements to real

1 property which increase the value of such property, (c) annexation of  
2 real property by the political subdivision, (d) a change in the use of  
3 real property and (e) any increase in personal property valuation over  
4 the prior year;

5 (7) Political subdivision means any county, city, or village;

6 (8) Property tax request means the total amount of property taxes  
7 requested to be raised for a political subdivision through the levy  
8 imposed pursuant to section 77-1601;

9 (9) Property tax request authority means the amount that may be  
10 included in a political subdivision's property tax request as determined  
11 pursuant to the Property Tax Growth Limitation Act; and

12 (10) State aid means:

13 (a) For all political subdivisions, state aid paid pursuant to  
14 sections 60-3,202 and 77-3523 and reimbursement provided pursuant to  
15 section 77-1239;

16 (b) For cities and villages, state aid to cities and villages paid  
17 pursuant to sections 39-2501 to 39-2520, 60-3,190, and 77-27,139.04 and  
18 insurance premium tax paid to cities and villages; and

19 (c) For counties, state aid to counties paid pursuant to sections  
20 60-3,184 to 60-3,190, insurance premium tax paid to counties, and  
21 reimbursements to counties from funds appropriated pursuant to section  
22 29-3933.

23 Sec. 3. (1) Except as otherwise provided in the Property Tax Growth  
24 Limitation Act, for fiscal years beginning on or after July 1, 2024, a  
25 political subdivision's property tax request for any year shall not  
26 exceed its property tax request authority as determined under this  
27 section. The preliminary property tax request authority for each  
28 political subdivision shall be the amount of property taxes levied by the  
29 county board of equalization pursuant to section 77-1601 for such  
30 political subdivision in the prior fiscal year.

31 (2) In addition to the preliminary property tax request authority,

1 the political subdivision's property tax request authority may be  
2 increased by the product of:

3 (a) The amount of property taxes levied in the prior year increased  
4 by the political subdivision's growth percentage, less the sum of  
5 exceptions utilized in the prior year pursuant to subdivisions (1) and  
6 (2) of section 4 of this act; and

7 (b) The greater of three percent or the percentage change in the  
8 consumer price index percentage.

9 Sec. 4. A political subdivision may increase its property tax  
10 request authority over the amount determined under section 3 of this act  
11 by:

12 (1) The amount of property taxes budgeted for approved bonds;

13 (2) The amount of property taxes needed to respond to an emergency  
14 declared in the preceding year, as certified to the auditor;

15 (3) The amount of unused property tax request authority determined  
16 in accordance with section 6 of this act;

17 (4) The amount of property taxes budgeted in support of (a) a  
18 service relating to an imminent and significant threat to public safety  
19 or public health that (i) was not previously provided by the political  
20 subdivision and (ii) is the subject of an agreement or a modification of  
21 an existing agreement executed after the operative date of this act,  
22 whether provided by one of the parties to the agreement or by an  
23 independent joint entity or joint public agency or (b) an interlocal  
24 agreement relating to public safety;

25 (5) The increase in property tax request authority approved by the  
26 legal voters as provided in section 5 of this act; and

27 (6) The amount of property taxes needed to implement a six percent  
28 increase in compensation for understaffed law enforcement officer,  
29 firefighter, or corrections officer positions. For law enforcement  
30 officer positions, understaffing shall be determined using the strength  
31 of force numbers established by the Nebraska Commission on Law

1 Enforcement and Criminal Justice. For firefighter positions,  
2 understaffing shall be determined using National Fire Protection  
3 Association Standard 1710. For corrections officer positions,  
4 understaffing shall be deemed to exist if the ratio of inmates to direct  
5 custody staff exceeds fifteen to one for all shifts. The six percent  
6 increase in compensation authorized in this subdivision shall only be  
7 applicable to the increase in compensation related to filling currently  
8 vacant positions and shall be in addition to any percentage increase in  
9 such compensation obtained pursuant to section 3 of this act.

10       Sec. 5. (1) A political subdivision may increase its property tax  
11 request authority over the amount determined under section 3 of this act  
12 if such increase is approved by a majority of legal voters voting on the  
13 issue at an election described in subsection (2) of this section. Such  
14 issue shall be placed on the ballot (a) upon the recommendation of the  
15 governing body of such political subdivision or (b) upon the receipt by  
16 the county clerk or election commissioner of a petition requesting such  
17 issue to be placed on the ballot which is signed by at least five percent  
18 of the legal voters of the political subdivision. The recommendation of  
19 the governing body or the petition of the legal voters shall include the  
20 amount by which the political subdivision would increase its property tax  
21 request authority over and above the amount determined under section 3 of  
22 this act.

23       (2) Upon receipt of such recommendation or legal voter petition, the  
24 county clerk or election commissioner shall place such issue on the  
25 ballot at the next regularly scheduled election. The election shall be  
26 held pursuant to the Election Act, and all costs shall be paid by the  
27 political subdivision. The issue may be approved on the same question as  
28 a vote to exceed the levy limits provided in section 77-3444. If a  
29 majority of the votes cast on the issue are in favor of increasing the  
30 political subdivision's property tax request authority, the political  
31 subdivision shall be empowered to do so.

1           Sec. 6. A political subdivision may choose not to increase its total  
2 property taxes levied by the full amount of the property tax request  
3 authority allowed in a particular year. In such cases, the political  
4 subdivision may carry forward to future budget years the amount of unused  
5 property tax request authority, but accumulation of unused property tax  
6 request authority shall not exceed an aggregate of five percent of the  
7 total property tax request authority from the prior year.

8           Sec. 7. The auditor shall prepare forms to be used by political  
9 subdivisions for the purpose of calculating property tax request  
10 authority and unused property tax request authority. Each political  
11 subdivision shall calculate such amounts and submit the forms to the  
12 auditor on or before September 30 of each year. If a political  
13 subdivision fails to submit such forms to the auditor or if the auditor  
14 determines from such forms that a political subdivision is not complying  
15 with the limits provided in the Property Tax Growth Limitation Act, the  
16 auditor shall notify the political subdivision and the State Treasurer of  
17 the noncompliance. The State Treasurer shall then suspend distribution of  
18 state aid allocated to the political subdivision until the political  
19 subdivision complies. The funds shall be held for six months. If the  
20 political subdivision complies within the six-month period, it shall  
21 receive the suspended funds. If the political subdivision fails to comply  
22 within the six-month period, the suspended funds shall be forfeited and  
23 shall be redistributed to other recipients of the state aid or, in the  
24 case of homestead exemption reimbursement, returned to the General Fund.

25           Sec. 8. The auditor may adopt and promulgate rules and regulations  
26 to carry out the Property Tax Growth Limitation Act.

27           Sec. 9. Sections 9 to 13 of this act shall be known and may be  
28 cited as the Advertising Services Tax Act.

29           Sec. 10. For purposes of the Advertising Services Tax Act:

30           (1) Any term shall have the same meaning as used in Chapter 77,  
31 article 27, except as otherwise defined in the Advertising Services Tax

1 Act;

2 (2) Advertising services means all services, including digital  
3 advertising services, directly related to the creation, preparation,  
4 production, or dissemination of advertisements. The term includes, but is  
5 not limited to, layout, art direction, graphic design, mechanical  
6 preparation, production supervision, placement, and rendering advice to a  
7 client concerning the best methods of advertising that client's products  
8 or services. The term also includes online referrals, search engine  
9 marketing and lead generation optimization, web campaign planning, the  
10 acquisition of advertising space in the Internet media, and the  
11 monitoring and evaluation of website traffic for purposes of determining  
12 the effectiveness of an advertising campaign. The term does not include  
13 web hosting services and domain name registration or the services of a  
14 news media entity;

15 (3) Assessable base means the portion of gross advertising revenue  
16 that is derived from sales to customers where services are delivered  
17 within Nebraska according to the sourcing rules in this subdivision.  
18 Gross advertising revenue is within this state if the audience of the  
19 advertising is within this state according to the IP address of the  
20 device where advertising is being viewed or, if the IP address location  
21 is unavailable, the use of another reasonable method to source the  
22 advertising revenue to this state based on the location of the viewer. If  
23 the audience is based both within and without this state based on the  
24 sourcing rules described in this subdivision, the gross advertising  
25 revenue is apportioned between this state and other states in proportion  
26 to the location of the viewers within this state as compared to the other  
27 states. The Tax Commissioner may adopt and promulgate rules and  
28 regulations determining the state from which gross advertising revenue is  
29 derived;

30 (4) Digital advertising services means advertising services on a  
31 digital interface. The term includes advertisements in the form of banner

1 advertising, search engine advertising, interstitial advertising, and  
2 other comparable advertising services;

3 (5) Digital interface means any type of software, including any part  
4 of an Internet website or application that a user is able to access;

5 (6) Gross advertising revenue means income or revenue from  
6 advertising services sourced to the United States using the sourcing  
7 rules described in subdivision (3) of this section before any expenses or  
8 taxes, computed according to generally accepted accounting principles;

9 (7) IP address means a unique string of characters or other  
10 identifier assigned to each device connected to a network for  
11 communication;

12 (8) News media entity means a broadcast radio or television station  
13 licensed by the Federal Communications Commission or an entity engaged  
14 primarily in the business of news gathering, reporting, or publishing  
15 articles or commentary about news, current events, culture, or other  
16 matters of public interest. The term does not include an entity that is  
17 primarily an aggregator or republisher of third-party content;

18 (9) Person has the same meaning as in section 77-2701.25;

19 (10) Reporting period means the calendar year on which a report is  
20 based; and

21 (11) User means a person or individual who accesses a digital  
22 interface with a device.

23 Sec. 11. (1) A tax is imposed on a person that is subject to the  
24 Internal Revenue Code or a group of persons subject to the Internal  
25 Revenue Code that are part of the same unitary group or would otherwise  
26 be members of the same unitary group, if incorporated, that are doing  
27 business in Nebraska and whose combined gross advertising revenue exceeds  
28 one billion dollars.

29 (2) The amount of the tax imposed under this section is seven and  
30 one-half percent of a person's assessable base for the reporting period.

31 Sec. 12. The provisions of sections 77-2714 to 77-27,135 relating

1 to deficiencies, penalties, interest, the collection of delinquent  
2 amounts, confidentiality, refunds, and appeal procedures for the tax  
3 imposed by section 77-2734.02 shall also apply to the tax imposed by  
4 section 11 of this act.

5 Sec. 13. The Tax Commissioner may adopt and promulgate rules and  
6 regulations necessary to implement, administer, and enforce the  
7 Advertising Services Tax Act.

8 Sec. 14. Sections 14 to 18 of this act shall be known and may be  
9 cited as the Property Tax Relief Act.

10 Sec. 15. The purpose of the Property Tax Relief Act is to provide  
11 property tax relief for property taxes levied against real property by  
12 school districts. The property tax relief will be made to owners of real  
13 property in the form of a property tax credit.

14 Sec. 16. For purposes of the Property Tax Relief Act:

15 (1) School district has the same meaning as in section 79-101; and

16 (2) School district taxes means the amount of property taxes levied  
17 against real property in this state by a school district in the preceding  
18 year.

19 Sec. 17. The School Property Tax Credit Fund is created. The fund  
20 shall only be used pursuant to the Property Tax Relief Act. Any money in  
21 the fund available for investment shall be invested by the state  
22 investment officer pursuant to the Nebraska Capital Expansion Act and the  
23 Nebraska State Funds Investment Act.

24 Sec. 18. (1) The Property Tax Relief Act shall apply to tax year  
25 2024 and each tax year thereafter. For tax year 2024, the amount of  
26 relief granted under the act shall be seven hundred fifty million  
27 dollars. For tax year 2025 and each tax year thereafter, the amount of  
28 relief granted under the act shall be the amount of relief from the prior  
29 year plus thirty million dollars. The relief shall be in the form of a  
30 property tax credit which appears on the property tax statement.

31 (2) To determine the amount of the property tax credit for each



1 parcel, the county treasurer shall multiply the amount disbursed to the  
2 county under subsection (4) of this section by the ratio of the school  
3 district taxes levied on the parcel to the school district taxes levied  
4 on all real property in the county. The amount so determined shall be the  
5 property tax credit for that parcel.

6 (3) If the real property owner qualifies for a homestead exemption  
7 under sections 77-3501 to 77-3529, the owner shall also be qualified for  
8 the credit provided in this section to the extent of any remaining  
9 liability after calculation of the relief provided by the homestead  
10 exemption. If the credit provided in this section results in a property  
11 tax liability on the homestead that is less than zero, the amount of the  
12 credit which cannot be used by the taxpayer shall be returned to the  
13 Property Tax Administrator by July 1 of the year the amount disbursed to  
14 the county was disbursed. The Property Tax Administrator shall  
15 immediately credit any funds returned under this subsection to the School  
16 Property Tax Credit Fund. Upon the return of any funds under this  
17 subsection, the county treasurer shall electronically file a report with  
18 the Property Tax Administrator, on a form prescribed by the Tax  
19 Commissioner, indicating the amount of funds distributed to each school  
20 district in the county in the year the funds were returned, any  
21 collection fee retained by the county in such year, and the amount of  
22 unused credits returned.

23 (4) The amount disbursed to each county under this section shall be  
24 equal to the amount available for disbursement, as determined under  
25 subsection (1) of this section, multiplied by the ratio of the school  
26 district taxes levied on all real property in the county to the school  
27 district taxes levied on all real property in the state. By September 15,  
28 the Property Tax Administrator shall determine the amount to be disbursed  
29 under this subsection to each county and shall certify such amounts to  
30 the State Treasurer and to each county. The disbursements to the counties  
31 shall occur in two equal payments, the first on or before January 31 and

1 the second on or before April 1. After retaining one percent of the  
2 receipts for costs, the county treasurer shall allocate the remaining  
3 receipts to the school districts in the county proportionally based on  
4 the amount of school district taxes levied on real property in the county  
5 by such school districts.

