

AMENDMENTS TO LR2CA
(Amendments to FA175)

Introduced by Wayne, 13.

1 1. Strike the original amendment and insert the following new
2 amendment:

3 1. Strike the original sections and insert the following new
4 sections:

5 Section 1. At a special election to be held in conjunction with the
6 statewide general election in November 2024, the following proposed
7 amendment to the Constitution of Nebraska shall be submitted to the
8 electors of the State of Nebraska for approval or rejection:

9 To amend Article VIII, section 1:

10 VIII-1 The necessary revenue of the state and its governmental
11 subdivisions shall be raised by taxation in such manner as the
12 Legislature may direct. Notwithstanding Article I, section 16, Article
13 III, section 18, or Article VIII, section 4, of this Constitution or any
14 other provision of this Constitution to the contrary: (1) Taxes shall be
15 levied by valuation uniformly ~~and proportionately~~ upon all real property
16 and franchises as defined by the Legislature except as otherwise provided
17 in or permitted by this Constitution; (2) tangible personal property, as
18 defined by the Legislature, not exempted by this Constitution or by
19 legislation, shall all be taxed at depreciated cost using the same
20 depreciation method with reasonable class lives, as determined by the
21 Legislature, or shall all be taxed by valuation uniformly and
22 proportionately; (3) the Legislature may provide for a different method
23 of taxing motor vehicles and may also establish a separate class of motor
24 vehicles consisting of those owned and held for resale by motor vehicle
25 dealers which shall be taxed in the manner and to the extent provided by
26 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) in furtherance of
21 the purposes for which such a law of the United States has been adopted,
22 whenever there exists a law of the United States which is intended to
23 protect a specifically designated type, use, user, or owner of property
24 or franchise from discriminatory state or local taxation, such property
25 or franchise shall constitute a separate class of property or franchise
26 under the laws of the State of Nebraska, and such property or franchise
27 may not be taken into consideration in determining whether taxes are
28 levied by valuation uniformly or proportionately upon any property or
29 franchise, and the Legislature may enact laws which statutorily recognize
30 such class and which tax or exempt from taxation such class of property
31 or franchise in such manner as it determines; and (8) the Legislature may

1 provide that livestock shall constitute a separate and distinct class of
2 property for purposes of taxation and may further provide for reciprocal
3 and proportionate taxation of livestock located in this state for only
4 part of a year; and (9) the Legislature may classify residential owner-
5 occupied, residential nonowner-occupied, and commercial properties as
6 separate and distinct classes for taxation purposes. The Legislature may
7 also establish different methods of taxing each of these classes, even if
8 the resulting tax values are not uniform or proportionate compared to
9 other types of property. The tax values must be uniform within each of
10 the specific classes of residential owner-occupied, residential nonowner-
11 occupied, and commercial property. Each actual property tax rate levied
12 for a 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 On and after January 1, 2025, if the Legislature reduces the
22 valuation of a separate and distinct class of property for the purposes
23 of taxation from its current valuation status, such reduction of
24 valuation shall not result in an increased property tax burden to any
25 other class of property.

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

29 A constitutional amendment to authorize the Legislature to provide a
30 different method of taxing residential owner-occupied, residential
31 nonowner-occupied, and commercial property and to require that any

1 valuation reduction to a class of property not result in an increased
2 property tax burden for any other class of property.

3 For

4 Against.