

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 820**

Introduced by Albrecht, 17; at the request of the Governor; Briese, 41;  
Clements, 2; Linehan, 39; Sanders, 45.

Read first time January 25, 2023

Committee: Revenue

1 A BILL FOR AN ACT relating to revenue and taxation; to amend sections  
2 19-2428, 46-294.03, 76-710.04, 77-103.01, 77-1327, 77-1359, 77-1371,  
3 77-1507.01, 77-5007, and 77-5022, Reissue Revised Statutes of  
4 Nebraska, and sections 77-201, 77-1363, 77-4212, 77-5023, 79-1016,  
5 79-1036, and 86-1403, Revised Statutes Cumulative Supplement, 2022;  
6 to adopt the Agricultural Valuation Fairness Act; to change and  
7 eliminate provisions relating to the valuation of agricultural land  
8 and horticultural land; to change the Tax Equalization and Review  
9 Commission Act; to harmonize provisions; to provide operative dates;  
10 to repeal the original sections; to outright repeal sections  
11 77-1343, 77-1345, 77-1345.01, 77-1346, and 77-1347.01, Reissue  
12 Revised Statutes of Nebraska, and sections 77-1344 and 77-1347,  
13 Revised Statutes Cumulative Supplement, 2022; and to declare an  
14 emergency.  
15 Be it enacted by the people of the State of Nebraska,

1           Section 1. Sections 1 to 9 of this act shall be known and may be  
2 cited as the Agricultural Valuation Fairness Act.

3           Sec. 2. Pursuant to Article VIII, section 1, subdivisions (4) and  
4 (5) of the Constitution of Nebraska, the Legislature finds and declares  
5 that:

6           (1) The agricultural industry is a vital part of the economy of this  
7 state;

8           (2) The nature of the agricultural industry and commodity prices  
9 affect the value of agricultural land and horticultural land;

10           (3) All agricultural land and horticultural land in Nebraska has an  
11 actual value as defined in section 77-112 reflecting purposes or uses  
12 other than agricultural or horticultural purposes or uses;

13           (4) Market influences to use agricultural land and horticultural  
14 land for purposes other than agricultural or horticultural purposes are  
15 present throughout the state and cause the prices paid for agricultural  
16 land and horticultural land to exceed the value such land has for  
17 agricultural or horticultural purposes;

18           (5) The best and most uniform way to exclude any value that  
19 agricultural land and horticultural land has for purposes other than  
20 agricultural or horticultural purposes is to rely on the income-producing  
21 characteristics of the land; and

22           (6) Agricultural land and horticultural land should be assessed at  
23 its agricultural use value using an income approach that complies with  
24 professionally accepted mass appraisal techniques.

25           Sec. 3. For purposes of the Agricultural Valuation Fairness Act:

26           (1) Agricultural land and horticultural land means a parcel of land,  
27 excluding land associated with a building or enclosed structure located  
28 on the parcel, which is primarily used for agricultural or horticultural  
29 purposes, including wasteland lying in or adjacent to and in common  
30 ownership or management with other agricultural land and horticultural  
31 land;

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

6       (a) Land retained or protected for future agricultural or  
7 horticultural purposes under a conservation easement approved as required  
8 by section 76-2,112 except when the parcel or a portion thereof is being  
9 used for purposes other than agricultural or horticultural purposes; and

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

13       (3) Agricultural use value means the value of land for agricultural  
14 or horticultural purposes or uses without regard to the value of such  
15 land for other purposes or uses as determined pursuant to the  
16 Agricultural Valuation Fairness Act;

17       (4) Farm home site means land contiguous to a farm site which  
18 includes an inhabitable residence and improvements used for residential  
19 purposes and which is located outside of urban areas or outside a platted  
20 and zoned subdivision; and

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

25       Sec. 4. Section 77-1359, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27       ~~77-1359~~ (1) Agricultural ~~The Legislature finds and declares that~~  
28 ~~agricultural~~ land and horticultural land shall be a separate and distinct  
29 class of real property for purposes of assessment.

30       (2) The assessed value of agricultural land and horticultural land  
31 shall not be uniform and proportionate with all other real property, but

1 the assessed value shall be uniform and proportionate within the class of  
2 agricultural land and horticultural land based on the income potential of  
3 the land.

4 (3) Agricultural land and horticultural land shall be valued at its  
5 agricultural use value as determined pursuant to the Agricultural  
6 Valuation Fairness Act regardless of any value which such land might have  
7 for purposes other than agricultural or horticultural purposes.

8 (4) Agricultural use value shall be determined each year as of  
9 January 1. If land qualifying for agricultural use value becomes  
10 disqualified on or before December 31 of that year, it shall continue to  
11 receive agricultural use value until January 1 of the year following.

12 ~~For purposes of this section and section 77-1363:~~

13 ~~(1) Agricultural land and horticultural land means a parcel of land,~~  
14 ~~excluding land associated with a building or enclosed structure located~~  
15 ~~on the parcel, which is primarily used for agricultural or horticultural~~  
16 ~~purposes, including wasteland lying in or adjacent to and in common~~  
17 ~~ownership or management with other agricultural land and horticultural~~  
18 ~~land;~~

19 ~~(2)(a) Agricultural or horticultural purposes means used for the~~  
20 ~~commercial production of any plant or animal product in a raw or~~  
21 ~~unprocessed state that is derived from the science and art of~~  
22 ~~agriculture, aquaculture, or horticulture;~~

23 ~~(b) Agricultural or horticultural purposes includes the following~~  
24 ~~uses of land:~~

25 ~~(i) Land retained or protected for future agricultural or~~  
26 ~~horticultural purposes under a conservation easement as provided in the~~  
27 ~~Conservation and Preservation Easements Act except when the parcel or a~~  
28 ~~portion thereof is being used for purposes other than agricultural or~~  
29 ~~horticultural purposes; and~~

