

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 495

Introduced by Hansen, 16.

Read first time January 21, 2025

Committee:

- 1 A BILL FOR AN ACT relating to the Property Tax Request Act; to amend
- 2 sections 77-1632 and 77-1633, Revised Statutes Cumulative
- 3 Supplement, 2024; to change provisions relating to community
- 4 colleges; to repeal the original sections; and to declare an
- 5 emergency.
- 6 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 77-1632, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 77-1632 (1) If the annual assessment of property would result in an
4 increase in the total property taxes levied by a county, city, village,
5 school district, learning community, sanitary and improvement district,
6 natural resources district, educational service unit, or community
7 college, as determined using the previous year's rate of levy, such
8 political subdivision's property tax request for the current year shall
9 be no more than its property tax request in the prior year, and the
10 political subdivision's rate of levy for the current year shall be
11 decreased accordingly when such rate is set by the county board of
12 equalization pursuant to section 77-1601. The governing body of the
13 political subdivision shall pass a resolution or ordinance to set the
14 amount of its property tax request after holding the public hearing
15 required in subsection (3) of this section. If the governing body of a
16 political subdivision seeks to set its property tax request at an amount
17 that exceeds its property tax request in the prior year, it may do so,
18 subject to the limitations provided in the School District Property Tax
19 Limitation Act and the Property Tax Growth Limitation Act, after holding
20 the public hearing required in subsection (3) of this section and by
21 passing a resolution or ordinance that complies with subsection (4) of
22 this section. If any county, city, or school district ~~, or~~ ~~community~~
23 ~~college~~ seeks to increase its property tax request by more than the
24 allowable growth percentage, such political subdivision shall comply with
25 the requirements of section 77-1633 in lieu of the requirements in
26 subsections (3) and (4) of this section.

27 (2) If the annual assessment of property would result in no change
28 or a decrease in the total property taxes levied by a county, city,
29 village, school district, learning community, sanitary and improvement
30 district, natural resources district, educational service unit, or
31 community college, as determined using the previous year's rate of levy,

1 such political subdivision's property tax request for the current year
2 shall be no more than its property tax request in the prior year, and the
3 political subdivision's rate of levy for the current year shall be
4 adjusted accordingly when such rate is set by the county board of
5 equalization pursuant to section 77-1601. The governing body of the
6 political subdivision shall pass a resolution or ordinance to set the
7 amount of its property tax request after holding the public hearing
8 required in subsection (3) of this section. If the governing body of a
9 political subdivision seeks to set its property tax request at an amount
10 that exceeds its property tax request in the prior year, it may do so,
11 subject to the limitations provided in the School District Property Tax
12 Limitation Act and the Property Tax Growth Limitation Act, after holding
13 the public hearing required in subsection (3) of this section and by
14 passing a resolution or ordinance that complies with subsection (4) of
15 this section. If any county, city, or school district ~~, or community~~
16 ~~college~~ seeks to increase its property tax request by more than the
17 allowable growth percentage, such political subdivision shall comply with
18 the requirements of section 77-1633 in lieu of the requirements in
19 subsections (3) and (4) of this section.

20 (3) The resolution or ordinance required under this section shall
21 only be passed after a special public hearing called for such purpose is
22 held and after notice is published in a newspaper of general circulation
23 in the area of the political subdivision at least four calendar days
24 prior to the hearing. For purposes of such notice, the four calendar days
25 shall include the day of publication but not the day of hearing. If the
26 political subdivision's total operating budget, not including reserves,
27 does not exceed ten thousand dollars per year or twenty thousand dollars
28 per biennial period, the notice may be posted at the governing body's
29 principal headquarters. The hearing notice shall contain the following
30 information: The certified taxable valuation under section 13-509 for the
31 prior year, the certified taxable valuation under section 13-509 for the

1 current year, and the percentage increase or decrease in such valuations
2 from the prior year to the current year; the dollar amount of the prior
3 year's tax request and the property tax rate that was necessary to fund
4 that tax request; the property tax rate that would be necessary to fund
5 last year's tax request if applied to the current year's valuation; the
6 proposed dollar amount of the tax request for the current year and the
7 property tax rate that will be necessary to fund that tax request; the
8 percentage increase or decrease in the property tax rate from the prior
9 year to the current year; and the percentage increase or decrease in the
10 total operating budget from the prior year to the current year.

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

15 (a) The name of the political subdivision;

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

17 (c) The following statements:

18 (i) The total assessed value of property differs from last year's
19 total assessed value by percent;

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

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

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

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

31 (5) Any resolution or ordinance setting a property tax request under

1 this section shall be certified and forwarded to the county clerk on or
2 before October 15 of the year for which the tax request is to apply.

3 **Sec. 2.** Section 77-1633, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 77-1633 (1) For purposes of this section, political subdivision
6 means any county, city, or school district , ~~or community college~~.

7 (2) If any political subdivision seeks to increase its property tax
8 request by more than the allowable growth percentage, such political
9 subdivision may do so, subject to the limitations provided in the School
10 District Property Tax Limitation Act and the Property Tax Growth
11 Limitation Act, if the following requirements are met:

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

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

17 (3)(a) Each political subdivision within a county that seeks to
18 increase its property tax request by more than the allowable growth
19 percentage shall participate in a joint public hearing. Each such
20 political subdivision shall designate one representative to attend the
21 joint public hearing on behalf of the political subdivision. If a
22 political subdivision includes area in more than one county, the
23 political subdivision shall be deemed to be within the county in which
24 the political subdivision's principal headquarters are located. At such
25 hearing, there shall be no items on the agenda other than discussion on
26 each political subdivision's intent to increase its property tax request
27 by more than the allowable growth percentage.