6 Sec. 19. Section 13-518, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 13-518 For purposes of sections 13-518 to 13-522:

9 (1) Allowable growth means (a) for governmental units other than  
10 community colleges, the percentage increase in taxable valuation in  
11 excess of the base limitation established under section 77-3446, if any,  
12 due to improvements to real property as a result of new construction,  
13 additions to existing buildings, any improvements to real property which  
14 increase the value of such property, and any increase in valuation due to  
15 annexation and any personal property valuation over the prior year and  
16 (b) for community colleges, the percentage increase in excess of the base  
17 limitation, if any, in full-time equivalent students from the second year  
18 to the first year preceding the year for which the budget is being  
19 determined;

20 (2) Capital improvements means (a) acquisition of real property or  
21 (b) acquisition, construction, or extension of any improvements on real  
22 property;

23 (3) Governing body has the same meaning as in section 13-503, except  
24 that such term does not include the governing body of any county, city,  
25 or village;

26 (4) Governmental unit means every political subdivision which has  
27 authority to levy a property tax or authority to request levy authority  
28 under section 77-3443, except that such term does not include sanitary  
29 and improvement districts which have been in existence for five years or  
30 less, and school districts, counties, cities, or villages;

31 (5) Qualified sinking fund means a fund or funds maintained

1 separately from the general fund to pay for acquisition or replacement of  
2 tangible personal property with a useful life of five years or more which  
3 is to be undertaken in the future but is to be paid for in part or in  
4 total in advance using periodic payments into the fund. The term includes  
5 sinking funds under subdivision (13) of section 35-508 for firefighting  
6 and rescue equipment or apparatus;

7 (6) Restricted funds means (a) property tax, excluding any amounts  
8 refunded to taxpayers, (b) payments in lieu of property taxes, (c) local  
9 option sales taxes, (d) motor vehicle taxes, (e) state aid, (f) transfers  
10 of surpluses from any user fee, permit fee, or regulatory fee if the fee  
11 surplus is transferred to fund a service or function not directly related  
12 to the fee and the costs of the activity funded from the fee, and (g) any  
13 funds excluded from restricted funds for the prior year because they were  
14 budgeted for capital improvements but which were not spent and are not  
15 expected to be spent for capital improvements, ~~(h) the tax provided in~~  
16 ~~sections 77-27,223 to 77-27,227 beginning in the second fiscal year in~~  
17 ~~which the county will receive a full year of receipts, and (i) any excess~~  
18 ~~tax collections returned to the county under section 77-1776. Funds~~  
19 received pursuant to the nameplate capacity tax levied under section  
20 77-6203 for the first five years after a renewable energy generation  
21 facility has been commissioned are nonrestricted funds; and

22 (7) State aid means:

23 (a) For all governmental units, state aid paid pursuant to sections  
24 60-3,202 and 77-3523 and reimbursement provided pursuant to section  
25 77-1239;

26 ~~(b) For municipalities, state aid to municipalities paid pursuant to~~  
27 ~~sections 39-2501 to 39-2520, 60-3,190, and 77-27,139.04 and insurance~~  
28 ~~premium tax paid to municipalities;~~

29 ~~(c) For counties, state aid to counties paid pursuant to sections~~  
30 ~~60-3,184 to 60-3,190, insurance premium tax paid to counties, and~~  
31 ~~reimbursements to counties from funds appropriated pursuant to section~~

1 ~~29-3933;~~

2 ~~(b) (d)~~ For community colleges, state aid to community colleges paid  
3 pursuant to the Community College Aid Act;

4 ~~(c) (e)~~ For educational service units, state aid appropriated under  
5 sections 79-1241.01 and 79-1241.03; and

6 ~~(d) (f)~~ For local public health departments as defined in section  
7 71-1626, state aid as distributed under section 71-1628.08.

8 Sec. 20. Section 13-519, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 13-519 (1)(a) Subject to subdivisions (1)(b) and (c) of this  
11 section, for all fiscal years beginning on or after July 1, 1998, no  
12 governmental unit shall adopt a budget containing a total of budgeted  
13 restricted funds more than the last prior year's total of budgeted  
14 restricted funds plus allowable growth plus the basic allowable growth  
15 percentage of the base limitation established under section 77-3446. ~~For~~  
16 ~~the second fiscal year in which a county will receive a full year of~~  
17 ~~receipts from the tax imposed in sections 77-27,223 to 77-27,227, the~~  
18 ~~prior year's total of restricted funds shall be the prior year's total of~~  
19 ~~restricted funds plus the total receipts from the tax imposed in sections~~  
20 ~~77-27,223 to 77-27,227 in the prior year.~~ If a governmental unit  
21 transfers the financial responsibility of providing a service financed in  
22 whole or in part with restricted funds to another governmental unit or  
23 the state, the amount of restricted funds associated with providing the  
24 service shall be subtracted from the last prior year's total of budgeted  
25 restricted funds for the previous provider and may be added to the last  
26 prior year's total of restricted funds for the new provider. For  
27 governmental units that have consolidated, the calculations made under  
28 this section for consolidating units shall be made based on the combined  
29 total of restricted funds, population, or full-time equivalent students  
30 of each governmental unit.

31 (b) For all fiscal years beginning on or after July 1, 2008,

1 educational service units may exceed the limitations of subdivision (1)  
2 (a) of this section to the extent that one hundred ten percent of the  
3 needs for the educational service unit calculated pursuant to section  
4 79-1241.03 exceeds the budgeted restricted funds allowed pursuant to  
5 subdivision (1)(a) of this section.

6 ~~(c) For fiscal year 2017-18, the last prior year's total of~~  
7 ~~restricted funds for counties shall be the last prior year's total of~~  
8 ~~restricted funds less the last prior year's restricted funds budgeted by~~  
9 ~~counties under sections 39-2501 to 39-2520, plus the last prior year's~~  
10 ~~amount of restricted funds budgeted by counties under sections 39-2501 to~~  
11 ~~39-2520 to be used for capital improvements.~~

12 ~~(c)~~ (d) The limitations of subdivision (1)(a) of this section shall  
13 not apply to the budget or budget statement adopted by a regional  
14 metropolitan transit authority for the first five fiscal years commencing  
15 on the January 1 that follows the effective date of the conversion of the  
16 transit authority established under the Transit Authority Law into a  
17 regional metropolitan transit authority.

18 (2) A governmental unit may exceed the limit provided in subdivision  
19 (1)(a) of this section for a fiscal year by up to an additional one  
20 percent upon the affirmative vote of at least seventy-five percent of the  
21 governing body.

22 (3) A governmental unit may exceed the applicable allowable growth  
23 percentage otherwise prescribed in this section by an amount approved by  
24 a majority of legal voters voting on the issue at a special election  
25 called for such purpose upon the recommendation of the governing body or  
26 upon the receipt by the county clerk or election commissioner of a  
27 petition requesting an election signed by at least five percent of the  
28 legal voters of the governmental unit. The recommendation of the  
29 governing body or the petition of the legal voters shall include the  
30 amount and percentage by which the governing body would increase its  
31 budgeted restricted funds for the ensuing year over and above the current

1 year's budgeted restricted funds. The county clerk or election  
2 commissioner shall call for a special election on the issue within thirty  
3 days after the receipt of such governing body recommendation or legal  
4 voter petition. The election shall be held pursuant to the Election Act,  
5 and all costs shall be paid by the governing body. The issue may be  
6 approved on the same question as a vote to exceed the levy limits  
7 provided in section 77-3444.

8 (4) In lieu of the election procedures in subsection (3) of this  
9 section, any governmental unit may, for a period of one year, exceed the  
10 allowable growth percentage otherwise prescribed in this section by an  
11 amount approved by a majority of legal voters voting at a meeting of the  
12 residents of the governmental unit, called after notice is published in a  
13 newspaper of general circulation in the governmental unit at least twenty  
14 days prior to the meeting. At least ten percent of the registered voters  
15 residing in the governmental unit shall constitute a quorum for purposes  
16 of taking action to exceed the allowable growth percentage. If a majority  
17 of the registered voters present at the meeting vote in favor of  
18 exceeding the allowable growth percentage, a copy of the record of that  
19 action shall be forwarded to the Auditor of Public Accounts along with  
20 the budget documents. The issue to exceed the allowable growth percentage  
21 may be approved at the same meeting as a vote to exceed the limits or  
22 final levy allocation provided in section 77-3444.

23 Sec. 21. Section 13-2817, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 13-2817 (1) Any municipality that is within the boundaries of a  
26 municipal county that is not merged into the municipal county shall be  
27 required to pay the municipal county for services that were previously  
28 provided by the county and are not ordinarily provided by a municipality.  
29 Except as provided in subsection (2) of this section, the amount paid  
30 shall be equal to the attributable cost of county services times a ratio,  
31 the numerator of which is the total valuation of all municipalities that

1 are within the boundaries of the municipal county and the denominator of  
2 which is the total valuation of the municipal county and all  
3 municipalities and unconsolidated sanitary and improvement districts that  
4 are within the boundaries of the municipal county that are not merged  
5 into the municipal county, times a ratio the numerator of which is the  
6 valuation of the particular municipality and the denominator of which is  
7 the total valuation of all municipalities that are within the boundaries  
8 of the municipal county, except that (a) the amount paid shall not exceed  
9 the total taxable valuation of the municipality times forty-five  
10 hundredths of one percent and (b) the municipality shall not be required  
11 to pay the municipal county for fire protection or ambulance services.

12 (2) The amount paid for law enforcement by a municipality that is  
13 within the boundaries of a municipal county but is not merged into the  
14 municipal county shall be as follows: (a) If the county did not provide  
15 law enforcement services prior to the formation of the municipal county  
16 or if the municipality continues its own law enforcement services after  
17 formation of the municipal county, the total cost of services budgeted by  
18 the municipal county for law enforcement shall be the net cost of  
19 services that are the express and exclusive duties and responsibilities  
20 of the county sheriff by law times the same ratios calculated in  
21 subsection (1) of this section; (b) if the municipality discontinues  
22 providing law enforcement services after the formation of the municipal  
23 county (i) the municipal county shall provide a level of service in such  
24 municipality that is equal to the level provided in the area or areas of  
25 the municipal county that were municipalities prior to the formation of  
26 the municipal county and (ii) the municipality shall pay the municipal  
27 county for the cost of county services for law enforcement as calculated  
28 in subsection (1) of this section, except that for the first five years,  
29 the amount shall be no more than the amount budgeted by the municipality  
30 for law enforcement services in the last year the municipality provided  
31 the services for itself; and (c) if the municipal county has deputized

1 the police force of the municipality to perform the express and exclusive  
2 duties and responsibilities of the county sheriff by law, there shall be  
3 no amount paid to the municipal county for law enforcement services.

4 (3) Disputes regarding the amounts any municipality that is within  
5 the boundaries of a municipal county that is not merged into the  
6 municipal county must pay to the municipal county for services that were  
7 previously provided by the county and are not ordinarily provided by a  
8 municipality shall be heard in the district court of such municipal  
9 county.

10 (4) For purposes of this section and section 13-2818, attributable  
11 cost of county services means the total budgeted cost of services that  
12 were previously provided by the county for the immediately prior fiscal  
13 year times a ratio, the numerator of which is the property tax request of  
14 the municipal county or the county and all cities to be consolidated for  
15 the prior fiscal year, not including any tax for bonded indebtedness, and  
16 the denominator of which is the total revenue from all sources that was  
17 ~~of the restricted funds as defined in section 13-518 plus inheritance~~  
18 ~~taxes, fees, and charges and other revenue that were~~ budgeted for the  
19 immediately prior fiscal year by the municipal county or the county and  
20 all cities to be consolidated.

21 Sec. 22. Section 29-3933, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 29-3933 (1) Any county which intends to request reimbursement for a  
24 portion of its expenditures for its indigent defense system must comply  
25 with this section.

26 (2) In order to assist the Commission on Public Advocacy in its  
27 budgeting process for determining future reimbursement amounts, after  
28 July 1, 2002, and before July 15, 2002, and for each year thereafter in  
29 which the county intends to seek reimbursement for a portion of its  
30 expenditures for indigent defense services in felony cases for the next  
31 fiscal year, the county shall present to the Commission on Public



1 Advocacy (a) a plan, in a format approved by the commission, describing  
2 how the county intends to provide indigent defense services in felony  
3 cases, (b) a statement of intent declaring that the county intends to  
4 comply with the standards set by the commission for felony cases and that  
5 the county intends to apply for reimbursement, and (c) a projection of  
6 the total dollar amount of expenditures for that county's indigent  
7 defense services in felony cases for the next fiscal year.

8 (3) The commission may conduct whatever investigation is necessary  
9 and may require certifications by key individuals in the criminal justice  
10 system, in order to determine if the county is in compliance with the  
11 standards. If a county is certified by the commission as having met the  
12 standards established by the commission for felony cases, the county  
13 shall be eligible for reimbursement according to the following schedule  
14 and procedures: The county clerk of the county seeking reimbursement may  
15 submit, on a quarterly basis, a certified request to the commission, for  
16 reimbursement from funds appropriated by the Legislature, for an amount  
17 equal to one-fourth of the county's actual expenditures for indigent  
18 defense services in felony cases.

19 (4) Upon certification by the county clerk of the amount of the  
20 expenditures, and a determination by the commission that the request is  
21 in compliance with the standards set by the commission for felony cases,  
22 the commission shall quarterly authorize an amount of reimbursement to  
23 the county as set forth in this section.