30 ~~(ii) Land enrolled in a federal or state program in which payments~~  
31 ~~are received for removing such land from agricultural or horticultural~~

1 production; and

2 ~~(c) Whether a parcel of land is primarily used for agricultural or~~  
3 ~~horticultural purposes shall be determined without regard to whether some~~  
4 ~~or all of the parcel is platted and subdivided into separate lots or~~  
5 ~~developed with improvements consisting of streets, sidewalks, curbs,~~  
6 ~~gutters, sewer lines, water lines, or utility lines;~~

7 ~~(3) Farm home site means land contiguous to a farm site which~~  
8 ~~includes an inhabitable residence and improvements used for residential~~  
9 ~~purposes and which is located outside of urban areas or outside a platted~~  
10 ~~and zoned subdivision; and~~

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

15 Sec. 5. Section 77-1363, Revised Statutes Cumulative Supplement,  
16 2022, is amended to read:

17 77-1363 (1) The county assessor shall use an income-approach  
18 calculation to determine the agricultural use value for each assessment  
19 year. The income-approach calculation shall be consistent with the  
20 Agricultural Valuation Fairness Act and any rules and regulations adopted  
21 and promulgated by the Tax Commissioner pursuant to the act and shall  
22 comply with professionally accepted mass appraisal techniques.

23 (2) For purposes of assessing agricultural land and horticultural  
24 land using the income-approach calculation, agricultural Agricultural  
25 land and horticultural land shall be divided into classes and subclasses  
26 of real property under section 77-103.01, including, but not limited to,  
27 irrigated cropland, dryland cropland, grassland used for grazing,  
28 grassland used for hay, wasteland, nurseries, feedlots, and orchards, so  
29 that the categories reflect uses appropriate for the valuation of such  
30 land according to law. Classes shall be inventoried by subclasses of real  
31 property based on soil classification standards developed by the Natural

1 Resources Conservation Service of the United States Department of  
2 Agriculture as converted into land capability groups by the Property Tax  
3 Administrator. Land capability groups shall be Natural Resources  
4 Conservation Service specific to the applied use and not all based on a  
5 dryland farming criterion.

6 (3) County assessors shall use the values for the class of  
7 agricultural land and horticultural land and the capitalization rates  
8 determined by the Agricultural Land Valuation Committee in determining  
9 the agricultural use value of agricultural land and horticultural land.  
10 ~~utilize soil surveys from the Natural Resources Conservation Service of~~  
11 ~~the United States Department of Agriculture as directed by the Property~~  
12 ~~Tax Administrator. Nothing in this section shall be construed to limit~~  
13 ~~the classes and subclasses of real property that may be used by county~~  
14 ~~assessors or the Tax Equalization and Review Commission to achieve more~~  
15 ~~uniform and proportionate valuations.~~

16 Sec. 6. (1) Beginning October 1, 2023, the Agricultural Land  
17 Valuation Committee is created. The committee's purpose shall be to  
18 develop income and expense estimates for all agricultural land and  
19 horticultural land in Nebraska and capitalization rates necessary to  
20 produce uniform and proportionate assessed valuations. The committee  
21 shall consist of the following five persons:

22 (a) A representative of county assessors appointed by the Tax  
23 Commissioner. Such representative shall be skilled in the valuation of  
24 agricultural land and horticultural land and shall hold a certificate  
25 issued under section 77-422;

26 (b) A representative of the agricultural and horticultural industry  
27 appointed by the Tax Commissioner. The appointment shall be based on  
28 recommendations made by not less than three industry groups designated by  
29 the Tax Commissioner;

30 (c) The Property Tax Administrator or a designee of his or her  
31 staff. Such person shall serve as the chairperson of the committee;

1       (d) An appraiser from the private sector appointed by the Tax  
2 Commissioner. Such appraiser must hold either a valid credential as a  
3 certified general real property appraiser under the Real Property  
4 Appraiser Act or an MAI designation from the Appraisal Institute; and

5       (e) A representative from the faculty of one of the research  
6 universities in the state specializing in agricultural economics.

7       (2) The committee shall meet annually in November to establish  
8 assessed values for agricultural land and horticultural land based on  
9 information available to the committee from the United States Department  
10 of Agriculture, the University of Nebraska Institute of Agriculture and  
11 Natural Resources, the Nebraska Investment Finance Authority, the  
12 Department of Revenue, and any other sources determined necessary by the  
13 committee. The Department of Revenue shall electronically publish notice  
14 of such meeting no less than thirty days in advance.

15       (3) Agricultural land and horticultural land shall be valued based  
16 on the agricultural use value, reflected in a capitalized income approach  
17 developed pursuant to the Agricultural Valuation Fairness Act and  
18 professionally accepted mass appraisal techniques. The assessed values  
19 for agricultural land and horticultural land shall be determined on the  
20 basis of the land's value in use for agricultural or horticultural  
21 purposes, by capitalizing the net income by a rate that reflects the  
22 agricultural use value in the ordinary course of trade. The difference  
23 between the market value of agricultural land and horticultural land and  
24 its agricultural use value shall be expressly exempt from taxation.

25       (4) Gross income shall be determined by multiplying the average  
26 yield for each county by the prior year average commodity price for each  
27 major crop type harvested in each county. For irrigated cropland, dryland  
28 cropland, and grassland used for hay, the average yield information shall  
29 be determined based on the eight prior years published by the United  
30 States Department of Agriculture for those commodities appropriate for  
31 each land capability group, with the highest and lowest yields for that

1 period excluded. The average commodity price shall be based on an average  
2 of the most recent eight years, excluding the highest and lowest prices  
3 of that period.

