

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 54
Final Reading

Introduced by Mello, 5.

Read first time January 06, 2011

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to the Community Development Law; to amend
2 section 18-2147, Reissue Revised Statutes of Nebraska; to
3 change provisions relating to tax-increment financing;
4 and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 18-2147, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 18-2147 (1) Any redevelopment plan as originally approved
4 or as later modified pursuant to section 18-2117, may contain a
5 provision that any ad valorem tax levied upon real property, or any
6 portion thereof, in a redevelopment project for the benefit of any
7 public body shall be divided, for a period not to exceed fifteen
8 years after the effective date of ~~such a provision by the governing~~
9 ~~body, as follows:~~ as identified in the project redevelopment contract
10 or in the resolution of the authority authorizing the issuance of
11 bonds pursuant to section 18-2124, as follows:

12 (a) That portion of the ad valorem tax which is produced
13 by the levy at the rate fixed each year by or for each such public
14 body upon the redevelopment project valuation shall be paid into the
15 funds of each such public body in the same proportion as are all
16 other taxes collected by or for the body. When there is not a
17 redevelopment project valuation on a parcel or parcels, the county
18 assessor shall determine the redevelopment project valuation based
19 upon the fair market valuation of the parcel or parcels as of January
20 1 of the year prior to the year that the ad valorem taxes are to be
21 divided. The county assessor shall provide written notice of the
22 redevelopment project valuation to the authority as defined in
23 section 18-2103 and the owner. The authority or owner may protest the
24 valuation to the county board of equalization within thirty days
25 after the date of the valuation notice. All provisions of section

1 77-1502 except dates for filing of a protest, the period for hearing
2 protests, and the date for mailing notice of the county board of
3 equalization's decision are applicable to any protest filed pursuant
4 to this section. The county board of equalization shall decide any
5 protest filed pursuant to this section within thirty days after the
6 filing of the protest. The county clerk shall mail a copy of the
7 decision made by the county board of equalization on protests
8 pursuant to this section to the authority or owner within seven days
9 after the board's decision. Any decision of the county board of
10 equalization may be appealed to the Tax Equalization and Review
11 Commission, in accordance with section 77-5013, within thirty days
12 after the date of the decision;

13 (b) That portion of the ad valorem tax on real property,
14 as provided in the redevelopment contract or bond resolution, in the
15 redevelopment project in excess of such amount, if any, shall be
16 allocated to and, when collected, paid into a special fund of the
17 authority to be used solely to pay the principal of, the interest on,
18 and any premiums due in connection with the bonds of, loans, notes,
19 or advances of money to, or indebtedness incurred by, whether funded,
20 refunded, assumed, or otherwise, such authority for financing or
21 refinancing, in whole or in part, the redevelopment project. When
22 such bonds, loans, notes, advances of money, or indebtedness,
23 including interest and premiums due, have been paid, the authority
24 shall so notify the county assessor and county treasurer and all ad
25 valorem taxes upon taxable real property in such a redevelopment

1 project shall be paid into the funds of the respective public bodies;
2 and

3 (c) Any interest and penalties due for delinquent taxes
4 shall be paid into the funds of each public body in the same
5 proportion as are all other taxes collected by or for the public
6 body.

7 (2) The ~~governing body shall not implement any plan~~
8 ~~containing effective date of~~ a provision dividing ad valorem taxes as
9 provided in subsection (1) of this section shall not occur until such
10 time as the real property in the redevelopment project is within the
11 corporate boundaries of the city.

12 (3) Beginning August 1, 2006, all notices of the
13 provision for dividing ad valorem taxes shall be sent by the
14 authority to the county assessor on forms prescribed by the Property
15 Tax Administrator. The notice shall be sent to the county assessor on
16 or before August 1 of the year of the effective date of the
17 provision. Failure to satisfy the notice requirement of this section
18 shall result in the taxes, for all taxable years affected by the
19 failure to give notice of the effective date of the provision,
20 remaining undivided and being paid into the funds for each public
21 body receiving property taxes generated by the property in the
22 redevelopment project. However, the redevelopment project valuation
23 for the remaining division of ad valorem taxes in accordance with
24 subdivisions (1)(a) and (b) of this section shall be the last
25 certified valuation for the taxable year prior to the effective date

1 of the provision to divide the taxes for the remaining portion of the
2 fifteen-year period pursuant to subsection (1) of this section.

3 Sec. 2. Original section 18-2147, Reissue Revised
4 Statutes of Nebraska, is repealed.