24 (5) If the appropriated funds are insufficient in any quarter to  
25 meet the amount needed for full payment of all county reimbursements for  
26 net expenditures that are certified for that quarter, the commission  
27 shall pay the counties their pro rata share of the remaining funds based  
28 upon the percentage of the county's certified request in comparison to  
29 the total certified requests for that quarter.

30 ~~(6) For purposes of section 13-519, for any year in which a county~~  
31 ~~first seeks reimbursement from funds appropriated by the Legislature or~~

1 ~~has previously qualified for reimbursement and is seeking additional~~  
2 ~~reimbursement for improving its indigent criminal defense program, the~~  
3 ~~last prior year's total of restricted funds shall be the last prior~~  
4 ~~year's total of restricted funds plus any increased amount budgeted for~~  
5 ~~indigent defense services that is required to develop a plan and meet the~~  
6 ~~standards necessary to qualify for reimbursement of expenses from funds~~  
7 ~~appropriated by the Legislature.~~

8       Sec. 23. Section 72-2305, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10       72-2305 For joint projects described in subdivision (2)(a) of  
11 section 72-2303, the principal amount of bonds which may be issued by a  
12 qualified public agency under the Public Facilities Construction and  
13 Finance Act shall not exceed five million dollars as to the total  
14 principal amount of such bonds which may be outstanding at any time, and  
15 the annual amounts due by reason of such bonds from each qualified public  
16 agency shall not exceed five percent of the total revenue from all  
17 sources ~~restricted funds~~ of the obligated qualified public agency in the  
18 year prior to issuance. The principal amount of bonds of qualified public  
19 agencies in the aggregate issued for any one such joint project shall not  
20 exceed five million dollars.

21       Sec. 24. Section 72-2306, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23       72-2306 For joint projects described in subdivision (2)(b) of  
24 section 72-2303, the principal amount of bonds which may be issued by a  
25 qualified public agency under the Public Facilities Construction and  
26 Finance Act shall not exceed two hundred fifty thousand dollars for  
27 cities of the metropolitan and primary classes, one hundred thousand  
28 dollars for counties, cities of the first class, school districts,  
29 educational service units, and community colleges, and fifty thousand  
30 dollars for cities of the second class and villages, as to the total  
31 principal amount of such bonds which may be outstanding at any time, and

1 the annual amounts due by reason of such bonds from each qualified public  
2 agency shall not exceed five percent of the total revenue from all  
3 sources ~~restricted funds~~ of the obligated qualified public agency in the  
4 year prior to issuance. The principal amount of bonds of a qualified  
5 public agency in the aggregate issued for any one such joint project  
6 shall not exceed two hundred and fifty thousand dollars for cities of the  
7 metropolitan and primary classes and one hundred thousand dollars for  
8 counties, cities of the first class, cities of the second class,  
9 villages, school districts, educational service units, and community  
10 colleges.

11 Sec. 25. Section 77-382, Revised Statutes Cumulative Supplement,  
12 2022, is amended to read:

13 77-382 (1) The department shall prepare a tax expenditure report  
14 describing (a) the basic provisions of the Nebraska tax laws, (b) the  
15 actual or estimated revenue loss caused by the exemptions, deductions,  
16 exclusions, deferrals, credits, and preferential rates in effect on July  
17 1 of each year and allowed under Nebraska's tax structure and in the  
18 property tax, (c) the actual or estimated revenue loss caused by failure  
19 to impose sales and use tax on services purchased for nonbusiness use,  
20 and (d) the elements which make up the tax base for state and local  
21 income, including income, sales and use, property, and miscellaneous  
22 taxes.

23 (2) The department shall review the major tax exemptions for which  
24 state general funds are used to reduce the impact of revenue lost due to  
25 a tax expenditure. The report shall indicate an estimate of the amount of  
26 the reduction in revenue resulting from the operation of all tax  
27 expenditures. The report shall list each tax expenditure relating to  
28 sales and use tax under the following categories:

29 (a) Agriculture, which shall include a separate listing for the  
30 following items: Agricultural machinery; agricultural chemicals; seeds  
31 sold to commercial producers; water for irrigation and manufacturing;

1 commercial artificial insemination; mineral oil as dust suppressant;  
2 animal grooming; oxygen for use in aquaculture; animal life whose  
3 products constitute food for human consumption; and grains;

4 (b) Business across state lines, which shall include a separate  
5 listing for the following items: Property shipped out-of-state;  
6 fabrication labor for items to be shipped out-of-state; property to be  
7 transported out-of-state; property purchased in other states to be used  
8 in Nebraska; aircraft delivery to an out-of-state resident or business;  
9 state reciprocal agreements for industrial machinery; and property taxed  
10 in another state;

11 (c) Common carrier and logistics, which shall include a separate  
12 listing for the following items: Railroad rolling stock and repair parts  
13 and services; common or contract carriers and repair parts and services;  
14 common or contract carrier accessories; and common or contract carrier  
15 safety equipment;

16 (d) Consumer goods, which shall include a separate listing for the  
17 following items: Motor vehicles and motorboat trade-ins; merchandise  
18 trade-ins; certain medical equipment and medicine; newspapers;  
19 laundromats; telefloral deliveries; motor vehicle discounts for the  
20 disabled; and political campaign fundraisers;

21 (e) Energy, which shall include a separate listing for the following  
22 items: Motor fuels; energy used in industry; energy used in agriculture;  
23 aviation fuel; and minerals, oil, and gas severed from real property;

24 (f) Food, which shall include a separate listing for the following  
25 items: Food for home consumption; Supplemental Nutrition Assistance  
26 Program; school lunches; meals sold by hospitals; meals sold by  
27 institutions at a flat rate; food for the elderly, handicapped, and  
28 Supplemental Security Income recipients; and meals sold by churches;

29 (g) General business, which shall include a separate listing for the  
30 following items: Component and ingredient parts; manufacturing machinery;  
31 containers; film rentals; molds and dies; syndicated programming;

1 intercompany sales; intercompany leases; sale of a business or farm  
2 machinery; and transfer of property in a change of business ownership;

3 (h) Lodging and shelter, which shall include a separate listing for  
4 the following item: Room rentals by certain institutions;

5 (i) Miscellaneous, which shall include a separate listing for the  
6 following items: Cash discounts and coupons; separately stated finance  
7 charges; casual sales; lease-to-purchase agreements; and separately  
8 stated taxes;

9 (j) Nonprofits, governments, and exempt entities, which shall  
10 include a separate listing for the following items: Purchases by  
11 political subdivisions of the state; purchases by churches and nonprofit  
12 colleges and medical facilities; purchasing agents for public real estate  
13 construction improvements; contractor as purchasing agent for public  
14 agencies; ~~Nebraska lottery~~; admissions to school events; sales on Native  
15 American Indian reservations; school-supporting fundraisers; fine art  
16 purchases by a museum; purchases by the Nebraska State Fair Board;  
17 purchases by the Nebraska Investment Finance Authority and licensees of  
18 the State Racing and Gaming Commission; purchases by the United States  
19 Government; public records; and sales by religious organizations;

20 (k) Recent sales tax expenditures, which shall include a separate  
21 listing for each sales tax expenditure created by statute or rule and  
22 regulation after July 19, 2012;

23 (l) Services purchased for nonbusiness use, which shall include a  
24 separate listing for each such service, including, but not limited to,  
25 the following items: Motor vehicle cleaning, maintenance, and repair  
26 services; ~~cleaning and repair of clothing~~; cleaning, maintenance, and  
27 repair of other tangible personal property; maintenance, painting, and  
28 repair of real property; entertainment admissions; personal care  
29 services; lawn care, gardening, and landscaping services; ~~pet-related~~  
30 ~~services~~; storage and moving services; household utilities; other  
31 personal services; taxi, limousine, and other transportation services;

1 legal services; accounting services; other professional services; and  
2 other real estate services; and

3 (m) Telecommunications, which shall include a separate listing for  
4 the following items: Telecommunications access charges; prepaid calling  
5 arrangements; conference bridging services; and nonvoice data services.

6 (3) It is the intent of the Legislature that nothing in the Tax  
7 Expenditure Reporting Act shall cause the valuation or assessment of any  
8 property exempt from taxation on the basis of its use exclusively for  
9 religious, educational, or charitable purposes.

10 Sec. 26. Section 77-1632, Revised Statutes Supplement, 2023, is  
11 amended to read:

12 77-1632 (1) If the annual assessment of property would result in an  
13 increase in the total property taxes levied by a county, city, village,  
14 school district, learning community, sanitary and improvement district,  
15 natural resources district, educational service unit, or community  
16 college, as determined using the previous year's rate of levy, such  
17 political subdivision's property tax request for the current year shall  
18 be no more than its property tax request in the prior year, and the  
19 political subdivision's rate of levy for the current year shall be  
20 decreased accordingly when such rate is set by the county board of  
21 equalization pursuant to section 77-1601. The governing body of the  
22 political subdivision shall pass a resolution or ordinance to set the  
23 amount of its property tax request after holding the public hearing  
24 required in subsection (3) of this section. If the governing body of a  
25 political subdivision seeks to set its property tax request at an amount  
26 that exceeds its property tax request in the prior year, it may do so,  
27 subject to the limitations provided in the School District Property Tax  
28 Limitation Act and the Property Tax Growth Limitation Act, to the extent  
29 allowed by law after holding the public hearing required in subsection  
30 (3) of this section and by passing a resolution or ordinance that  
31 complies with subsection (4) of this section. If any county, city, school

1 district, or community college seeks to increase its property tax request  
2 by more than the allowable growth percentage, such political subdivision  
3 shall comply with the requirements of section 77-1633 in lieu of the  
4 requirements in subsections (3) and (4) of this section.

5 (2) If the annual assessment of property would result in no change  
6 or a decrease in the total property taxes levied by a county, city,  
7 village, school district, learning community, sanitary and improvement  
8 district, natural resources district, educational service unit, or  
9 community college, as determined using the previous year's rate of levy,  
10 such political subdivision's property tax request for the current year  
11 shall be no more than its property tax request in the prior year, and the  
12 political subdivision's rate of levy for the current year shall be  
13 adjusted accordingly when such rate is set by the county board of  
14 equalization pursuant to section 77-1601. The governing body of the  
15 political subdivision shall pass a resolution or ordinance to set the  
16 amount of its property tax request after holding the public hearing  
17 required in subsection (3) of this section. If the governing body of a  
18 political subdivision seeks to set its property tax request at an amount  
19 that exceeds its property tax request in the prior year, it may do so,  
20 subject to the limitations provided in the School District Property Tax  
21 Limitation Act and the Property Tax Growth Limitation Act, to the extent  
22 allowed by law after holding the public hearing required in subsection  
23 (3) of this section and by passing a resolution or ordinance that  
24 complies with subsection (4) of this section. If any county, city, school  
25 district, or community college seeks to increase its property tax request  
26 by more than the allowable growth percentage, such political subdivision  
27 shall comply with the requirements of section 77-1633 in lieu of the  
28 requirements in subsections (3) and (4) of this section.

29 (3) The resolution or ordinance required under this section shall  
30 only be passed after a special public hearing called for such purpose is  
31 held and after notice is published in a newspaper of general circulation

1 in the area of the political subdivision at least four calendar days  
2 prior to the hearing. For purposes of such notice, the four calendar days  
3 shall include the day of publication but not the day of hearing. If the  
4 political subdivision's total operating budget, not including reserves,  
5 does not exceed ten thousand dollars per year or twenty thousand dollars  
6 per biennial period, the notice may be posted at the governing body's  
7 principal headquarters. The hearing notice shall contain the following  
8 information: The certified taxable valuation under section 13-509 for the  
9 prior year, the certified taxable valuation under section 13-509 for the  
10 current year, and the percentage increase or decrease in such valuations  
11 from the prior year to the current year; the dollar amount of the prior  
12 year's tax request and the property tax rate that was necessary to fund  
13 that tax request; the property tax rate that would be necessary to fund  
14 last year's tax request if applied to the current year's valuation; the  
15 proposed dollar amount of the tax request for the current year and the  
16 property tax rate that will be necessary to fund that tax request; the  
17 percentage increase or decrease in the property tax rate from the prior  
18 year to the current year; and the percentage increase or decrease in the  
19 total operating budget from the prior year to the current year.

20 (4) Any resolution or ordinance setting a political subdivision's  
21 property tax request under this section at an amount that exceeds the  
22 political subdivision's property tax request in the prior year shall  
23 include, but not be limited to, the following information:

24 (a) The name of the political subdivision;

25 (b) The amount of the property tax request;

26 (c) The following statements:

27 (i) The total assessed value of property differs from last year's  
28 total assessed value by ..... percent;

29 (ii) The tax rate which would levy the same amount of property taxes  
30 as last year, when multiplied by the new total assessed value of  
31 property, would be \$..... per \$100 of assessed value;



1 (iii) The (name of political subdivision) proposes to adopt a  
2 property tax request that will cause its tax rate to be \$..... per \$100  
3 of assessed value; and

4 (iv) Based on the proposed property tax request and changes in other  
5 revenue, the total operating budget of (name of political subdivision)  
6 will (increase or decrease) last year's budget by ..... percent; and

7 (d) The record vote of the governing body in passing such resolution  
8 or ordinance.

9 (5) Any resolution or ordinance setting a property tax request under  
10 this section shall be certified and forwarded to the county clerk on or  
11 before October 15 of the year for which the tax request is to apply.

12 Sec. 27. Section 77-1633, Revised Statutes Supplement, 2023, is  
13 amended to read:

14 77-1633 (1) For purposes of this section, political subdivision  
15 means any county, city, school district, or community college.