4 (5) For grassland used for grazing, the average yield shall be based  
5 on the carrying capacity in terms of animal unit months and the current  
6 rental value per animal unit month for each land capability group.  
7 Carrying capacity, by land capability group, shall be based on  
8 productivity estimates published by the Natural Resources Conservation  
9 Service of the United States Department of Agriculture or other state or  
10 federal agencies as determined by the committee. Rental values per animal  
11 unit month shall be based on an average of the most recent eight years,  
12 excluding the highest and lowest values of that period.

13 (6) The gross income shall be established as a dollar per acre  
14 value, by weighting the major crop types harvested in each county by the  
15 number of acres harvested in the previous year. Such crops may include  
16 continuous cropland wheat, summer fallow wheat, corn for grain, dry  
17 beans, sorghum for grain, sugar beets, soybeans for beans, oats, and  
18 alfalfa. Additional crop information appropriate for predominant crops in  
19 a county or land capability group shall also be included when available.

20 (7) Land uses such as accretion land, waste land, orchards,  
21 vineyards, nurseries, and other agricultural land uses without sufficient  
22 income information available shall be valued using a sales comparison  
23 approach or other professionally accepted mass appraisal technique that  
24 produces an assessment at seventy-five percent of its actual value.

25 (8) Expenses shall be determined by the committee to reflect typical  
26 expenses associated for each land use, based on information from the  
27 United States Department of Agriculture, the University of Nebraska  
28 Institute of Agriculture and Natural Resources, landowner surveys made  
29 available to the committee, or other sources that yield reliable  
30 information. The committee may also use the typical landowner share,  
31 which reflects the proportion of the gross receipts received by the



1 landowner in the normal course of farm operation, and typical leasing  
2 arrangements as determined from surveys conducted by the Property Tax  
3 Administrator or as published by other state or federal agencies.

4       Sec. 7. The Agricultural Land Valuation Committee shall establish  
5 the capitalization rates to be applied to each class or subclass of  
6 agricultural land and horticultural land within each county. The  
7 capitalization rates shall be developed based on the information reported  
8 pursuant to section 77-1327 and be based on comparable sales pursuant to  
9 section 77-1371. The committee shall ensure that the capitalization rates  
10 established under this section result in an aggregate agricultural use  
11 value for the class of agricultural land and horticultural land that is  
12 between sixty-nine and seventy-five percent of the actual value that the  
13 agricultural land and horticultural land has for agricultural or  
14 horticultural purposes.

15       Sec. 8. (1) The county assessor shall implement the values  
16 determined by the Agricultural Land Valuation Committee under sections 6  
17 and 7 of this act. The resulting assessed values for the class of  
18 agricultural land and horticultural land shall be reported on the  
19 abstract of real property pursuant to section 77-1514.

20       (2) If a county assessor, based on the facts and circumstances,  
21 believes that the values for agricultural land and horticultural land as  
22 determined by the committee under sections 6 and 7 of this act result in  
23 values that are not uniform and proportionate within the class of  
24 agricultural land and horticultural land, the county assessor may  
25 petition the Tax Commissioner, on or before February 1, for alternative  
26 values to be applied to the class of agricultural land and horticultural  
27 land. The county assessor shall show that the use of the committee's  
28 values as determined under sections 6 and 7 of this act result in  
29 agricultural use values that are not uniform and proportionate. The Tax  
30 Commissioner shall issue a written order to the county assessor no later  
31 than March 1.

1       (3) If the Property Tax Administrator, based on the facts and  
2 circumstances, believes that any agricultural use value as determined by  
3 the county assessor does not comply with the requirements of the  
4 Agricultural Valuation Fairness Act, the Property Tax Administrator may  
5 petition the Tax Commissioner, on or before April 7, for an order to  
6 adjust the agricultural use value to achieve compliance with the act. The  
7 Tax Commissioner shall issue a written order to the Property Tax  
8 Administrator no later than May 1.

9       (4) Upon receipt of a petition by either the county assessor or the  
10 Property Tax Administrator under this section, the Tax Commissioner shall  
11 set a date for hearing and shall give notice thereof to the county  
12 assessor or Property Tax Administrator, as applicable. The hearing shall  
13 be held at least five days following the mailing of such notice. At the  
14 hearing, the county assessor, the Property Tax Administrator, or their  
15 legal representatives may appear and show cause why the class or subclass  
16 of agricultural land and horticultural land in the county should or  
17 should not be adjusted. At the hearing, the Tax Commissioner may receive  
18 testimony from any interested person. The Tax Commissioner's order may be  
19 appealed within thirty days after the date of the order to the Tax  
20 Equalization and Review Commission in accordance with section 77-5013.

21       (5) On or before June 5 of each year, the county assessor of any  
22 county adjusted by an order of the Tax Commissioner shall recertify the  
23 county abstract of assessment to the Property Tax Administrator. The  
24 Property Tax Administrator shall audit the records of the county assessor  
25 to determine whether the orders were implemented.

26       (6) The total statewide assessed value for agricultural land and  
27 horticultural land, based on the certified abstract of assessment for  
28 real property filed pursuant to section 77-1514, shall not increase more  
29 than three and one-half percent from the prior year. In years when the  
30 total statewide assessed value for agricultural land and horticultural  
31 land exceeds three and one-half percent from the prior year, the Property

1 Tax Administrator shall determine a single adjustment factor to  
2 proportionately reduce assessments to a statewide assessed value increase  
3 of three and one-half percent over the prior year. The Property Tax  
4 Administrator shall provide the adjustment factor to county assessors on  
5 or before May 1. On or before May 20, county assessors shall apply the  
6 reduction factor to the assessed value of each parcel of agricultural  
7 land and horticultural land in that county. On or before June 5, the  
8 county assessor shall submit an abstract of assessment pursuant to  
9 section 77-1514.

10       Sec. 9. The Tax Commissioner may adopt and promulgate rules and  
11 regulations as necessary to carry out the Agricultural Valuation Fairness  
12 Act.

