

ONE HUNDRED FIFTH LEGISLATURE

FIRST SESSION

**LEGISLATIVE RESOLUTION 17CA**

PROPOSED CONSTITUTIONAL AMENDMENT

Introduced by Wayne, 13.

Read first time January 18, 2017

Committee: Revenue

1 THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, FIRST  
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; (5) (6) the Legislature may  
19 prescribe standards and methods for the determination of the value of  
20 real property at uniform and proportionate values; (6) (7) in furtherance  
21 of the purposes for which such a law of the United States has been  
22 adopted, whenever there exists a law of the United States which is  
23 intended to protect a specifically designated type, use, user, or owner  
24 of property or franchise from discriminatory state or local taxation,  
25 such property or franchise shall constitute a separate class of property  
26 or franchise under the laws of the State of Nebraska, and such property  
27 or franchise may not be taken into consideration in determining whether  
28 taxes are levied by valuation uniformly or proportionately upon any  
29 property or franchise, and the Legislature may enact laws which  
30 statutorily recognize such class and which tax or exempt from taxation  
31 such class of property or franchise in such manner as it determines; and

1 (7) ~~(8)~~ the Legislature may provide that livestock shall constitute a  
2 separate and distinct class of property for purposes of taxation and may  
3 further provide for reciprocal and proportionate taxation of livestock  
4 located in this state for only part of a year. Each actual property tax  
5 rate levied for a governmental subdivision shall be the same for all  
6 classes of taxed property and franchises. Taxes uniform as to class of  
7 property or the ownership or use thereof may be levied by valuation or  
8 otherwise upon classes of intangible property as the Legislature may  
9 determine, and such intangible property held in trust or otherwise for  
10 the purpose of funding pension, profit-sharing, or other employee benefit  
11 plans as defined by the Legislature may be declared exempt from taxation.  
12 Taxes other than property taxes may be authorized by law. Existing  
13 revenue laws shall continue in effect until changed by the Legislature.

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

17 A constitutional amendment to eliminate requirements that property  
18 taxes be levied by valuation uniformly and proportionately.

19 For

20 Against.