16 (2) If any political subdivision seeks to increase its property tax  
17 request by more than the allowable growth percentage, such political  
18 subdivision may do so, subject to the limitations provided in the School  
19 District Property Tax Limitation Act and the Property Tax Growth  
20 Limitation Act, if the following requirements are met to the extent  
21 allowed by law if:

22 (a) A public hearing is held and notice of such hearing is provided  
23 in compliance with subsection (3) of this section; and

24 (b) The governing body of such political subdivision passes a  
25 resolution or an ordinance that complies with subsection (4) of this  
26 section.

27 (3)(a) Each political subdivision within a county that seeks to  
28 increase its property tax request by more than the allowable growth  
29 percentage shall participate in a joint public hearing. Each such  
30 political subdivision shall designate one representative to attend the  
31 joint public hearing on behalf of the political subdivision. If a

1 political subdivision includes area in more than one county, the  
2 political subdivision shall be deemed to be within the county in which  
3 the political subdivision's principal headquarters are located. At such  
4 hearing, there shall be no items on the agenda other than discussion on  
5 each political subdivision's intent to increase its property tax request  
6 by more than the allowable growth percentage.

7 (b) At least one elected official from each participating political  
8 subdivision shall attend the joint public hearing. An elected official  
9 may be the designated representative from a participating political  
10 subdivision. The presence of a quorum or the participation of elected  
11 officials at the joint public hearing does not constitute a meeting as  
12 defined by section 84-1409 of the Open Meetings Act.

13 (c) The joint public hearing shall be held on or after September 14  
14 and prior to September 24 and before any of the participating political  
15 subdivisions file their adopted budget statement pursuant to section  
16 13-508.

17 (d) The joint public hearing shall be held after 6 p.m. local time  
18 on the relevant date.

19 (e) The joint public hearing shall be organized by the county clerk  
20 or his or her designee. At the joint public hearing, the designated  
21 representative of each political subdivision shall give a brief  
22 presentation on the political subdivision's intent to increase its  
23 property tax request by more than the allowable growth percentage and the  
24 effect of such request on the political subdivision's budget. The  
25 presentation shall include:

26 (i) The name of the political subdivision;

27 (ii) The amount of the property tax request; and

28 (iii) The following statements:

29 (A) The total assessed value of property differs from last year's  
30 total assessed value by ..... percent;

31 (B) The tax rate which would levy the same amount of property taxes

1 as last year, when multiplied by the new total assessed value of  
2 property, would be \$..... per \$100 of assessed value;

3 (C) The (name of political subdivision) proposes to adopt a property  
4 tax request that will cause its tax rate to be \$..... per \$100 of  
5 assessed value;

6 (D) Based on the proposed property tax request and changes in other  
7 revenue, the total operating budget of (name of political subdivision)  
8 will exceed last year's by ..... percent; and

9 (E) To obtain more information regarding the increase in the  
10 property tax request, citizens may contact the (name of political  
11 subdivision) at (telephone number and email address of political  
12 subdivision).

13 (f) Any member of the public shall be allowed to speak at the joint  
14 public hearing and shall be given a reasonable amount of time to do so.

15 (g) Notice of the joint public hearing shall be provided:

16 (i) By sending a postcard to all affected property taxpayers. The  
17 postcard shall be sent to the name and address to which the property tax  
18 statement is mailed;

19 (ii) By posting notice of the hearing on the home page of the  
20 relevant county's website, except that this requirement shall only apply  
21 if the county has a population of more than ten thousand inhabitants; and

22 (iii) By publishing notice of the hearing in a legal newspaper in or  
23 of general circulation in the relevant county.

24 (h) Each political subdivision that participates in the joint public  
25 hearing shall electronically send the information prescribed in  
26 subdivision (3)(i) of this section to the county assessor by September 4.  
27 The county clerk shall notify the county assessor of the date, time, and  
28 location of the joint public hearing no later than September 4. The  
29 county clerk shall notify each participating political subdivision of the  
30 date, time, and location of the joint public hearing. The county assessor  
31 shall send the information required to be included on the postcards

1 pursuant to subdivision (3)(i) of this section to a printing service  
2 designated by the county board. The initial cost for printing the  
3 postcards shall be paid from the county general fund. Such postcards  
4 shall be mailed at least seven calendar days before the joint public  
5 hearing. The cost of creating and mailing the postcards, including staff  
6 time, materials, and postage, shall be charged proportionately to the  
7 political subdivisions participating in the joint public hearing based on  
8 the total number of parcels in each participating political subdivision.  
9 Each participating political subdivision shall also maintain a  
10 prominently displayed and easily accessible link on the home page of the  
11 political subdivision's website to the political subdivision's proposed  
12 budget, except that this requirement shall not apply if the political  
13 subdivision is a county with a population of less than ten thousand  
14 inhabitants, a city with a population of less than one thousand  
15 inhabitants, or, for joint public hearings prior to January 1, 2024, a  
16 school district.

17 (i) The postcard sent under this subsection and the notice posted on  
18 the county's website, if required under subdivision (3)(g)(ii) of this  
19 section, and published in the newspaper shall include the date, time, and  
20 location for the joint public hearing, a listing of and telephone number  
21 for each political subdivision that will be participating in the joint  
22 public hearing, and the amount of each participating political  
23 subdivision's property tax request. The postcard shall also contain the  
24 following information:

25 (i) The following words in capitalized type at the top of the  
26 postcard: NOTICE OF PROPOSED TAX INCREASE;

27 (ii) The name of the county that will hold the joint public hearing,  
28 which shall appear directly underneath the capitalized words described in  
29 subdivision (3)(i)(i) of this section;

30 (iii) The following statement: The following political subdivisions  
31 are proposing a revenue increase which would result in an overall

1 increase in property taxes in (insert current tax year). THE ACTUAL TAX  
2 ON YOUR PROPERTY MAY INCREASE OR DECREASE. This notice contains estimates  
3 of the tax on your property as a result of this revenue increase. These  
4 estimates are calculated on the basis of the proposed (insert current tax  
5 year) data. The actual tax on your property may vary from these  
6 estimates.

7 (iv) The parcel number for the property;

8 (v) The name of the property owner and the address of the property;

9 (vi) The property's assessed value in the previous tax year;

10 (vii) The amount of property taxes due in the previous tax year for  
11 each participating political subdivision;

12 (viii) The property's assessed value for the current tax year;

13 (ix) The amount of property taxes due for the current tax year for  
14 each participating political subdivision;

15 (x) The change in the amount of property taxes due for each  
16 participating political subdivision from the previous tax year to the  
17 current tax year; ~~and~~

18 (xi) If the relevant school district has voted to increase its base  
19 growth percentage pursuant to subsection (2) of section 79-3405, an  
20 indication that the school district has done so; and

21 (xii) ~~(xi)~~ The following statement: To obtain more information  
22 regarding the tax increase, citizens may contact the political  
23 subdivision at the telephone number provided in this notice.

24 (4) After the joint public hearing required in subsection (3) of  
25 this section, the governing body of each participating political  
26 subdivision shall pass an ordinance or resolution to set such political  
27 subdivision's property tax request. If the political subdivision is  
28 increasing its property tax request over the amount from the prior year,  
29 including any increase in excess of the allowable growth percentage, then  
30 such ordinance or resolution shall include, but not be limited to, the  
31 following information:

1 (a) The name of the political subdivision;

2 (b) The amount of the property tax request;

3 (c) The following statements:

4 (i) The total assessed value of property differs from last year's  
5 total assessed value by ..... percent;

6 (ii) The tax rate which would levy the same amount of property taxes  
7 as last year, when multiplied by the new total assessed value of  
8 property, would be \$..... per \$100 of assessed value;

9 (iii) The (name of political subdivision) proposes to adopt a  
10 property tax request that will cause its tax rate to be \$..... per \$100  
11 of assessed value; and

12 (iv) Based on the proposed property tax request and changes in other  
13 revenue, the total operating budget of (name of political subdivision)  
14 will exceed last year's by ..... percent; and

15 (d) The record vote of the governing body in passing such resolution  
16 or ordinance.

17 (5) Any resolution or ordinance setting a property tax request under  
18 this section shall be certified and forwarded to the county clerk on or  
19 before October 15 of the year for which the tax request is to apply.

20 (6) The county clerk, or his or her designee, shall prepare a report  
21 which shall include:

22 (a) The names of the designated representatives of the political  
23 subdivisions participating in the joint public hearing;

24 (b) The name and address of each individual who spoke at the joint  
25 public hearing, unless the address requirement is waived to protect the  
26 security of the individual, and the name of any organization represented  
27 by each such individual;

28 (c) The name of each political subdivision that participated in the  
29 joint public hearing;

30 (d) The real growth value and real growth percentage for each  
31 participating political subdivision;

1 (e) The amount each participating political subdivision seeks to  
2 increase its property tax request in excess of the allowable growth  
3 percentage; and

4 (f) The number of individuals who signed in to attend the joint  
5 public hearing.

6 Such report shall be delivered to the political subdivisions  
7 participating in the joint public hearing within ten days after such  
8 hearing.

9 Sec. 28. Section 77-1701, Revised Statutes Supplement, 2023, is  
10 amended to read:

11 77-1701 (1) The county treasurer shall be ex officio county  
12 collector of all taxes levied within the county. The county board shall  
13 designate a county official to mail or otherwise deliver a statement of  
14 the amount of taxes due and a notice that special assessments are due, to  
15 the last-known address of the person, firm, association, or corporation  
16 against whom such taxes or special assessments are assessed or to the  
17 lending institution or other party responsible for paying such taxes or  
18 special assessments. Such statement shall clearly indicate, for each  
19 political subdivision, the levy rate and the amount of taxes due to  
20 implement an increase in compensation for understaffed law enforcement  
21 officer, firefighter, or corrections officer positions pursuant to  
22 subdivision (6) of section 4 of this act. Such statement shall also  
23 clearly indicate, for each political subdivision, the levy rate and the  
24 amount of taxes due as the result of principal or interest payments on  
25 bonds issued by the political subdivision and shall show such rate and  
26 amount separate from any other levy. When taxes on real property are  
27 delinquent for a prior year, the county treasurer shall indicate this  
28 information on the current year tax statement in bold letters. The  
29 information provided shall inform the taxpayer that delinquent taxes and  
30 interest are due for the prior year or years and shall indicate the  
31 specific year or years for which such taxes and interest remain unpaid.

1 The language shall read "Back Taxes and Interest Due For", followed by  
2 numbers to indicate each year for which back taxes and interest are due  
3 and a statement indicating that failure to pay the back taxes and  
4 interest may result in the loss of the real property. Failure to receive  
5 such statement or notice shall not relieve the taxpayer from any  
6 liability to pay such taxes or special assessments and any interest or  
7 penalties accrued thereon. In any county in which a city of the  
8 metropolitan class is located, all statements of taxes shall also include  
9 notice that special assessments for cutting weeds, removing litter, and  
10 demolishing buildings are due.

11 (2) Notice that special assessments are due shall not be required  
12 for special assessments levied by sanitary and improvement districts  
13 organized under Chapter 31, article 7, except that such notice may be  
14 provided by the county at the discretion of the county board or by the  
15 sanitary and improvement district with the approval of the county board.

16 (3) A statement of the amount of taxes due and a notice that special  
17 assessments are due shall not be required to be mailed or otherwise  
18 delivered pursuant to subsection (1) of this section if the total amount  
19 of the taxes and special assessments due is less than two dollars.  
20 Failure to receive the statement or notice shall not relieve the taxpayer  
21 from any liability to pay the taxes or special assessments but shall  
22 relieve the taxpayer from any liability for interest or penalties. Taxes  
23 and special assessments of less than two dollars shall be added to the  
24 amount of taxes and special assessments due in subsequent years and shall  
25 not be considered delinquent until the total amount is two dollars or  
26 more.

27 Sec. 29. Section 77-1776, Revised Statutes Cumulative Supplement,  
28 2022, is amended to read:

29 77-1776 Any political subdivision which has received proceeds from a  
30 levy imposed on all taxable property within an entire county which is in  
31 excess of that requested by the political subdivision under the Property



1 Tax Request Act as a result of a clerical error or mistake shall, in the  
2 fiscal year following receipt, return the excess tax collections, net of  
3 the collection fee, to the county. By July 31 of the fiscal year  
4 following the receipt of any excess tax collections, the county treasurer  
5 shall certify to the political subdivision the amount to be returned.  
6 ~~Such excess tax collections shall be restricted funds in the budget of~~  
7 ~~the county that receives the funds under section 13-518.~~

8 Sec. 30. Section 77-2602, Revised Statutes Cumulative Supplement,  
9 2022, is amended to read:

10 77-2602 (1) Every stamping agent engaged in distributing or selling  
11 cigarettes at wholesale in this state shall pay to the Tax Commissioner  
12 of this state a special privilege tax. This shall be in addition to all  
13 other taxes. It shall be paid prior to or at the time of the sale, gift,  
14 or delivery to the retail dealer in the several amounts as follows: On  
15 each package of cigarettes containing not more than twenty cigarettes,  
16 one dollar ~~sixty-four cents~~ per package; and on packages containing more  
17 than twenty cigarettes, the same tax as provided on packages containing  
18 not more than twenty cigarettes for the first twenty cigarettes in each  
19 package and a tax of one-twentieth of the tax on the first twenty  
20 cigarettes on each cigarette in excess of twenty cigarettes in each  
21 package.

22 (2) Beginning October 1, 2004, the State Treasurer shall place the  
23 equivalent of forty-nine cents of such tax in the General Fund. For  
24 purposes of this section, the equivalent of a specified number of cents  
25 of the tax shall mean that portion of the proceeds of the tax equal to  
26 the specified number divided by the tax rate per package of cigarettes  
27 containing not more than twenty cigarettes.