13       Sec. 10. Section 19-2428, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15       19-2428 (1) Whenever the city council of a city of the first class  
16 or city of the second class or the village board of trustees of a village  
17 creates an improvement district as specified in section 19-2427 which  
18 includes land adjacent to such city or village and such adjacent land is  
19 within an agricultural use zone and is used exclusively for agricultural  
20 use, the owners of record title of such adjacent land may apply for a  
21 deferral from special assessments pursuant to sections 19-2428 to  
22 19-2431.

23       (2) For purposes of sections 19-2428 to 19-2431:

24       (a) Agricultural use means the use of land as described in section 3  
25 of this act 77-1359, so that incidental use of the land for  
26 nonagricultural and ~~or~~ nonhorticultural purposes shall not disqualify the  
27 land; and

28       (b) Agricultural use zone means designation of any land  
29 predominantly for agricultural and ~~or~~ horticultural use by any political  
30 subdivision pursuant to sections 19-925 to 19-933, Chapter 14, article 4,  
31 Chapter 15, article 9, Chapter 16, article 9, Chapter 17, article 10, or

1 Chapter 23, article 1. The primary objective of the agricultural use  
2 zoning shall be to preserve and protect agricultural activities and the  
3 potential for the agricultural, horticultural, or open use of land. Uses  
4 to be allowed on such lands include primarily agricultural-related and ~~or~~  
5 horticultural-related uses, and nonagricultural and ~~or~~ nonhorticultural  
6 industrial, commercial, or residential uses allowed on such lands shall  
7 be restricted so that they do not conflict with or detract from this  
8 objective.

9 Sec. 11. Section 46-294.03, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 46-294.03 For purposes of assessment pursuant to the Agricultural  
12 Valuation Fairness Act ~~sections 77-1343 to 77-1363~~, neither the temporary  
13 transfer or change of an appropriation nor any resulting land-use changes  
14 on the land to which the appropriation was appurtenant prior to the  
15 transfer or change shall cause the land to be reclassified to a lower  
16 value use or the valuation of the land to be reduced, but the land may be  
17 reclassified to a higher value use and its valuation may be increased if  
18 a higher value use is made of the land while the temporary transfer or  
19 change is in effect. Land from which an appropriation has been  
20 permanently transferred shall be classified and valued for tax purposes  
21 in accordance with the use of the land after the transfer.

22 Sec. 12. Section 76-710.04, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 76-710.04 (1) A condemner may not take property through the use of  
25 eminent domain under sections 76-704 to 76-724 if the taking is primarily  
26 for an economic development purpose.

27 (2) For purposes of this section, economic development purpose means  
28 taking property for subsequent use by a commercial for-profit enterprise  
29 or to increase tax revenue, tax base, employment, or general economic  
30 conditions.

31 (3) This section does not affect the use of eminent domain for:

1 (a) Public projects or private projects that make all or a major  
2 portion of the property available for use by the general public or for  
3 use as a right-of-way, aqueduct, pipeline, transmission line, or similar  
4 use;

5 (b) Removing harmful uses of property if such uses constitute an  
6 immediate threat to public health and safety;

7 (c) Leasing property to a private person who occupies an incidental  
8 part of public property or a public facility, such as a retail  
9 establishment on the ground floor of a public building;

10 (d) Acquiring abandoned property;

11 (e) Clearing defective property title;

12 (f) Taking private property for use by a utility or railroad;

13 (g) Taking private property based upon a finding of blighted or  
14 substandard conditions under the Community Development Law if the private  
15 property is not agricultural land and ~~or~~ horticultural land as defined in  
16 section 3 of this act 77-1359; and

17 (h) Taking private property for a transmission line to serve a  
18 privately developed facility generating electricity using wind, solar,  
19 biomass, or landfill gas. Nothing in this subdivision shall be construed  
20 to grant the power of eminent domain to a private entity.

21 Sec. 13. Section 77-103.01, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 77-103.01 Class or subclass of real property means a group of  
24 properties that share one or more characteristics typically common to all  
25 the properties in the class or subclass, but are not typically found in  
26 the properties outside the class or subclass. Class or subclass includes,  
27 but is not limited to, the classifications of agricultural land and ~~or~~  
28 horticultural land listed in section 5 of this act 77-1363, parcel use,  
29 parcel type, location, geographic characteristics, zoning, city size,  
30 parcel size, land capability group, and market characteristics  
31 appropriate for the valuation of such land. A class or subclass based on

1 market characteristics shall be based on characteristics that affect the  
2 actual value in a different manner than it affects the actual value of  
3 properties not within the market characteristic class or subclass.

4 Sec. 14. Section 77-201, Revised Statutes Cumulative Supplement,  
5 2022, is amended to read:

6 77-201 (1) Except as provided in subsections (2) and (3) ~~through (4)~~  
7 of this section, all real property in this state, not expressly exempt  
8 therefrom, shall be subject to taxation and shall be valued at its actual  
9 value.

10 (2) Agricultural land and horticultural land as defined in section 3  
11 of this act 77-1359 shall constitute a separate and distinct class of  
12 property for purposes of property taxation, shall be subject to taxation,  
13 unless expressly exempt from taxation, and shall be valued at its  
14 agricultural use value as provided in the Agricultural Valuation Fairness  
15 Act seventy-five percent of its actual value, except that for school  
16 district taxes levied to pay the principal and interest on bonds that are  
17 approved by a vote of the people on or after January 1, 2022, such land  
18 shall be valued at fifty percent of its actual value.

