

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 98

Introduced by Walz, 15.

Read first time January 07, 2021

Committee:

- 1 A BILL FOR AN ACT relating to property taxes; to amend sections 77-1344
- 2 and 77-1347, Revised Statutes Cumulative Supplement, 2020; to change
- 3 provisions relating to agricultural or horticultural land receiving
- 4 special valuation; to provide an operative date; and to repeal the
- 5 original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 77-1344, Revised Statutes Cumulative Supplement,
2 2020, is 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 section ~~subsection~~ and an application for such
8 special valuation is filed and approved pursuant to section 77-1345.

9 (2) In counties with a population of less than one hundred thousand
10 inhabitants, land shall qualify for special valuation if all of the
11 following criteria are met:

12 (a) The land must be located outside the corporate boundaries of any
13 sanitary and improvement district;

14 (b) The land must be agricultural or horticultural land; and

15 (c) If the land consists of five contiguous acres or less, the owner
16 or lessee of the land must provide an Internal Revenue Service Schedule F
17 documenting a profit or loss from farming for two out of the last three
18 years.

19 (3) In counties with a population of one hundred thousand
20 inhabitants or more, order for the land shall to qualify for special
21 valuation if ~~all~~ of the following criteria are ~~shall be~~ met:

22 (a) The land must be located outside the corporate boundaries of any
23 sanitary and improvement district, city, or village except as provided in
24 subsection (4) ~~(2)~~ of this section; ~~and~~

25 (b) ~~The the~~ land must be agricultural or horticultural land; and ~~-~~

26 (c) If the land consists of five contiguous acres or less, the owner
27 or lessee of the land must ~~also~~ provide an Internal Revenue Service
28 Schedule F documenting a profit or loss from farming for two out of the
29 last three years ~~in order for such land to qualify for special valuation.~~

30 (4) In counties with a population of one hundred thousand
31 inhabitants or more, special ~~(2)~~ Special valuation may be applicable to

1 agricultural or horticultural land included within the corporate
2 boundaries of a city or village if the land is subject to a conservation
3 or preservation easement as provided in the Conservation and Preservation
4 Easements Act and the governing body of the city or village approves the
5 agreement creating the easement.

6 ~~(5)~~ (3) The eligibility of land for the special valuation provisions
7 of this section shall be determined each year as of January 1. If the
8 land so qualified becomes disqualified on or before December 31 of that
9 year, it shall continue to receive the special valuation until January 1
10 of the year following.

11 ~~(6)~~ (4) The special valuation placed on such land by the county
12 assessor under this section shall be subject to equalization by the
13 county board of equalization and the Tax Equalization and Review
14 Commission.

15 Sec. 2. Section 77-1347, Revised Statutes Cumulative Supplement,
16 2020, is amended to read:

17 77-1347 Upon approval of an application, the county assessor shall
18 value the land as provided in section 77-1344 until the land becomes
19 disqualified for such valuation by:

20 (1) Written notification by the applicant or his or her successor in
21 interest to the county assessor to remove such special valuation; or

22 ~~(2) Except as provided in subsection (2) of section 77-1344,~~
23 ~~inclusion of the land within the corporate boundaries of any sanitary and~~
24 ~~improvement district, city, or village;~~

25 ~~(2)~~ (3) The land no longer meeting all of the qualifications
26 required for special valuation under section 77-1344. ~~qualifying as~~
27 ~~agricultural or horticultural land; or~~

28 ~~(4) For land that consists of five contiguous acres or less, the~~
29 ~~owner or lessee of the land not being able to provide an Internal Revenue~~
30 ~~Service Schedule F documenting a profit or loss from farming for two out~~
31 ~~of the last three years.~~

1 Sec. 3. This act becomes operative on January 1, 2022.

2 Sec. 4. Original sections 77-1344 and 77-1347, Revised Statutes
3 Cumulative Supplement, 2020, are repealed.