

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 580

Introduced by Holdcroft, 36; DeKay, 40; Dorn, 30; Hughes, 24; Ibach, 44;
Lowe, 37.

Read first time January 17, 2023

Committee: Revenue

1 A BILL FOR AN ACT relating to assessment of property; to amend sections
2 77-1344 and 77-1347, Revised Statutes Cumulative Supplement, 2022;
3 to change provisions relating to the special valuation of
4 agricultural or horticultural land; and to repeal the original
5 sections.

6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 77-1344, Revised Statutes Cumulative Supplement,
2 2022, 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 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.~~

28 ~~(2) (3)~~ The eligibility of land for the special valuation provisions
29 of this section shall be determined each year as of January 1. If the
30 land so qualified becomes disqualified on or before December 31 of that
31 year, it shall continue to receive the special valuation until January 1

1 of the year following.

2 ~~(3)~~ (4) The special valuation placed on such land by the county
3 assessor under this section shall be subject to equalization by the
4 county board of equalization and the Tax Equalization and Review
5 Commission.

6 Sec. 2. Section 77-1347, Revised Statutes Cumulative Supplement,
7 2022, is amended to read:

8 77-1347 Upon approval of an application, the county assessor shall
9 value the land as provided in section 77-1344 until the land becomes
10 disqualified for such valuation by:

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

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

16 ~~(2)~~ (3) The land no longer qualifying as agricultural or
17 horticultural land; or

18 ~~(3)~~ (4) For land that consists of five contiguous acres or less, the
19 owner or lessee of the land not being able to provide an Internal Revenue
20 Service Schedule F documenting a profit or loss from farming for two out
21 of the last three years.

22 Sec. 3. Original sections 77-1344 and 77-1347, Revised Statutes
23 Cumulative Supplement, 2022, are repealed.