19 ~~(3) Agricultural land and horticultural land actively devoted to~~  
20 ~~agricultural or horticultural purposes which has value for purposes other~~  
21 ~~than agricultural or horticultural uses and which meets the~~  
22 ~~qualifications for special valuation under section 77-1344 shall~~  
23 ~~constitute a separate and distinct class of property for purposes of~~  
24 ~~property taxation, shall be subject to taxation, and shall be valued for~~  
25 ~~taxation at seventy-five percent of its special valuation as defined in~~  
26 ~~section 77-1343, except that for school district taxes levied to pay the~~  
27 ~~principal and interest on bonds that are approved by a vote of the people~~  
28 ~~on or after January 1, 2022, such land shall be valued at fifty percent~~  
29 ~~of its special valuation as defined in section 77-1343.~~

30 (3) ~~(4)~~ Historically significant real property which meets the  
31 qualifications for historic rehabilitation valuation under sections

1 77-1385 to 77-1394 shall be valued for taxation as provided in such  
2 sections.

3 (4) ~~(5)~~ Tangible personal property, not including motor vehicles,  
4 trailers, and semitrailers registered for operation on the highways of  
5 this state, shall constitute a separate and distinct class of property  
6 for purposes of property taxation, shall be subject to taxation, unless  
7 expressly exempt from taxation, and shall be valued at its net book  
8 value. Tangible personal property transferred as a gift or devise or as  
9 part of a transaction which is not a purchase shall be subject to  
10 taxation based upon the date the property was acquired by the previous  
11 owner and at the previous owner's Nebraska adjusted basis. Tangible  
12 personal property acquired as replacement property for converted property  
13 shall be subject to taxation based upon the date the converted property  
14 was acquired and at the Nebraska adjusted basis of the converted property  
15 unless insurance proceeds are payable by reason of the conversion. For  
16 purposes of this subsection, (a) converted property means tangible  
17 personal property which is compulsorily or involuntarily converted as a  
18 result of its destruction in whole or in part, theft, seizure,  
19 requisition, or condemnation, or the threat or imminence thereof, and no  
20 gain or loss is recognized for federal or state income tax purposes by  
21 the holder of the property as a result of the conversion and (b)  
22 replacement property means tangible personal property acquired within two  
23 years after the close of the calendar year in which tangible personal  
24 property was converted and which is, except for date of construction or  
25 manufacture, substantially the same as the converted property.

26 Sec. 15. Section 77-1327, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 77-1327 (1) It is the intent of the Legislature that accurate and  
29 comprehensive information be developed by the Property Tax Administrator  
30 and made accessible to the taxing officials and property owners in order  
31 to ensure the uniformity and proportionality of the assessments of real

1 property valuations in the state in accordance with law and to provide  
2 the statistical and narrative reports pursuant to section 77-5027.

3 (2) All transactions of real property for which the statement  
4 required in section 76-214 is filed shall be available for development of  
5 a sales file by the Property Tax Administrator. All transactions with  
6 stated consideration of more than one hundred dollars or upon which more  
7 than two dollars and twenty-five cents in documentary stamp taxes are  
8 paid shall be considered sales. All sales shall be deemed to be arm's  
9 length transactions unless determined to be otherwise under  
10 professionally accepted mass appraisal techniques. The Department of  
11 Revenue shall not overturn a determination made by a county assessor  
12 regarding the qualification of a sale unless the department reviews the  
13 sale and determines through the review that the determination made by the  
14 county assessor is incorrect.

15 (3) The Property Tax Administrator annually shall make and issue  
16 comprehensive assessment ratio studies of the average level of  
17 assessment, the degree of assessment uniformity, and the overall  
18 compliance with assessment requirements for each major class of real  
19 property subject to the property tax in each county, except for  
20 agricultural land and horticultural land. The comprehensive assessment  
21 ratio studies shall be developed in compliance with professionally  
22 accepted mass appraisal techniques and shall employ such statistical  
23 analysis as deemed appropriate by the Property Tax Administrator,  
24 including measures of central tendency and dispersion. The comprehensive  
25 assessment ratio studies shall be based upon the sales file as developed  
26 in subsection (2) of this section and shall be used by the Property Tax  
27 Administrator for the analysis of the level of value and quality of  
28 assessment for purposes of section 77-5027 and by the Property Tax  
29 Administrator in establishing the adjusted valuations required by section  
30 79-1016. Such studies may also be used by assessing officials in  
31 establishing assessed valuations.



1           ~~(4) For purposes of determining the level of value of agricultural~~  
2 ~~and horticultural land subject to special valuation under sections~~  
3 ~~77-1343 to 77-1347.01, the Property Tax Administrator shall annually make~~  
4 ~~and issue a comprehensive study developed in compliance with~~  
5 ~~professionally accepted mass appraisal techniques to establish the level~~  
6 ~~of value if in his or her opinion the level of value cannot be developed~~  
7 ~~through the use of the comprehensive assessment ratio studies developed~~  
8 ~~in subsection (3) of this section.~~

9           (4) ~~(5)~~ County assessors and other taxing officials shall  
10 electronically report data on the assessed valuation and other features  
11 of the property assessment process for such periods and in such form and  
12 content as the Property Tax Administrator shall deem appropriate. The  
13 Property Tax Administrator shall so construct and maintain the system  
14 used to collect and analyze the data to enable him or her to make  
15 intracounty comparisons of assessed valuation, including school districts  
16 and other political subdivisions, as well as intercounty comparisons of  
17 assessed valuation, including school districts and other political  
18 subdivisions. The Property Tax Administrator shall include analysis of  
19 real property sales pursuant to land contracts and similar transfers at  
20 the time of execution of the contract or similar transfer.