28 (3) The State Treasurer shall distribute the remaining proceeds of  
29 such tax as follows:

30 (a) Beginning July 1, 1980, the State Treasurer shall place the  
31 equivalent of one cent of such tax in the Nebraska Outdoor Recreation

1 Development Cash Fund. For fiscal year distributions occurring after  
2 FY1998-99, the distribution under this subdivision shall not be less than  
3 the amount distributed under this subdivision for FY1997-98. Any money  
4 needed to increase the amount distributed under this subdivision to the  
5 FY1997-98 amount shall reduce the distribution to the General Fund;

6 (b) Beginning July 1, 1993, the State Treasurer shall place the  
7 equivalent of three cents of such tax in the Health and Human Services  
8 Cash Fund to carry out sections 81-637 to 81-640. For fiscal year  
9 distributions occurring after FY1998-99, the distribution under this  
10 subdivision shall not be less than the amount distributed under this  
11 subdivision for FY1997-98. Any money needed to increase the amount  
12 distributed under this subdivision to the FY1997-98 amount shall reduce  
13 the distribution to the General Fund;

14 (c) Beginning October 1, 2002, and continuing until all the purposes  
15 of the Deferred Building Renewal Act have been fulfilled, the State  
16 Treasurer shall place the equivalent of seven cents of such tax in the  
17 Building Renewal Allocation Fund. The distribution under this subdivision  
18 shall not be less than the amount distributed under this subdivision for  
19 FY1997-98. Any money needed to increase the amount distributed under this  
20 subdivision to the FY1997-98 amount shall reduce the distribution to the  
21 General Fund;

22 (d) Beginning July 1, 2016, and every fiscal year thereafter, the  
23 State Treasurer shall place the equivalent of three million eight hundred  
24 twenty thousand dollars of such tax in the Nebraska Public Safety  
25 Communication System Cash Fund. If necessary, the State Treasurer shall  
26 reduce the distribution of tax proceeds to the General Fund pursuant to  
27 subsection (2) of this section by such amount required to fulfill the  
28 distribution pursuant to this subdivision;~~and~~

29 (e) Beginning July 1, 2016, and every fiscal year thereafter, the  
30 State Treasurer shall place the equivalent of one million two hundred  
31 fifty thousand dollars of such tax in the Nebraska Health Care Cash Fund.

1 If necessary, the State Treasurer shall reduce the distribution of tax  
2 proceeds to the General Fund pursuant to subsection (2) of this section  
3 by such amount required to fulfill the distribution pursuant to this  
4 subdivision; and -

5 (f) Beginning July 1, 2024, and every fiscal year thereafter, the  
6 State Treasurer shall place the equivalent of thirty-six cents of such  
7 tax in the School Property Tax Credit Fund.

8 (4) If, after distributing the proceeds of such tax pursuant to  
9 subsections (2) and (3) of this section, any proceeds of such tax remain,  
10 the State Treasurer shall place such remainder in the Nebraska Capital  
11 Construction Fund.

12 (5) The Legislature hereby finds and determines that the projects  
13 funded from the Building Renewal Allocation Fund are of critical  
14 importance to the State of Nebraska. It is the intent of the Legislature  
15 that the allocations and appropriations made by the Legislature to such  
16 fund not be reduced until all contracts and securities relating to the  
17 construction and financing of the projects or portions of the projects  
18 funded from such fund are completed or paid, and that until such time any  
19 reductions in the cigarette tax rate made by the Legislature shall be  
20 simultaneously accompanied by equivalent reductions in the amount  
21 dedicated to the General Fund from cigarette tax revenue. Any provision  
22 made by the Legislature for distribution of the proceeds of the cigarette  
23 tax for projects or programs other than those to (a) the General Fund,  
24 (b) the Nebraska Outdoor Recreation Development Cash Fund, (c) the Health  
25 and Human Services Cash Fund, (d) the Building Renewal Allocation Fund,  
26 (e) the Nebraska Public Safety Communication System Cash Fund, ~~and~~ (f)  
27 the Nebraska Health Care Cash Fund, and (g) the School Property Tax  
28 Credit Fund shall not be made a higher priority than or an equal priority  
29 to any of the programs or projects specified in subdivisions (a) through  
30 (g) (f) of this subsection.

31 Sec. 31. Section 77-2701, Revised Statutes Supplement, 2023, is

1 amended to read:

2 77-2701 Sections 77-2701 to 77-27,135.01, 77-27,222, 77-27,235,  
3 77-27,236, and 77-27,238 to 77-27,241 and section 35 of this act shall be  
4 known and may be cited as the Nebraska Revenue Act of 1967.

5 Sec. 32. Section 77-2701.02, Revised Statutes Supplement, 2023, is  
6 amended to read:

7 77-2701.02 Pursuant to section 77-2715.01:

8 (1) Until July 1, 1998, the rate of the sales tax levied pursuant to  
9 section 77-2703 shall be five percent;

10 (2) Commencing July 1, 1998, and until July 1, 1999, the rate of the  
11 sales tax levied pursuant to section 77-2703 shall be four and one-half  
12 percent;

13 (3) Commencing July 1, 1999, and until the start of the first  
14 calendar quarter after July 20, 2002, the rate of the sales tax levied  
15 pursuant to section 77-2703 shall be five percent;

16 (4) Commencing on the start of the first calendar quarter after July  
17 20, 2002, and until July 1, 2023, the rate of the sales tax levied  
18 pursuant to section 77-2703 shall be five and one-half percent;~~and~~

19 (5) Commencing July 1, 2023, and until July 1, 2024, the rate of the  
20 sales tax levied pursuant to section 77-2703 shall be five and one-half  
21 percent, except that such rate shall be two and three-quarters percent on  
22 transactions occurring within a good life district as defined in section  
23 77-4403; and -

24 (6) Commencing July 1, 2024, the rate of the sales tax levied  
25 pursuant to section 77-2703 shall be five and one-half percent, except  
26 that (a) such rate shall be two and three-quarters percent on  
27 transactions occurring within a good life district as defined in section  
28 77-4403, (b) such rate shall be one hundred percent on consumable hemp  
29 products, and (c) such rate shall be twenty percent on transactions  
30 involving a cash device as defined in section 77-3001 that are subject to  
31 sales tax pursuant to subsection (2) of section 77-3005.

1           Sec. 33. Section 77-2701.04, Revised Statutes Supplement, 2023, is  
2 amended to read:

3           77-2701.04 For purposes of sections 77-2701.04 to 77-2713 and  
4 77-27,239 and section 35 of this act, unless the context otherwise  
5 requires, the definitions found in sections 77-2701.05 to 77-2701.56 and  
6 section 35 of this act shall be used.

7           Sec. 34. Section 77-2701.16, Revised Statutes Cumulative Supplement,  
8 2022, is amended to read:

9           77-2701.16 (1) Gross receipts means the total amount of the sale or  
10 lease or rental price, as the case may be, of the retail sales of  
11 retailers.

12           (2) Gross receipts of every person engaged as a public utility  
13 specified in this subsection, as a community antenna television service  
14 operator, or as a satellite service operator or any person involved in  
15 connecting and installing services defined in subdivision (2)(a), (b), or  
16 (d) of this section means:

17           (a)(i) In the furnishing of telephone communication service, other  
18 than mobile telecommunications service as described in section  
19 77-2703.04, the gross income received from furnishing ancillary services,  
20 except for conference bridging services, and intrastate  
21 telecommunications services, except for value-added, nonvoice data  
22 service.

23           (ii) In the furnishing of mobile telecommunications service as  
24 described in section 77-2703.04, the gross income received from  
25 furnishing mobile telecommunications service that originates and  
26 terminates in the same state to a customer with a place of primary use in  
27 Nebraska;

28           (b) In the furnishing of telegraph service, the gross income  
29 received from the furnishing of intrastate telegraph services;

30           (c)(i) In the furnishing of gas, sewer, water, and electricity  
31 service, other than electricity service to a customer-generator as

1 defined in section 70-2002, the gross income received from the furnishing  
2 of such services upon billings or statements rendered to consumers for  
3 such utility services.

4 (ii) In the furnishing of electricity service to a customer-  
5 generator as defined in section 70-2002, the net energy use upon billings  
6 or statements rendered to customer-generators for such electricity  
7 service;

8 (d) In the furnishing of community antenna television service or  
9 satellite service, the gross income received from the furnishing of such  
10 community antenna television service as regulated under sections 18-2201  
11 to 18-2205 or 23-383 to 23-388 or satellite service; and

12 (e) The gross income received from the provision, installation,  
13 construction, servicing, or removal of property used in conjunction with  
14 the furnishing, installing, or connecting of any public utility services  
15 specified in subdivision (2)(a) or (b) of this section or community  
16 antenna television service or satellite service specified in subdivision  
17 (2)(d) of this section, except when acting as a subcontractor for a  
18 public utility, this subdivision does not apply to the gross income  
19 received by a contractor electing to be treated as a consumer of building  
20 materials under subdivision (2) or (3) of section 77-2701.10 for any such  
21 services performed on the customer's side of the utility demarcation  
22 point. This subdivision also does not apply to:

23 (i) The gross income received by a political subdivision of the  
24 state, an electric cooperative, or an electric membership association for  
25 the lease or use of, or by a contractor for the construction of or  
26 services provided on, electric generation, transmission, distribution, or  
27 street lighting structures or facilities owned by a political subdivision  
28 of the state, an electric cooperative, or an electric membership  
29 association; or

30 (ii) The gross income received for the lease or use of towers or  
31 other structures primarily used in conjunction with the furnishing of (A)

1 Internet access services, (B) agricultural global positioning system  
2 locating services, or (C) over-the-air radio and television broadcasting  
3 licensed by the Federal Communications Commission, including antennas and  
4 studio transmitter link systems. For purposes of this subdivision, studio  
5 transmitter link system means a system which serves as a conduit to  
6 deliver audio from its origin in a studio to a broadcast transmitter.

7 (3) Gross receipts of every person engaged in selling, leasing, or  
8 otherwise providing intellectual or entertainment property means:

9 (a) In the furnishing of computer software, the gross income  
10 received, including the charges for coding, punching, or otherwise  
11 producing any computer software and the charges for the tapes, disks,  
12 punched cards, or other properties furnished by the seller; and

13 (b) In the furnishing of videotapes, movie film, satellite  
14 programming, satellite programming service, and satellite television  
15 signal descrambling or decoding devices, the gross income received from  
16 the license, franchise, or other method establishing the charge.

17 (4) Gross receipts for providing a service means:

18 (a) The gross income received for building cleaning and maintenance,  
19 pest control, and security;

20 (b) The gross income received for motor vehicle washing, waxing,  
21 towing, and painting;

22 (c) The gross income received for computer software training;

23 (d) The gross income received for installing and applying tangible  
24 personal property if the sale of the property is subject to tax. If any  
25 or all of the charge for installation is free to the customer and is paid  
26 by a third-party service provider to the installer, any tax due on that  
27 part of the activation commission, finder's fee, installation charge, or  
28 similar payment made by the third-party service provider shall be paid  
29 and remitted by the third-party service provider;

30 (e) The gross income received for services of recreational vehicle  
31 parks;

1 (f) The gross income received for labor for repair or maintenance  
2 services performed with regard to tangible personal property the sale of  
3 which would be subject to sales and use taxes, excluding motor vehicles,  
4 except as otherwise provided in section 77-2704.26 or 77-2704.50;

5 (g) The gross income received for animal specialty services,  
6 including except (i) veterinary services, (ii) specialty services  
7 performed on livestock as defined in section 54-183, and (iii) animal  
8 grooming performed by a licensed veterinarian or a licensed veterinary  
9 technician in conjunction with medical treatment and veterinary services,  
10 but excluding veterinary services or other specialty services performed  
11 on livestock as defined in section 54-183; and

12 (h) The gross income received for detective services; and -

13 (i) The gross income received for the cleaning of clothing,  
14 excluding any amounts exempt pursuant to section 77-2704.14.

15 (5) Gross receipts includes the sale of admissions. When an  
16 admission to an activity or a membership constituting an admission is  
17 combined with the solicitation of a contribution, the portion or the  
18 amount charged representing the fair market price of the admission shall  
19 be considered a retail sale subject to the tax imposed by section  
20 77-2703. The organization conducting the activity shall determine the  
21 amount properly attributable to the purchase of the privilege, benefit,  
22 or other consideration in advance, and such amount shall be clearly  
23 indicated on any ticket, receipt, or other evidence issued in connection  
24 with the payment.

25 (6) Gross receipts includes the sale of live plants incorporated  
26 into real estate except when such incorporation is incidental to the  
27 transfer of an improvement upon real estate or the real estate.

28 (7) Gross receipts includes the sale of any building materials  
29 annexed to real estate by a person electing to be taxed as a retailer  
30 pursuant to subdivision (1) of section 77-2701.10.

31 (8) Gross receipts includes the sale of and recharge of prepaid



1 calling service and prepaid wireless calling service.

2 (9) Gross receipts includes the retail sale of digital audio works,  
3 digital audiovisual works, digital codes, and digital books delivered  
4 electronically if the products are taxable when delivered on tangible  
5 storage media. A sale includes the transfer of a permanent right of use,  
6 the transfer of a right of use that terminates on some condition, and the  
7 transfer of a right of use conditioned upon the receipt of continued  
8 payments.

9 (10) Gross receipts includes any receipts from sales of tangible  
10 personal property made over a multivendor marketplace platform that acts  
11 as the intermediary by facilitating sales between a seller and the  
12 purchaser and that, either directly or indirectly through agreements or  
13 arrangements with third parties, collects payment from the purchaser and  
14 transmits payment to the seller.

