

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 356**

Introduced by Cornett, 45; Christensen, 44; Gay, 14; Wallman, 30;

Read first time January 12, 2007

Committee: Revenue

A BILL

1 FOR AN ACT relating to revenue and taxation; to amend section  
2 77-1344, Revised Statutes Cumulative Supplement, 2006;  
3 to change provisions relating to special valuation of  
4 agricultural or horticultural land; and to repeal the  
5 original section.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 77-1344, Revised Statutes Cumulative  
2 Supplement, 2006, is amended to read:

3           77-1344 (1) Agricultural or horticultural land which has  
4 an actual value as defined in section 77-112 reflecting purposes  
5 or uses other than agricultural or horticultural purposes or  
6 uses shall be assessed as provided in subsection (3) of section  
7 77-201 if the land meets the qualifications of this subsection and  
8 an application for such special valuation is filed and approved  
9 pursuant to section 77-1345. In order for the land to qualify  
10 for special valuation all of the following criteria shall be met:

11       (a) The land is located outside the corporate boundaries of any  
12 sanitary and improvement district, city, or village except as  
13 provided in subsection (2) of this section; and (b) the land is  
14 agricultural or horticultural land.

15           (2) Special valuation may be applicable to agricultural  
16 or horticultural land included within the corporate boundaries  
17 of a city or village if the land is subject to a conservation  
18 or preservation easement as provided in the Conservation and  
19 Preservation Easements Act and the governing body of the city or  
20 village approves the agreement creating the easement. Land which  
21 is annexed into a city or village and had qualified for and  
22 was receiving the special valuation prior to the annexation may  
23 continue to receive the special valuation as long as it continues  
24 to qualify as agricultural or horticultural land.

25           (3) The eligibility of land for the special valuation

1 provisions of this section shall be determined as of January 1, but  
2 upon notice from the county assessor that the land is disqualified  
3 pursuant to section 77-1347 prior to July 25 of the same year, it  
4 shall be valued and carried on the assessment roll according to  
5 section 77-201. If the land becomes disqualified after the date of  
6 levy, its valuation for that year shall continue as provided in  
7 this section.

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

12 (5) Recapture value shall be determined only through tax  
13 year 2009. The recapture valuation placed on such land by the  
14 county assessor under this section shall be subject to equalization  
15 by the county board of equalization and the Tax Equalization and  
16 Review Commission.

17 Sec. 2. Original section 77-1344, Revised Statutes  
18 Cumulative Supplement, 2006, is repealed.