21           Sec. 16. Section 77-1371, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23           77-1371 Comparable sales are recent sales of properties that are  
24 similar to the property being assessed in significant physical,  
25 functional, and location characteristics and in their contribution to  
26 value. When using comparable sales in determining actual value of an  
27 individual property under the sales comparison approach provided in  
28 section 77-112, the following guidelines shall be considered in  
29 determining what constitutes a comparable sale:

30           (1) Whether the sale was financed by the seller and included any  
31 special financing considerations or the value of improvements;

1 (2) Whether zoning affected the sale price of the property;

2 (3) For sales of agricultural land and ~~or~~ horticultural land as  
3 defined in section 3 of this act 77-1359, whether a premium was paid to  
4 acquire property. A premium may be paid when proximity or tax  
5 consequences cause the buyer to pay more than actual value for  
6 agricultural land or horticultural land;

7 (4) Whether sales or transfers made in connection with foreclosure,  
8 bankruptcy, or condemnations, in lieu of foreclosure, or in consideration  
9 of other legal actions should be excluded from comparable sales analysis  
10 as not reflecting current market value;

11 (5) Whether sales between family members within the third degree of  
12 consanguinity include considerations that fail to reflect current market  
13 value;

14 (6) Whether sales to or from federal or state agencies or local  
15 political subdivisions reflect current market value;

16 (7) Whether sales of undivided interests in real property or parcels  
17 less than forty acres or sales conveying only a portion of the unit  
18 assessed reflect current market value;

19 (8) Whether sales or transfers of property in exchange for other  
20 real estate, stocks, bonds, or other personal property reflect current  
21 market value;

22 (9) Whether deeds recorded for transfers of convenience, transfers  
23 of title to cemetery lots, mineral rights, and rights of easement reflect  
24 current market value;

25 (10) Whether sales or transfers of property involving railroads or  
26 other public utility corporations reflect current market value;

27 (11) Whether sales of property substantially improved subsequent to  
28 assessment and prior to sale should be adjusted to reflect current market  
29 value or eliminated from such analysis; and

30 ~~(12) For agricultural land or horticultural land as defined in~~  
31 ~~section 77-1359 which is or has been receiving the special valuation~~

1 ~~pursuant to sections 77-1343 to 77-1347.01, whether the sale price~~  
2 ~~reflects a value which the land has for purposes or uses other than as~~  
3 ~~agricultural land or horticultural land and therefor does not reflect~~  
4 ~~current market value of other agricultural land or horticultural land;~~

5 ~~(12) (13) Whether sales or transfers of property are in a similar~~  
6 ~~market area and have similar characteristics to the property being~~  
7 ~~assessed. ; and~~

8 ~~(14) For agricultural land and horticultural land as defined in~~  
9 ~~section 77-1359 which is within a class or subclass of irrigated cropland~~  
10 ~~pursuant to section 77-1363, whether the difference in well capacity or~~  
11 ~~in water availability due to federal, state, or local regulatory actions~~  
12 ~~or limited source affected the sale price of the property. If data on~~  
13 ~~current well capacity or current water availability is not available from~~  
14 ~~a federal, state, or local government entity, this subdivision shall not~~  
15 ~~be used to determine what constitutes a comparable sale.~~

16 The Property Tax Administrator may issue guidelines for assessing  
17 officials for use in determining what constitutes a comparable sale.  
18 Guidelines shall take into account the factors listed in this section and  
19 other relevant factors as prescribed by the Property Tax Administrator.

20 Sec. 17. Section 77-1507.01, Reissue Revised Statutes of Nebraska,  
21 is amended to read:

22 77-1507.01 Any person otherwise having a right to appeal may  
23 petition the Tax Equalization and Review Commission in accordance with  
24 section 77-5013, on or before December 31 of each year, to determine the  
25 actual value or agricultural use special value of real property for that  
26 year if a failure to give notice prevented timely filing of a protest or  
27 appeal provided for in sections 77-1501 to 77-1510.

28 Sec. 18. Section 77-4212, Revised Statutes Cumulative Supplement,  
29 2022, is amended to read:

30 77-4212 (1) For tax year 2007, the amount of relief granted under  
31 the Property Tax Credit Act shall be one hundred five million dollars.

1 For tax year 2008, the amount of relief granted under the act shall be  
2 one hundred fifteen million dollars. It is the intent of the Legislature  
3 to fund the Property Tax Credit Act for tax years after tax year 2008  
4 using available revenue. For tax year 2017, the amount of relief granted  
5 under the act shall be two hundred twenty-four million dollars. For tax  
6 year 2020 and each tax year thereafter, the minimum amount of relief  
7 granted under the act shall be two hundred seventy-five million dollars.  
8 If money is transferred or credited to the Property Tax Credit Cash Fund  
9 pursuant to any other state law, such amount shall be added to the  
10 minimum amount required under this subsection when determining the total  
11 amount of relief granted under the act. The relief shall be in the form  
12 of a property tax credit which appears on the property tax statement.

13 (2)(a) For tax years prior to tax year 2017, to determine the amount  
14 of the property tax credit, the county treasurer shall multiply the  
15 amount disbursed to the county under subdivision (4)(a) of this section  
16 by the ratio of the real property valuation of the parcel to the total  
17 real property valuation in the county. The amount determined shall be the  
18 property tax credit for the property.

19 (b) Beginning with tax year 2017, to determine the amount of the  
20 property tax credit, the county treasurer shall multiply the amount  
21 disbursed to the county under subdivision (4)(b) of this section by the  
22 ratio of the credit allocation valuation of the parcel to the total  
23 credit allocation valuation in the county. The amount determined shall be  
24 the property tax credit for the property.

25 (3) If the real property owner qualifies for a homestead exemption  
26 under sections 77-3501 to 77-3529, the owner shall also be qualified for  
27 the relief provided in the act to the extent of any remaining liability  
28 after calculation of the relief provided by the homestead exemption. If  
29 the credit results in a property tax liability on the homestead that is  
30 less than zero, the amount of the credit which cannot be used by the  
31 taxpayer shall be returned to the Property Tax Administrator by July 1 of

1 the year the amount disbursed to the county was disbursed. The Property  
2 Tax Administrator shall immediately credit any funds returned under this  
3 subsection to the Property Tax Credit Cash Fund. Upon the return of any  
4 funds under this subsection, the county treasurer shall electronically  
5 file a report with the Property Tax Administrator, on a form prescribed  
6 by the Tax Commissioner, indicating the amount of funds distributed to  
7 each taxing unit in the county in the year the funds were returned, any  
8 collection fee retained by the county in such year, and the amount of  
9 unused credits returned.