15 (11) Gross receipts does not include:

16 (a) The amount of any rebate granted by a motor vehicle or motorboat  
17 manufacturer or dealer at the time of sale of the motor vehicle or  
18 motorboat, which rebate functions as a discount from the sales price of  
19 the motor vehicle or motorboat; or

20 (b) The price of property or services returned or rejected by  
21 customers when the full sales price is refunded either in cash or credit.

22 Sec. 35. (1) Consumable hemp product means a finished product that  
23 contains hemp as defined in section 2-503 and that has a delta-9  
24 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry  
25 weight basis.

26 (2) Consumable hemp product does not include a product made from the  
27 mature stalks of a plant of the genus cannabis, fiber produced from such  
28 stalks, oil or cake made from the seeds of such plant, any other  
29 compound, manufacture, salt, derivative, mixture, or preparation of such  
30 mature stalks, the sterilized seed of such plant which is incapable of  
31 germination, or cannabidiol contained in a drug product approved by the

1 federal Food and Drug Administration.

2       Sec. 36. Section 77-2704.24, Reissue Revised Statutes of Nebraska,  
3 is amended to read:

4       77-2704.24 (1) Sales and use taxes shall not be imposed on the gross  
5 receipts from the sale, lease, or rental of and the storage, use, or  
6 other consumption in this state of food or food ingredients except for  
7 prepared food and food sold through vending machines.

8       (2) For purposes of this section:

9       (a) Alcoholic beverages means beverages that are suitable for human  
10 consumption and contain one-half of one percent or more of alcohol by  
11 volume;

12       **(b) Candy means a preparation of sugar, honey, or other natural or**  
13 **artificial sweeteners in combination with chocolate, fruits, nuts, or**  
14 **other ingredients or flavorings in the form of bars, drops, or pieces.**  
15 **Candy shall not include any preparation containing flour and shall**  
16 **require no refrigeration;**

17       **(c) ~~(b)~~ Dietary supplement means any product, other than tobacco,**  
18 **intended to supplement the diet that contains one or more of the**  
19 **following dietary ingredients: (i) A vitamin, (ii) a mineral, (iii) an**  
20 **herb or other botanical, (iv) an amino acid, (v) a dietary substance for**  
21 **use by humans to supplement the diet by increasing the total dietary**  
22 **intake, or (vi) a concentrate, metabolite, constituent, extract, or**  
23 **combination of any ingredients described in subdivisions ~~(2)(c)(i)~~ ~~(2)(b)~~**  
24 **~~(i)~~ through (v) of this section; that is intended for ingestion in**  
25 **tablet, capsule, powder, softgel, gelcap, or liquid form or, if not**  
26 **intended for ingestion in such a form, is not presented as conventional**  
27 **food and is not represented for use as a sole item of a meal or of the**  
28 **diet; and that is required to be labeled as a dietary supplement,**  
29 **identifiable by the supplemental facts box found on the label and as**  
30 **required pursuant to 21 C.F.R. 101.36, as such regulation existed on**  
31 **January 1, 2003;**

1           (d) ~~(e)~~ Food and food ingredients means substances, whether in  
2 liquid, concentrated, solid, frozen, dried, or dehydrated form, that are  
3 sold for ingestion or chewing by humans and are consumed for their taste  
4 or nutritional value. Food and food ingredients does not include  
5 alcoholic beverages, dietary supplements, ~~or~~ tobacco, candy, or soft  
6 drinks;

7           (e) ~~(d)~~ Food sold through vending machines means food that is  
8 dispensed from a machine or other mechanical device that accepts payment;

9           (f) ~~(e)~~ Prepared food means:

10           (i) Food sold with eating utensils provided by the seller, including  
11 plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate  
12 does not include a container or packaging used to transport the food; or

13           (ii) Two or more food ingredients mixed or combined by the seller  
14 for sale as a single item and food sold in a heated state or heated by  
15 the seller, except:

16           (A) Food that is only cut, repackaged, or pasteurized by the seller;

17           (B) Eggs, fish, meat, poultry, and foods containing these raw animal  
18 foods requiring cooking by the consumer as recommended by the federal  
19 Food and Drug Administration in chapter 3, part 401.11 of its Food Code,  
20 as it existed on January 1, 2003, so as to prevent food borne illnesses;

21           (C) Food sold by a seller whose proper primary North American  
22 Industry Classification System classification is manufacturing in sector  
23 311, except subsector 3118, bakeries;

24           (D) Food sold in an unheated state by weight or volume as a single  
25 item;

26           (E) Bakery items, including bread, rolls, buns, biscuits, bagels,  
27 croissants, pastries, donuts, danish, cakes, tortes, pies, tarts,  
28 muffins, bars, cookies, and tortillas; and

29           (F) Food that ordinarily requires additional cooking to finish the  
30 product to its desired final condition; ~~and~~

31           (g) Soft drinks means nonalcoholic beverages that contain natural or

1 artificial sweeteners. Soft drinks do not include beverages that contain  
2 milk or milk products, soy, rice or similar milk substitutes, or greater  
3 than fifty percent of vegetable or fruit juice by volume; and

4 (h) ~~(f)~~ Tobacco means cigarettes, cigars, chewing or pipe tobacco,  
5 or any other item that contains tobacco.

6 Sec. 37. Section 77-27,142, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 77-27,142 (1) Any incorporated municipality other than a city of the  
9 metropolitan class by ordinance of its governing body is hereby  
10 authorized to impose a sales and use tax of one-half percent, one  
11 percent, one and one-half percent, one and three-quarters percent, or two  
12 percent upon the same transactions that are sourced under the provisions  
13 of sections 77-2703.01 to 77-2703.04 within such incorporated  
14 municipality on which the State of Nebraska is authorized to impose a tax  
15 pursuant to the Nebraska Revenue Act of 1967, as amended from time to  
16 time. Any city of the metropolitan class by ordinance of its governing  
17 body is hereby authorized to impose a sales and use tax of one-half  
18 percent, one percent, or one and one-half percent upon the same  
19 transactions that are sourced under the provisions of sections 77-2703.01  
20 to 77-2703.04 within such city of the metropolitan class on which the  
21 State of Nebraska is authorized to impose a tax pursuant to the Nebraska  
22 Revenue Act of 1967, as amended from time to time. No sales and use tax  
23 shall be imposed pursuant to this section until an election has been held  
24 and a majority of the qualified electors have approved such tax pursuant  
25 to sections 77-27,142.01 and 77-27,142.02.

26 (2)(a) Any incorporated municipality that proposes to impose a  
27 municipal sales and use tax at a rate greater than one and one-half  
28 percent or increase a municipal sales and use tax to a rate greater than  
29 one and one-half percent shall submit the question of such tax or  
30 increase at a primary or general election held within the incorporated  
31 municipality. The question shall be submitted upon an affirmative vote by

1 at least seventy percent of all of the members of the governing body of  
2 the incorporated municipality.

3 (b) Any rate greater than one and one-half percent shall be used as  
4 follows:

5 (i) In a city of the primary class, up to fifteen percent of the  
6 proceeds from the rate in excess of one and one-half percent may be used  
7 for non-public infrastructure projects of an interlocal agreement or  
8 joint public agency agreement with another political subdivision within  
9 the municipality or the county in which the municipality is located, and  
10 the remaining proceeds shall be used for public infrastructure projects  
11 or voter-approved infrastructure related to an economic development  
12 program as defined in section 18-2705; and

13 (ii) In any incorporated municipality other than a city of the  
14 primary class, the proceeds from the rate in excess of one and one-half  
15 percent shall be used for public infrastructure projects or voter-  
16 approved infrastructure related to an economic development program as  
17 defined in section 18-2705.

18 For purposes of this section, public infrastructure project means  
19 and includes, but is not limited to, any of the following projects, or  
20 any combination thereof: Public highways and bridges and municipal roads,  
21 streets, bridges, and sidewalks; solid waste management facilities;  
22 wastewater, storm water, and water treatment works and systems, water  
23 distribution facilities, and water resources projects, including, but not  
24 limited to, pumping stations, transmission lines, and mains and their  
25 appurtenances; hazardous waste disposal systems; resource recovery  
26 systems; airports; port facilities; buildings and capital equipment used  
27 in the operation of municipal government; convention and tourism  
28 facilities; redevelopment projects as defined in section 18-2103; mass  
29 transit and other transportation systems, including parking facilities;  
30 and equipment necessary for the provision of municipal services.

31 (c) Any rate greater than one and one-half percent shall terminate

1 no more than ten years after its effective date or, if bonds are issued  
2 and the local option sales and use tax revenue is pledged for payment of  
3 such bonds, upon payment of such bonds and any refunding bonds, whichever  
4 date is later, except as provided in subdivision (2)(d) of this section.

5 (d) If a portion of the rate greater than one and one-half percent  
6 is stated in the ballot question as being imposed for the purpose of the  
7 interlocal agreement or joint public agency agreement described in  
8 subdivision (2)(b)(i) or subsection (3) of this section, and such portion  
9 is at least one-eighth percent, there shall be no termination date for  
10 the rate representing such portion rounded to the next higher one-quarter  
11 or one-half percent.

12 ~~(e) Sections 13-518 to 13-522 apply to the revenue from any such tax~~  
13 ~~or increase.~~

14 (3)(a) No municipal sales and use tax shall be imposed at a rate  
15 greater than one and one-half percent or increased to a rate greater than  
16 one and one-half percent unless the municipality is a party to an  
17 interlocal agreement pursuant to the Interlocal Cooperation Act or a  
18 joint public agency agreement pursuant to the Joint Public Agency Act  
19 with a political subdivision within the municipality or the county in  
20 which the municipality is located creating a separate legal or  
21 administrative entity relating to a public infrastructure project.

22 (b) Except as provided in subdivision (2)(b)(i) of this section,  
23 such interlocal agreement or joint public agency agreement shall contain  
24 provisions, including benchmarks, relating to the long-term development  
25 of unified governance of public infrastructure projects with respect to  
26 the parties. The Legislature may provide additional requirements for such  
27 agreements, including benchmarks, but such additional requirements shall  
28 not apply to any debt outstanding at the time the Legislature enacts such  
29 additional requirements. The separate legal or administrative entity  
30 created shall not be one that was in existence for one calendar year  
31 preceding the submission of the question of such tax or increase at a

1 primary or general election held within the incorporated municipality.

2 (c) Any other public agency as defined in section 13-803 may be a  
3 party to such interlocal cooperation agreement or joint public agency  
4 agreement.

5 (d) A municipality is not required to use all of the additional  
6 revenue generated by a sales and use tax imposed at a rate greater than  
7 one and one-half percent or increased to a rate greater than one and one-  
8 half percent under this subsection for the purposes of the interlocal  
9 cooperation agreement or joint public agency agreement set forth in this  
10 subsection.

11 (4) The provisions of subsections (2) and (3) of this section do not  
12 apply to the first one and one-half percent of a sales and use tax  
13 imposed by a municipality.

14 (5) Notwithstanding any provision of any municipal charter, any  
15 incorporated municipality or interlocal agency or joint public agency  
16 pursuant to an agreement as provided in subsection (3) of this section  
17 may issue bonds in one or more series for any municipal purpose and pay  
18 the principal of and interest on any such bonds by pledging receipts from  
19 the increase in the municipal sales and use taxes authorized by such  
20 municipality. Any municipality which has or may issue bonds under this  
21 section may dedicate a portion of its property tax levy authority as  
22 provided in section 77-3442 to meet debt service obligations under the  
23 bonds. For purposes of this subsection, bond means any evidence of  
24 indebtedness, including, but not limited to, bonds, notes including notes  
25 issued pending long-term financing arrangements, warrants, debentures,  
26 obligations under a loan agreement or a lease-purchase agreement, or any  
27 similar instrument or obligation.

28 Sec. 38. Section 77-27,144, Revised Statutes Cumulative Supplement,  
29 2022, is amended to read:

30 77-27,144 (1) The Tax Commissioner shall collect the tax imposed by  
31 any incorporated municipality concurrently with collection of a state tax

1 in the same manner as the state tax is collected. The Tax Commissioner  
2 shall remit monthly the proceeds of the tax to the incorporated  
3 municipalities levying the tax, after deducting the amount of refunds  
4 made and three percent of the remainder to be credited to the Municipal  
5 Equalization Fund.

6 (2)(a) Deductions for a refund made pursuant to section 77-4105,  
7 77-4106, 77-5725, or 77-5726 and owed by a city of the first class, city  
8 of the second class, or village shall be delayed for one year after the  
9 refund has been made to the taxpayer. The Department of Revenue shall  
10 notify the municipality liable for a refund exceeding one thousand five  
11 hundred dollars of the pending refund, the amount of the refund, and the  
12 month in which the deduction will be made or begin, except that if the  
13 amount of a refund claimed under section 77-4105, 77-4106, 77-5725, or  
14 77-5726 exceeds twenty-five percent of the municipality's total sales and  
15 use tax receipts, net of any refunds or sales tax collection fees, for  
16 the municipality's prior fiscal year, the department shall deduct the  
17 refund over the period of one year in equal monthly amounts beginning  
18 after the one-year notification period required by this subdivision.

19 (b) Deductions for a refund made pursuant to section 77-4105,  
20 77-4106, 77-5725, or 77-5726 and owed by a city of the metropolitan class  
21 or city of the primary class shall be made as follows:

22 (i) During calendar year 2023, such deductions shall be made in  
23 accordance with subsection (1) of this section; and

24 (ii) During calendar year 2024 and each calendar year thereafter,  
25 such deductions shall be made based on estimated amounts as described in  
26 this subdivision. On or before March 1, 2023, and on or before March 1 of  
27 each year thereafter, the Department of Revenue shall notify each city of  
28 the metropolitan class and city of the primary class of the total amount  
29 of such refunds that are estimated to be paid during the following  
30 calendar year. Such estimated amount shall be used to establish the total  
31 amount to be deducted in the following calendar year. The department



1 shall deduct such amount over the following calendar year in twelve equal  
2 monthly amounts. Beginning with the notification sent in calendar year  
3 2025, the notification shall include any adjustment needed for the prior  
4 calendar year to account for any difference between the estimated amount  
5 deducted in such prior calendar year and the actual amount of refunds  
6 paid in such year.

