

ONE HUNDRED FIFTH LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 290CA

PROPOSED CONSTITUTIONAL AMENDMENT

Introduced by Kuehn, 38.

Read first time January 18, 2018

Committee: Revenue

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

3 Section 1. At the general election in November 2018, the following
4 proposed amendment to the Constitution of Nebraska shall be submitted to
5 the electors of the State of Nebraska for approval or rejection:

6 To amend Article VIII, section 1:

7 VIII-1 The necessary revenue of the state and its governmental
8 subdivisions shall be raised by taxation in such manner as the
9 Legislature may direct. Notwithstanding Article I, section 16, Article
10 III, section 18, or Article VIII, section 4, of this Constitution or any
11 other provision of this Constitution to the contrary: (1) Taxes shall be
12 levied by valuation uniformly and proportionately upon all real property
13 and franchises as defined by the Legislature except as otherwise provided
14 in or permitted by this Constitution; (2) tangible personal property, as
15 defined by the Legislature, not exempted by this Constitution or by
16 legislation, shall all be taxed at depreciated cost using the same
17 depreciation method with reasonable class lives, as determined by the
18 Legislature, or shall all be taxed by valuation uniformly and
19 proportionately; (3) the Legislature may provide for a different method
20 of taxing motor vehicles and may also establish a separate class of motor
21 vehicles consisting of those owned and held for resale by motor vehicle
22 dealers which shall be taxed in the manner and to the extent provided by
23 the Legislature and may also establish a separate class for trucks,

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

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

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

24 A constitutional amendment authorizing the Legislature to value real
25 property for property tax purposes at the property's market value on the
26 date the property was acquired and provide that such valuation shall not
27 change until the property is subsequently sold or transferred.

28 For

29 Against.