10 (4)(a) For tax years prior to tax year 2017, the amount disbursed to  
11 each county shall be equal to the amount available for disbursement  
12 determined under subsection (1) of this section multiplied by the ratio  
13 of the real property valuation in the county to the real property  
14 valuation in the state. By September 15, the Property Tax Administrator  
15 shall determine the amount to be disbursed under this subdivision to each  
16 county and certify such amounts to the State Treasurer and to each  
17 county. The disbursements to the counties shall occur in two equal  
18 payments, the first on or before January 31 and the second on or before  
19 April 1. After retaining one percent of the receipts for costs, the  
20 county treasurer shall allocate the remaining receipts to each taxing  
21 unit levying taxes on taxable property in the tax district in which the  
22 real property is located in the same proportion that the levy of such  
23 taxing unit bears to the total levy on taxable property of all the taxing  
24 units in the tax district in which the real property is located.

25 (b) Beginning with tax year 2017, the amount disbursed to each  
26 county shall be equal to the amount available for disbursement determined  
27 under subsection (1) of this section multiplied by the ratio of the  
28 credit allocation valuation in the county to the credit allocation  
29 valuation in the state. By September 15, the Property Tax Administrator  
30 shall determine the amount to be disbursed under this subdivision to each  
31 county and certify such amounts to the State Treasurer and to each

1 county. The disbursements to the counties shall occur in two equal  
2 payments, the first on or before January 31 and the second on or before  
3 April 1. After retaining one percent of the receipts for costs, the  
4 county treasurer shall allocate the remaining receipts to each taxing  
5 unit based on its share of the credits granted to all taxpayers in the  
6 taxing unit.

7 (5) For purposes of this section, credit allocation valuation means  
8 the taxable value for all real property except agricultural land and  
9 horticultural land, and one hundred twenty percent of taxable value for  
10 agricultural land and horticultural land ~~that is not subject to special~~  
11 ~~valuation, and one hundred twenty percent of taxable value for~~  
12 ~~agricultural land and horticultural land that is subject to special~~  
13 ~~valuation.~~

14 (6) The State Treasurer shall transfer from the General Fund to the  
15 Property Tax Credit Cash Fund one hundred five million dollars by August  
16 1, 2007, and one hundred fifteen million dollars by August 1, 2008.

17 (7) The Legislature shall have the power to transfer funds from the  
18 Property Tax Credit Cash Fund to the General Fund.

19 Sec. 19. Section 77-5007, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 77-5007 The commission has the power and duty to hear and determine  
22 appeals of:

23 (1) Decisions of any county board of equalization equalizing the  
24 value of individual tracts, lots, or parcels of real property so that all  
25 real property is assessed uniformly and proportionately;

26 (2) Decisions of any county board of equalization granting or  
27 denying tax-exempt status for real or personal property or an exemption  
28 from motor vehicle taxes and fees;

29 (3) Decisions of the Tax Commissioner determining the taxable  
30 property of a railroad company, car company, public service entity, or  
31 air carrier within the state;

1 (4) Decisions of the Tax Commissioner determining adjusted valuation  
2 pursuant to section 79-1016;

3 (5) Decisions of any county board of equalization on the valuation  
4 of personal property or any penalties imposed under sections 77-1233.04  
5 and 77-1233.06;

6 (6) Decisions of any county board of equalization on claims that a  
7 levy is or is not for an unlawful or unnecessary purpose or in excess of  
8 the requirements of the county;

9 (7) Decisions of any county board of equalization granting or  
10 rejecting an application for a homestead exemption;

11 (8) Decisions of the Department of Motor Vehicles determining the  
12 taxable value of motor vehicles pursuant to section 60-3,188;

13 (9) Decisions of the Tax Commissioner made under section 77-1330;

14 (10) Any other decision of any county board of equalization;

15 (11) Any other decision of the Tax Commissioner regarding property  
16 valuation, exemption, or taxation;

17 (12) Decisions of the Tax Commissioner pursuant to section 77-3520;

18 (13) Final decisions of a county board of equalization appealed by  
19 the Tax Commissioner or Property Tax Administrator pursuant to section  
20 77-701;

21 (14) Determinations of the Rent-Restricted Housing Projects  
22 Valuation Committee regarding the capitalization rate to be used to value  
23 rent-restricted housing projects pursuant to section 77-1333 or the  
24 requirement under such section that an income-approach calculation be  
25 used by county assessors to value rent-restricted housing projects;

26 (15) The requirement under section 77-1314 that the income approach,  
27 including the use of a discounted cash-flow analysis, be used by county  
28 assessors; ~~and~~

29 (16) Decisions of the Tax Commissioner pursuant to section 8 of this  
30 act; and

31 (17) ~~(16)~~ Any other decision, determination, action, or order from

1 which an appeal to the commission is authorized.

2 The commission has the power and duty to hear and grant or deny  
3 relief on petitions.

4 Sec. 20. Section 77-5022, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 77-5022 The commission shall annually equalize the assessed value ~~or~~  
7 ~~special value~~ of all residential and commercial real property as  
8 submitted by the county assessors on the abstracts of assessments and  
9 equalize the values of real property that is valued by the state. The  
10 commission shall have the power to recess from time to time until the  
11 equalization process is complete. Meetings held pursuant to this section  
12 may be held by means of videoconference or telephone conference.

13 Sec. 21. Section 77-5023, Revised Statutes Cumulative Supplement,  
14 2022, is amended to read:

15 77-5023 (1) Pursuant to section 77-5022, the commission shall have  
16 the power to increase or decrease the value of a class or subclass of  
17 residential or commercial real property in any county or taxing authority  
18 or of real property valued by the state so that all classes or subclasses  
19 of real property in all counties fall within an acceptable range.