7 (3) Deductions for a refund made pursuant to the Imagine Nebraska  
8 Act shall be delayed as provided in this subsection after the refund has  
9 been made to the taxpayer. The Department of Revenue shall notify each  
10 municipality liable for a refund exceeding one thousand five hundred  
11 dollars of the pending refund and the amount of the refund claimed under  
12 the Imagine Nebraska Act. The notification shall be made by March 1 of  
13 each year beginning in 2021 and shall be used to establish the refund  
14 amount for the following calendar year. The notification shall include  
15 any excess or underpayment from the prior calendar year. The department  
16 shall deduct the refund over a period of one year in equal monthly  
17 amounts beginning in January following the notification. This subsection  
18 applies to total annual refunds exceeding one million dollars or twenty-  
19 five percent of the municipality's total sales and use tax receipts for  
20 the prior fiscal year, whichever is the lesser amount.

21 (4) Deductions for a refund made pursuant to the Urban Redevelopment  
22 Act shall be delayed as provided in this subsection after the refund has  
23 been made to the taxpayer. The Department of Revenue shall notify each  
24 municipality liable for a refund exceeding one thousand five hundred  
25 dollars of the pending refund and the amount of the refund claimed under  
26 the Urban Redevelopment Act. The notification shall be made by March 1 of  
27 each year beginning in 2022 and shall be used to establish the refund  
28 amount for the following calendar year. The notification shall include  
29 any excess or underpayment from the prior calendar year. The department  
30 shall deduct the refund over a period of one year in equal monthly  
31 amounts beginning in January following the notification. This subsection

1 applies to total annual refunds exceeding one million dollars or twenty-  
2 five percent of the municipality's total sales and use tax receipts for  
3 the prior fiscal year, whichever is the lesser amount.

4 (5) The Tax Commissioner shall keep full and accurate records of all  
5 money received and distributed under the provisions of the Local Option  
6 Revenue Act. When proceeds of a tax levy are received but the identity of  
7 the incorporated municipality which levied the tax is unknown and is not  
8 identified within six months after receipt, the amount shall be credited  
9 to the Municipal Equalization Fund. The municipality may request the  
10 names and addresses of the retailers which have collected the tax as  
11 provided in subsection (13) of section 77-2711 and may certify an  
12 individual to request and review confidential sales and use tax returns  
13 and sales and use tax return information as provided in subsection (14)  
14 of section 77-2711.

15 (6)(a) Every qualifying business that has filed an application to  
16 receive tax incentives under the Employment and Investment Growth Act,  
17 the Nebraska Advantage Act, the Imagine Nebraska Act, or the Urban  
18 Redevelopment Act shall, with respect to such acts, provide annually to  
19 each municipality, in aggregate data, the maximum amount the qualifying  
20 business is eligible to receive in the current year in refunds of local  
21 sales and use taxes of the municipality and exemptions for the previous  
22 year, and the estimate of annual refunds of local sales and use taxes of  
23 the municipality and exemptions such business intends to claim in each  
24 future year. Such information shall be kept confidential by the  
25 municipality unless publicly disclosed previously by the taxpayer or by  
26 the State of Nebraska.

27 (b) For purposes of this subsection, municipality means a  
28 municipality that has adopted the local option sales and use tax under  
29 the Local Option Revenue Act and to which the qualifying business has  
30 paid such sales and use tax.

31 (c) The qualifying business shall provide the information to the

1 municipality on or before June 30 of each year.

2 (d) Any amounts held by a municipality to make sales and use tax  
3 refunds under the Employment and Investment Growth Act, the Nebraska  
4 Advantage Act, the Imagine Nebraska Act, and the Urban Redevelopment Act  
5 shall not count toward ~~any budgeted restricted funds limitation as~~  
6 ~~provided in section 13-519 or toward~~ any cash reserve limitation as  
7 provided in section 13-504 and shall be excluded from the limitations of  
8 the Property Tax Growth Limitation Act.

9 Sec. 39. Section 77-3005, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 77-3005 (1) The occupation tax levied and imposed by the Mechanical  
12 Amusement Device Tax Act shall be in addition to any and all taxes or  
13 fees, of any form whatsoever, now imposed by the State of Nebraska or any  
14 of its subdivisions, upon the business of operating or distributing  
15 mechanical amusement devices as defined in section 77-3001, or otherwise  
16 defined by the subdivisions and municipalities of the State of Nebraska,  
17 except as provided in subsection (2) of this section.

18 (2) Payment that ~~payment~~ of the tax and license fees due and owing  
19 on or before the licensing date of each year shall exempt any such  
20 mechanical amusement device from the application of the sales tax which  
21 would or could otherwise be imposed under the Nebraska Revenue Act of  
22 1967, except that such exemption shall not apply to any cash device.

23 (3) Nonpayment of the taxes or fees due and owing on or before the  
24 licensing date of each year shall render the exemption provided by  
25 subsection (2) of this section inapplicable and the particular machines  
26 or devices shall then be subject to all the provisions of the Nebraska  
27 Revenue Act of 1967, including the penalty provisions pertaining to the  
28 owner or operator of such machines or devices.

29 Sec. 40. Section 77-3446, Revised Statutes Cumulative Supplement,  
30 2022, is amended to read:

31 77-3446 Base limitation means the budget limitation rate applicable

1 to school districts and the limitation on growth of restricted funds  
2 applicable to other political subdivisions prior to any increases in the  
3 rate as a result of special actions taken by a supermajority of any  
4 governing board or of any exception allowed by law. The base limitation  
5 is three ~~two and one-half~~ percent until adjusted, ~~except that the base~~  
6 ~~limitation for school districts for school fiscal years 2017-18 and~~  
7 ~~2018-19 is one and one-half percent and for school fiscal year 2019-20 is~~  
8 ~~two~~ percent. The base limitation may be adjusted annually by the  
9 Legislature to reflect changes in the prices of services and products  
10 used by school districts and political subdivisions.

11 Sec. 41. Section 77-4008, Revised Statutes Supplement, 2023, is  
12 amended to read:

13 77-4008 (1)(a) A tax is hereby imposed upon the first owner of  
14 tobacco products to be sold in this state.

15 (b) The tax on snuff shall be forty-four cents per ounce and a  
16 proportionate tax at the like rate on all fractional parts of an ounce.  
17 Such tax shall be computed based on the net weight as listed by the  
18 manufacturer.

19 (c) The tax on an electronic nicotine delivery system containing  
20 three milliliters or less of consumable material shall be ten ~~five~~ cents  
21 per milliliter of consumable material and a proportionate tax at the like  
22 rate on all fractional parts of a milliliter.

23 (d) The tax on an electronic nicotine delivery system containing  
24 more than three milliliters of consumable material shall be twenty ~~ten~~  
25 percent of (i) the purchase price of such electronic nicotine delivery  
26 system paid by the first owner or (ii) the price at which the first owner  
27 who made, manufactured, or fabricated the electronic nicotine delivery  
28 system sells the item to others.

29 (e) For electronic nicotine delivery systems in the possession of  
30 retail dealers for which tax has not been paid, the tax under this  
31 subsection shall be imposed at the earliest time the retail dealer: (i)

1 Brings or causes to be brought into the state any electronic nicotine  
2 delivery system for sale; (ii) makes, manufactures, or fabricates any  
3 electronic nicotine delivery system in this state for sale in this state;  
4 or (iii) sells any electronic nicotine delivery system to consumers  
5 within this state.

6 (f) The tax on tobacco products other than snuff and electronic  
7 nicotine delivery systems shall be twenty percent of (i) the purchase  
8 price of such tobacco products paid by the first owner or (ii) the price  
9 at which a first owner who made, manufactured, or fabricated the tobacco  
10 product sells the items to others.

11 (g) The tax on tobacco products shall be in addition to all other  
12 taxes.

13 (2) Whenever any person who is licensed under section 77-4009  
14 purchases tobacco products from another person licensed under section  
15 77-4009, the seller shall be liable for the payment of the tax.

16 (3) Amounts collected pursuant to this section shall be used and  
17 distributed pursuant to section 77-4025.

18 Sec. 42. Section 77-4602, Revised Statutes Cumulative Supplement,  
19 2022, is amended to read:

20 77-4602 (1) Within fifteen days after the end of each month, the Tax  
21 Commissioner shall provide a public statement of actual General Fund net  
22 receipts, a comparison of such actual net receipts to the monthly  
23 estimated net receipts from the most recent forecast provided by the  
24 Nebraska Economic Forecasting Advisory Board pursuant to section  
25 77-27,158, and a comparison of such actual net receipts to the monthly  
26 actual net receipts for the same month of the previous fiscal year.

27 (2) Within fifteen days after the end of each fiscal year, the  
28 public statement shall also include (a) a summary of actual General Fund  
29 net receipts and estimated General Fund net receipts for the fiscal year  
30 as certified pursuant to sections 77-4601 and 77-4603 and (b) a  
31 comparison of the actual General Fund net receipts for the fiscal year to

1 the actual General Fund net receipts for the previous fiscal year.

2 (3) If actual General Fund net receipts for the most recently  
3 completed fiscal year exceed estimated General Fund net receipts for such  
4 fiscal year, as reported pursuant to subsection (2) of this section, the  
5 Tax Commissioner shall certify the excess amount to the State Treasurer.  
6 The State Treasurer shall transfer the excess amount to the Cash Reserve  
7 Fund, except as otherwise provided in subsection (4) of this section.

8 (4) If actual General Fund net receipts for the most recently  
9 completed fiscal year exceed one hundred three and one-half percent of  
10 actual General Fund net receipts for the previous fiscal year, the  
11 transfer described in subsection (3) of this section shall be modified as  
12 follows:

13 (a) The amount transferred to the Cash Reserve Fund shall be reduced  
14 by the excess amount calculated under this subsection; and

15 (b) Such excess amount shall be transferred to the School Property  
16 Tax Credit Fund.

17 ~~(3)(a) Within fifteen days after the end of fiscal year 2020-21 and~~  
18 ~~each fiscal year thereafter through fiscal year 2022-23, the Tax~~  
19 ~~Commissioner shall determine the balance of the Cash Reserve Fund.~~

20 ~~(b) If the balance of the Cash Reserve Fund is less than five~~  
21 ~~hundred million dollars:~~

22 ~~(i) The Tax Commissioner shall determine:~~

23 ~~(A) Actual General Fund net receipts for the most recently completed~~  
24 ~~fiscal year minus estimated General Fund net receipts for such fiscal~~  
25 ~~year as certified pursuant to sections 77-4601 and 77-4603; and~~

26 ~~(B) Actual General Fund net receipts for the most recently completed~~  
27 ~~fiscal year minus one hundred three and one-half percent of actual~~  
28 ~~General Fund net receipts for the prior fiscal year.~~

29 ~~(ii) If the amounts calculated under subdivisions (3)(b)(i)(A) and~~  
30 ~~(3)(b)(i)(B) of this section are both positive numbers, the Tax~~  
31 ~~Commissioner shall certify (A) the amount determined under subdivision~~

1 ~~(3)(b)(i)(A) of this section and (B) fifty percent of the amount~~  
2 ~~determined under subdivision (3)(b)(i)(B) of this section to the State~~  
3 ~~Treasurer. The State Treasurer shall transfer the difference between the~~  
4 ~~two certified amounts to the Cash Reserve Fund.~~

5 ~~(iii) If the amount calculated under subdivision (3)(b)(i)(A) of~~  
6 ~~this section is a positive number but the amount calculated under~~  
7 ~~subdivision (3)(b)(i)(B) of this section is a negative number, the Tax~~  
8 ~~Commissioner shall certify the amount determined under subdivision (3)(b)~~  
9 ~~(i)(A) of this section to the State Treasurer and the State Treasurer~~  
10 ~~shall transfer such certified amount to the Cash Reserve Fund.~~

11 ~~(c) If the balance of the Cash Reserve Fund is five hundred million~~  
12 ~~dollars or more:~~

13 ~~(i) The Tax Commissioner shall determine:~~

14 ~~(A) Actual General Fund net receipts for the most recently completed~~  
15 ~~fiscal year minus estimated General Fund net receipts for such fiscal~~  
16 ~~year as certified pursuant to sections 77-4601 and 77-4603; and~~

17 ~~(B) Actual General Fund net receipts for the most recently completed~~  
18 ~~fiscal year minus one hundred three and one-half percent of actual~~  
19 ~~General Fund net receipts for the prior fiscal year.~~

20 ~~(ii) If the amounts calculated under subdivisions (3)(c)(i)(A) and~~  
21 ~~(3)(c)(i)(B) of this section are both positive numbers, the Tax~~  
22 ~~Commissioner shall certify (A) the amount determined under subdivision~~  
23 ~~(3)(c)(i)(A) of this section and (B) the amount determined under~~  
24 ~~subdivision (3)(c)(i)(B) of this section to the State Treasurer. The~~  
25 ~~State Treasurer shall transfer the difference between the two certified~~  
26 ~~amounts to the Cash Reserve Fund.~~

27 ~~(iii) If the amount calculated under subdivision (3)(c)(i)(A) of~~  
28 ~~this section is a positive number but the amount calculated under~~  
29 ~~subdivision (3)(c)(i)(B) of this section is a negative number, the Tax~~  
30 ~~Commissioner shall certify the amount determined under subdivision (3)(c)~~  
31 ~~(i)(A) of this section to the State Treasurer and the State Treasurer~~

