

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
SECOND SESSION  
**LEGISLATIVE BILL 777**

Introduced by Hudkins, 21.

Read first time January 09, 2008

Committee: Revenue

A BILL

1 FOR AN ACT relating to revenue and taxation; to amend sections  
2 77-101 and 77-1359, Revised Statutes Cumulative  
3 Supplement, 2006; to define a term; to provide for  
4 valuation of real property which has multiple uses; to  
5 change a provision relating to agricultural valuation; to  
6 harmonize provisions; to repeal the original sections;  
7 and to declare an emergency.  
8 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 77-101, Revised Statutes Cumulative  
2 Supplement, 2006, is amended to read:

3           77-101 For purposes of Chapter 77 and any statutes  
4 dealing with taxation, unless the context otherwise requires, the  
5 definitions found in sections 77-102 to 77-132 and section 2 of  
6 this act shall be used.

7           Sec. 2. Multiple-use parcel means a parcel that has more  
8 than one use and the different uses are subject to different tax  
9 treatment.

10          Sec. 3. For purposes of sections 77-1343 to 77-1348 and  
11 sections 77-1359 to 77-1363, the value of a multiple-use parcel  
12 shall be established by:

13           (1) Determining the portion of the parcel each of the  
14 different uses comprises;

15           (2) Determining the value of each portion of the parcel  
16 for each use; and

17           (3) Combining the value of each use for a total value of  
18 the parcel.

19          Sec. 4. Section 77-1359, Revised Statutes Cumulative  
20 Supplement, 2006, is amended to read:

21          77-1359 The Legislature finds and declares that  
22 agricultural land and horticultural land shall be a separate and  
23 distinct class of real property for purposes of assessment. The  
24 assessed value of agricultural land and horticultural land shall  
25 not be uniform and proportionate with all other real property, but

1 the assessed value shall be uniform and proportionate within the  
2 class of agricultural land and horticultural land.

3 For purposes of sections 77-1359 to 77-1363:

4 (1) Agricultural land and horticultural land means a  
5 parcel or multiple-use parcel of land which is ~~primarily~~ used for  
6 agricultural or horticultural purposes, including wasteland lying  
7 in or adjacent to and in common ownership or management with other  
8 agricultural land and horticultural land. Agricultural land and  
9 horticultural land does not include any land directly associated  
10 with any building or enclosed structure;

11 (2) Agricultural or horticultural purposes means used for  
12 the commercial production of any plant or animal product in a  
13 raw or unprocessed state that is derived from the science and  
14 art of agriculture, aquaculture, or horticulture. Agricultural or  
15 horticultural purposes includes the following uses of land:

16 (a) Land retained or protected for future agricultural or  
17 horticultural purposes under a conservation easement as provided  
18 in the Conservation and Preservation Easements Act except when the  
19 parcel or a portion thereof is being used for purposes other than  
20 agricultural or horticultural purposes; and

21 (b) Land enrolled in a federal or state program in which  
22 payments are received for removing such land from agricultural or  
23 horticultural production;

24 (3) Farm home site means not more than one acre of  
25 land contiguous to a farm site which includes an inhabitable

1 residence and improvements used for residential purposes, and such  
2 improvements include utility connections, water and sewer systems,  
3 and improved access to a public road; and

4 (4) Farm site means the portion of land contiguous to  
5 land actively devoted to agriculture which includes improvements  
6 that are agricultural or horticultural in nature, including any  
7 uninhabitable or unimproved farm home site.

8 Sec. 5. Original sections 77-101 and 77-1359, Revised  
9 Statutes Cumulative Supplement, 2006, are repealed.

10 Sec. 6. Since an emergency exists, this act takes effect  
11 when passed and approved according to law.