28 (b) At least one elected official from each participating political
29 subdivision shall attend the joint public hearing. An elected official
30 may be the designated representative from a participating political
31 subdivision. The presence of a quorum or the participation of elected

1 officials at the joint public hearing does not constitute a meeting as
2 defined by section 84-1409 of the Open Meetings Act.

3 (c) The joint public hearing shall be held on or after September 14
4 and prior to September 24 and before any of the participating political
5 subdivisions file their adopted budget statement pursuant to section
6 13-508.

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

9 (e) The joint public hearing shall be organized by the county clerk
10 or his or her designee. At the joint public hearing, the designated
11 representative of each political subdivision shall give a brief
12 presentation on the political subdivision's intent to increase its
13 property tax request by more than the allowable growth percentage and the
14 effect of such request on the political subdivision's budget. The
15 presentation shall include:

16 (i) The name of the political subdivision;

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

18 (iii) The following statements:

19 (A) The total assessed value of property differs from last year's
20 total assessed value by percent;

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

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

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

30 (E) To obtain more information regarding the increase in the
31 property tax request, citizens may contact the (name of political

1 subdivision) at (telephone number and email address of political
2 subdivision).

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

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

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

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

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

14 (h) Each political subdivision that participates in the joint public
15 hearing shall electronically send the information prescribed in
16 subdivision (3)(i) of this section to the county assessor by September 4.
17 The county clerk shall notify the county assessor of the date, time, and
18 location of the joint public hearing no later than September 4. The
19 county clerk shall notify each participating political subdivision of the
20 date, time, and location of the joint public hearing. The county assessor
21 shall send the information required to be included on the postcards
22 pursuant to subdivision (3)(i) of this section to a printing service
23 designated by the county board. The initial cost for printing the
24 postcards shall be paid from the county general fund. Such postcards
25 shall be mailed at least seven calendar days before the joint public
26 hearing. The cost of creating and mailing the postcards, including staff
27 time, materials, and postage, shall be charged proportionately to the
28 political subdivisions participating in the joint public hearing based on
29 the total number of parcels in each participating political subdivision.
30 Each participating political subdivision shall also maintain a
31 prominently displayed and easily accessible link on the home page of the

1 political subdivision's website to the political subdivision's proposed
2 budget, except that this requirement shall not apply if the political
3 subdivision is a county with a population of less than ten thousand
4 inhabitants, a city with a population of less than one thousand
5 inhabitants, or, for joint public hearings prior to January 1, 2024, a
6 school district.

7 (i) The postcard sent under this subsection and the notice posted on
8 the county's website, if required under subdivision (3)(g)(ii) of this
9 section, and published in the newspaper shall include the date, time, and
10 location for the joint public hearing, a listing of and telephone number
11 for each political subdivision that will be participating in the joint
12 public hearing, and the amount of each participating political
13 subdivision's property tax request. The postcard shall also contain the
14 following information:

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

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

20 (iii) The following statement: The following political subdivisions
21 are proposing a revenue increase which would result in an overall
22 increase in property taxes in (insert current tax year). THE ACTUAL TAX
23 ON YOUR PROPERTY MAY INCREASE OR DECREASE. This notice contains estimates
24 of the tax on your property as a result of this revenue increase. These
25 estimates are calculated on the basis of the proposed (insert current tax
26 year) data. The actual tax on your property may vary from these
27 estimates.

28 (iv) The parcel number for the property;

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

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

31 (vii) The amount of property taxes due in the previous tax year for

1 each participating political subdivision;

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

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

5 (x) The change in the amount of property taxes due for each
6 participating political subdivision from the previous tax year to the
7 current tax year; and

8 (xi) The following statement: To obtain more information regarding
9 the tax increase, citizens may contact the political subdivision at the
10 telephone number provided in this notice.

11 (4) After the joint public hearing required in subsection (3) of
12 this section, the governing body of each participating political
13 subdivision shall pass an ordinance or resolution to set such political
14 subdivision's property tax request. If the political subdivision is
15 increasing its property tax request over the amount from the prior year,
16 including any increase in excess of the allowable growth percentage, then
17 such ordinance or resolution shall include, but not be limited to, the
18 following information:

19 (a) The name of the political subdivision;

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

21 (c) The following statements:

22 (i) The total assessed value of property differs from last year's
23 total assessed value by percent;

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

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

30 (iv) Based on the proposed property tax request and changes in other
31 revenue, the total operating budget of (name of political subdivision)

1 will exceed last year's by percent; and

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

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

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

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

11 (b) The name and address of each individual who spoke at the joint
12 public hearing, unless the address requirement is waived to protect the
13 security of the individual, and the name of any organization represented
14 by each such individual;

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

17 (d) The real growth value and real growth percentage for each
18 participating political subdivision;

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

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

24 Such report shall be delivered to the political subdivisions
25 participating in the joint public hearing within ten days after such
26 hearing.

27 **Sec. 3.** Original sections 77-1632 and 77-1633, Revised Statutes
28 Cumulative Supplement, 2024, are repealed.

29 **Sec. 4.** Since an emergency exists, this act takes effect when
30 passed and approved according to law.