

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 972

Introduced by Hansen, M., 26.

Read first time January 11, 2022

Committee:

- 1 A BILL FOR AN ACT relating to property taxes; to amend section 77-1344,
- 2 Revised Statutes Supplement, 2021; to change provisions relating to
- 3 agricultural or horticultural land receiving special valuation; to
- 4 provide an operative date; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 77-1344, Revised Statutes Supplement, 2021, is
2 amended to read:

3 77-1344 (1) Agricultural or horticultural land which has an actual
4 value as defined in section 77-112 reflecting purposes or uses other than
5 agricultural or horticultural purposes or uses shall be assessed as
6 provided in subsection (3) of section 77-201 if the land meets the
7 qualifications of this subsection and an application for such special
8 valuation is filed and approved pursuant to section 77-1345. In order for
9 the land to qualify for special valuation, all of the following criteria
10 shall be met: (a) The land must be located outside the corporate
11 boundaries of any sanitary and improvement district, city, or village
12 except as provided in subsection (2) of this section; and (b) the land
13 must be agricultural or horticultural land. If the land consists of five
14 contiguous acres or less, the owner or lessee of the land must also
15 provide an Internal Revenue Service Schedule F documenting a profit or
16 loss from farming for two out of the last three years in order for such
17 land to qualify for special valuation.

18 (2) Special valuation may be applicable to agricultural or
19 horticultural land included within the corporate boundaries of a city or
20 village if:

21 (a) The land is subject to a conservation or preservation easement
22 as provided in the Conservation and Preservation Easements Act and the
23 governing body of the city or village approves the agreement creating the
24 easement;

25 (b) The land is subject to air installation compatible use zone
26 regulations;~~or~~

27 (c) The land is within a flood plain;or ~~or~~

28 (d) The land has been subdivided into lots for residential
29 construction and no construction has started on such lots other than
30 communal infrastructure, such as streets and sewers.

31 (3) The eligibility of land for the special valuation provisions of

1 this section shall be determined each year as of January 1. If the land
2 so qualified becomes disqualified on or before December 31 of that year,
3 it shall continue to receive the special valuation until January 1 of the
4 year following.

5 (4) The special valuation placed on such land by the county assessor
6 under this section shall be subject to equalization by the county board
7 of equalization and the Tax Equalization and Review Commission.

8 Sec. 2. This act becomes operative on January 1, 2023.

9 Sec. 3. Original section 77-1344, Revised Statutes Supplement,
10 2021, is repealed.