1 ~~shall transfer such certified amount to the Cash Reserve Fund.~~

2 ~~(4)(a) Within fifteen days after the end of fiscal year 2023-24 and~~  
3 ~~each fiscal year thereafter, the Tax Commissioner shall determine the~~  
4 ~~following:~~

5 ~~(i) Actual General Fund net receipts for the most recently completed~~  
6 ~~fiscal year minus estimated General Fund net receipts for such fiscal~~  
7 ~~year as certified pursuant to sections 77-4601 and 77-4603; and~~

8 ~~(ii) Fifty percent of the product of actual General Fund net~~  
9 ~~receipts for the most recently completed fiscal year times the difference~~  
10 ~~between the annual percentage increase in the actual General Fund net~~  
11 ~~receipts for the most recently completed fiscal year and the average~~  
12 ~~annual percentage increase in the actual General Fund net receipts over~~  
13 ~~the twenty previous fiscal years, excluding the year in which the annual~~  
14 ~~percentage change in actual General Fund net receipts is the lowest.~~

15 ~~(b) If the number determined under subdivision (4)(a)(i) of this~~  
16 ~~section is a positive number, the Tax Commissioner shall immediately~~  
17 ~~certify the greater of the two numbers determined under subdivision (4)~~  
18 ~~(a) of this section to the director. The State Treasurer shall transfer~~  
19 ~~the certified amount from the General Fund to the Cash Reserve Fund upon~~  
20 ~~certification by the director of such amount. The transfer shall be made~~  
21 ~~according to the following schedule:~~

22 ~~(i) An amount equal to the amount determined under subdivision (4)~~  
23 ~~(a)(i) of this section shall be transferred immediately; and~~

24 ~~(ii) The remainder, if any, shall be transferred by the end of the~~  
25 ~~subsequent fiscal year.~~

26 ~~(c) If the transfer required under subdivision (4)(b) of this~~  
27 ~~section causes the balance in the Cash Reserve Fund to exceed sixteen~~  
28 ~~percent of the total budgeted General Fund expenditures for the current~~  
29 ~~fiscal year, such transfer shall be reduced so that the balance of the~~  
30 ~~Cash Reserve Fund does not exceed such amount.~~

31 ~~(d) Nothing in this subsection prohibits the balance in the Cash~~



1 ~~Reserve Fund from exceeding sixteen percent of the total budgeted General~~  
2 ~~Fund expenditures each fiscal year if the Legislature determines it~~  
3 ~~necessary to prepare for and respond to budgetary requirements which may~~  
4 ~~include, but are not limited to, capital construction projects and~~  
5 ~~responses to emergencies.~~

6 Sec. 43. Section 77-6702, Revised Statutes Supplement, 2023, is  
7 amended to read:

8 77-6702 For purposes of the Nebraska Property Tax Incentive Act:

9 ~~(1) Allowable growth percentage means the percentage increase, if~~  
10 ~~any, in the total assessed value of all real property in the state from~~  
11 ~~the prior year to the current year, as determined by the department;~~

12 ~~(1) (2) Community college taxes means property taxes levied on real~~  
13 ~~property in this state by a community college area, excluding the~~  
14 ~~following:~~

15 (a) Any property taxes levied for bonded indebtedness;

16 (b) Any property taxes levied as a result of an override of limits  
17 on property tax levies approved by voters pursuant to section 77-3444;  
18 and

19 (c) Any property taxes that, as of the time of payment, were  
20 delinquent for five years or more;

21 ~~(2) (3) Department means the Department of Revenue;~~

22 ~~(3) (4) Eligible taxpayer means any individual, corporation,~~  
23 ~~partnership, limited liability company, trust, estate, or other entity~~  
24 ~~that pays school district taxes or community college taxes during a~~  
25 ~~taxable year; and~~

26 ~~(4) (5) School district taxes means property taxes levied on real~~  
27 ~~property in this state by a school district or multiple-district school~~  
28 ~~system, excluding the following:~~

29 (a) Any property taxes levied for bonded indebtedness;

30 (b) Any property taxes levied as a result of an override of limits  
31 on property tax levies approved by voters pursuant to section 77-3444;

1 and

2 (c) Any property taxes that, as of the time of payment, were  
3 delinquent for five years or more.

4 Sec. 44. Section 77-6703, Revised Statutes Supplement, 2023, is  
5 amended to read:

6 77-6703 (1) For taxable years beginning or deemed to begin on or  
7 after January 1, 2020, and before January 1, 2024, under the Internal  
8 Revenue Code of 1986, as amended, there shall be allowed to each eligible  
9 taxpayer a refundable credit against the income tax imposed by the  
10 Nebraska Revenue Act of 1967 or against the franchise tax imposed by  
11 sections 77-3801 to 77-3807. The credit shall be equal to the credit  
12 percentage for the taxable year, as set by the department under  
13 subsection (2) of this section, multiplied by the amount of school  
14 district taxes paid by the eligible taxpayer during such taxable year.

15 ~~(2)(a) For taxable years beginning or deemed to begin during~~  
16 ~~calendar year 2020, the department shall set the credit percentage so~~  
17 ~~that the total amount of credits for such taxable years shall be one~~  
18 ~~hundred twenty-five million dollars;~~

19 ~~(b) For taxable years beginning or deemed to begin during calendar~~  
20 ~~year 2021, the department shall set the credit percentage so that the~~  
21 ~~total amount of credits for such taxable years shall be one hundred~~  
22 ~~twenty-five million dollars plus either (i) the amount calculated for~~  
23 ~~such calendar year under subdivision (3)(b)(ii)(B) of section 77-4602 or~~  
24 ~~(ii) the amount calculated for such calendar year under subdivision (3)~~  
25 ~~(c)(ii)(B) of section 77-4602, whichever is applicable;~~

26 (2)(a) (c) For taxable years beginning or deemed to begin during  
27 calendar year 2022, the department shall set the credit percentage so  
28 that the total amount of credits for such taxable years shall be five  
29 hundred forty-eight million dollars; and

30 (b) (d) For taxable years beginning or deemed to begin during  
31 calendar year 2023, the department shall set the credit percentage so

1 that the total amount of credits for such taxable years shall be five  
2 hundred sixty million seven hundred thousand dollars. ;

3 ~~(e) For taxable years beginning or deemed to begin during calendar~~  
4 ~~year 2024 through calendar year 2028, the department shall set the credit~~  
5 ~~percentage so that the total amount of credits for such taxable years~~  
6 ~~shall be the maximum amount of credits allowed in the prior year~~  
7 ~~increased by the allowable growth percentage;~~

8 ~~(f) For taxable years beginning or deemed to begin during calendar~~  
9 ~~year 2029, the department shall set the credit percentage so that the~~  
10 ~~total amount of credits for such taxable years shall be the maximum~~  
11 ~~amount of credits allowed in the prior year increased by the allowable~~  
12 ~~growth percentage plus an additional seventy-five million dollars; and~~

13 ~~(g) For taxable years beginning or deemed to begin during calendar~~  
14 ~~year 2030 and each calendar year thereafter, the department shall set the~~  
15 ~~credit percentage so that the total amount of credits for such taxable~~  
16 ~~years shall be the maximum amount of credits allowed in the prior year~~  
17 ~~increased by the allowable growth percentage.~~

18 (3) If the school district taxes are paid by a corporation having an  
19 election in effect under subchapter S of the Internal Revenue Code, a  
20 partnership, a limited liability company, a trust, or an estate, the  
21 amount of school district taxes paid during the taxable year may be  
22 allocated to the shareholders, partners, members, or beneficiaries in the  
23 same proportion that income is distributed for taxable years beginning or  
24 deemed to begin before January 1, 2021, under the Internal Revenue Code  
25 of 1986, as amended. The department shall provide forms and schedules  
26 necessary for verifying eligibility for the credit provided in this  
27 section and for allocating the school district taxes paid. For taxable  
28 years beginning or deemed to begin on or after January 1, 2021, and  
29 before January 1, 2024, under the Internal Revenue Code of 1986, as  
30 amended, the refundable credit shall be claimed by the corporation having  
31 an election in effect under subchapter S of the Internal Revenue Code,

1 the partnership, the limited liability company, the trust, or the estate  
2 that paid the school district taxes.

3 (4) For any fiscal year or short year taxpayer, the credit may be  
4 claimed in the first taxable year that begins following the calendar year  
5 for which the credit percentage was determined. The credit shall be taken  
6 for the school district taxes paid by the taxpayer during the immediately  
7 preceding calendar year.

8 (5) For the first taxable year beginning or deemed to begin on or  
9 after January 1, 2021, and before January 1, 2022, under the Internal  
10 Revenue Code of 1986, as amended, for a corporation having an election in  
11 effect under subchapter S of the Internal Revenue Code, a partnership, a  
12 limited liability company, a trust, or an estate that paid school  
13 district taxes in calendar year 2020 but did not claim the credit  
14 directly or allocate such school district taxes to the shareholders,  
15 partners, members, or beneficiaries as permitted under subsection (3) of  
16 this section, there shall be allowed an additional refundable credit.  
17 This credit shall be equal to six percent, multiplied by the amount of  
18 school district taxes paid during 2020 by the eligible taxpayer.

19 Sec. 45. Section 79-3403, Revised Statutes Supplement, 2023, is  
20 amended to read:

21 79-3403 (1) Except as provided in sections 79-3404 and 79-3405, a  
22 school district's property tax request for any year shall not exceed the  
23 school district's property tax request authority.

24 (2) The department shall calculate each school district's property  
25 tax request authority on an annual basis as follows:

26 (a) The school district's property tax request from the prior year  
27 shall be added to the non-property-tax revenue from the second most  
28 recent year for which such information is available ~~prior year~~ minus any  
29 investment income from special building funds from the second most recent  
30 year for which such information is available ~~prior year~~, and the total  
31 shall be increased by the school district's base growth percentage; and

1 (b) The amount determined under subdivision (2)(a) of this section  
2 shall then be decreased by the amount of total non-property-tax revenue  
3 for the most recent year for which such information is available ~~current~~  
4 ~~year~~ and adjusted for any known or documented errors in documentation  
5 received by the department from the school district. In determining the  
6 total non-property-tax revenue for the most recent year for which such  
7 information is available ~~current year~~, any category of non-property-tax  
8 revenue for which there is insufficient data as of June 1 to make an  
9 accurate determination shall be deemed to be equal to the prior year's  
10 amount.

11 (3) The department shall certify the amount determined for each  
12 school district under this section to the school board of such school  
13 district. Such certified amount shall be the school district's property  
14 tax request authority.

15 Sec. 46. Section 79-3406, Revised Statutes Supplement, 2023, is  
16 amended to read:

17 79-3406 A school district may choose not to increase its property  
18 tax request by the full amount allowed by the school district's property  
19 tax request authority in a particular year. In such cases, the school  
20 district may carry forward to future years the amount of unused property  
21 tax request authority, excluding any unused amounts obtained pursuant to  
22 subsection (2) of section 79-3405. The department shall calculate each  
23 school district's unused property tax request authority and shall submit  
24 an accounting of such amount to the school board of the school district.  
25 Such unused property tax request authority may then be used in later  
26 years for increases in the school district's property tax request.

27 Sec. 47. Section 81-12,193, Revised Statutes Cumulative Supplement,  
28 2022, is amended to read:

29 81-12,193 (1) The Nebraska Transformational Project Fund is hereby  
30 created. The fund shall receive money from application fees paid under  
31 the Nebraska Transformational Projects Act and from appropriations from

1 the Legislature, grants, private contributions, repayments of matching  
2 funds, and all other sources. Any money in the fund available for  
3 investment shall be invested by the state investment officer pursuant to  
4 the Nebraska Capital Expansion Act and the Nebraska State Funds  
5 Investment Act.

6 (2) It is the intent of the Legislature that the State Treasurer  
7 shall transfer an amount not to exceed three hundred million dollars to  
8 the Nebraska Transformational Project Fund. Such transfers shall only  
9 occur after the applicant has been selected for participation in the  
10 program described in Title VII, Subtitle C, section 740 of Public Law  
11 116-92 and commitments totaling one billion three hundred million dollars  
12 in total investment, including only federal dollars and private  
13 donations, have been secured. In no case shall any transfer occur before  
14 fiscal year 2025-26 ~~or before the total amount of refundable credits~~  
15 ~~granted annually under the Nebraska Property Tax Incentive Act reaches~~  
16 ~~three hundred seventy-five million dollars.~~ Distributions shall only be  
17 made from the fund in amounts equal to the amount of private dollars  
18 received by the applicant for the project.

19 (3) Any money remaining in the fund after all obligations have been  
20 met shall be transferred to the General Fund.

21 Sec. 48. This act becomes operative on July 1, 2024.

22 Sec. 49. Original sections 13-518, 13-519, 13-2817, 29-3933,  
23 72-2305, 72-2306, 77-2704.24, 77-27,142, and 77-3005, Reissue Revised  
24 Statutes of Nebraska, sections 77-382, 77-1776, 77-2602, 77-2701.16,  
25 77-27,144, 77-3446, 77-4602, and 81-12,193, Revised Statutes Cumulative  
26 Supplement, 2022, and sections 77-1632, 77-1633, 77-1701, 77-2701,  
27 77-2701.02, 77-2701.04, 77-4008, 77-6702, 77-6703, 79-3403, and 79-3406,  
28 Revised Statutes Supplement, 2023, are repealed.

29 Sec. 50. The following section is outright repealed: Section  
30 77-2704.38, Reissue Revised Statutes of Nebraska.

31 Sec. 51. Since an emergency exists, this act takes effect when

1 passed and approved according to law.