20 (2) An acceptable range is the percentage of variation from a  
21 standard for valuation as measured by an established indicator of central  
22 tendency of assessment. ~~The acceptable range~~ ~~Acceptable ranges are:~~ (a)  
23 ~~For agricultural land and horticultural land as defined in section~~  
24 ~~77-1359, sixty-nine to seventy-five percent of actual value, except that~~  
25 ~~for school district taxes levied to pay the principal and interest on~~  
26 ~~bonds that are approved by a vote of the people on or after January 1,~~  
27 ~~2022, the acceptable range is forty-four to fifty percent of actual~~  
28 ~~value; (b) for lands receiving special valuation, sixty-nine to seventy-~~  
29 ~~five percent of special valuation as defined in section 77-1343, except~~  
30 ~~that for school district taxes levied to pay the principal and interest~~  
31 ~~on bonds that are approved by a vote of the people on or after January 1,~~



1 ~~2022, the acceptable range is forty-four to fifty percent of special~~  
2 ~~valuation as defined in section 77-1343; and (c) for all residential and~~  
3 ~~commercial other real property, is ninety-two to one hundred percent of~~  
4 actual value.

5 (3) Any increase or decrease shall cause the level of value  
6 determined by the commission to be at the midpoint of the ~~applicable~~  
7 acceptable range.

8 (4) Any decrease or increase to a subclass of property shall also  
9 cause the level of value determined by the commission for the class from  
10 which the subclass is drawn to be within the ~~applicable~~ acceptable range.

11 (5) Whether or not the level of value determined by the commission  
12 falls within the ~~an~~ acceptable range or at the midpoint of the ~~an~~  
13 acceptable range may be determined to a reasonable degree of certainty  
14 relying upon generally accepted mass appraisal techniques.

15 Sec. 22. Section 79-1016, Revised Statutes Cumulative Supplement,  
16 2022, is amended to read:

17 79-1016 (1) On or before August 20, the county assessor shall  
18 certify to the Property Tax Administrator the total taxable value by  
19 school district in the county for the current assessment year on forms  
20 prescribed by the Tax Commissioner. The county assessor may amend the  
21 filing for changes made to the taxable valuation of the school district  
22 in the county if corrections or errors on the original certification are  
23 discovered. Amendments shall be certified to the Property Tax  
24 Administrator on or before August 31.

25 (2) On or before October 10, the Property Tax Administrator shall  
26 compute and certify to the State Department of Education the adjusted  
27 valuation for the current assessment year for each class of property in  
28 each school district and each local system. The adjusted valuation of  
29 property for each school district and each local system, for purposes of  
30 determining state aid pursuant to the Tax Equity and Educational  
31 Opportunities Support Act, shall reflect as nearly as possible state aid

1 value as defined in subsection (3) of this section. The Property Tax  
2 Administrator shall notify each school district and each local system of  
3 its adjusted valuation for the current assessment year by class of  
4 property on or before October 10. Establishment of the adjusted valuation  
5 shall be based on the taxable value certified by the county assessor for  
6 each school district in the county adjusted by the determination of the  
7 level of value for each school district from an analysis of the  
8 comprehensive assessment ratio study or other studies developed by the  
9 Property Tax Administrator, in compliance with professionally accepted  
10 mass appraisal techniques, as required by section 77-1327. The Tax  
11 Commissioner shall adopt and promulgate rules and regulations setting  
12 forth standards for the determination of level of value for state aid  
13 purposes.

14 (3) For purposes of this section, state aid value means:

15 (a) For real property other than agricultural land and horticultural  
16 land, ninety-six percent of actual value;

17 (b) For agricultural land and horticultural land, the agricultural  
18 use value as provided in the Agricultural Valuation Fairness Act ~~seventy-~~  
19 ~~two percent of actual value as provided in sections 77-1359 to 77-1363.~~  
20 ~~For agricultural and horticultural land that receives special valuation~~  
21 ~~pursuant to section 77-1344, seventy-two percent of special valuation as~~  
22 ~~defined in section 77-1343; and~~

23 (c) For personal property, the net book value as defined in section  
24 77-120.

25 (4) On or before November 10, any local system may file with the Tax  
26 Commissioner written objections to the adjusted valuations prepared by  
27 the Property Tax Administrator, stating the reasons why such adjusted  
28 valuations are not the valuations required by subsection (3) of this  
29 section. The Tax Commissioner shall fix a time for a hearing. Either  
30 party shall be permitted to introduce any evidence in reference thereto.  
31 On or before January 1, the Tax Commissioner shall enter a written order

1 modifying or declining to modify, in whole or in part, the adjusted  
2 valuations and shall certify the order to the State Department of  
3 Education. Modification by the Tax Commissioner shall be based upon the  
4 evidence introduced at hearing and shall not be limited to the  
5 modification requested in the written objections or at hearing. A copy of  
6 the written order shall be mailed to the local system within seven days  
7 after the date of the order. The written order of the Tax Commissioner  
8 may be appealed within thirty days after the date of the order to the Tax  
9 Equalization and Review Commission in accordance with section 77-5013.

10 (5) On or before November 10, any local system or county official  
11 may file with the Tax Commissioner a written request for a nonappealable  
12 correction of the adjusted valuation due to clerical error as defined in  
13 section 77-128 ~~or, for agricultural and horticultural land, assessed~~  
14 ~~value changes by reason of land qualified or disqualified for special use~~  
15 ~~valuation pursuant to sections 77-1343 to 77-1347.01.~~ On or before the  
16 following January 1, the Tax Commissioner shall approve or deny the  
17 request and, if approved, certify the corrected adjusted valuations  
18 resulting from such action to the State Department of Education.

19 (6) On or before May 31 of the year following the certification of  
20 adjusted valuation pursuant to subsection (2) of this section, any local  
21 system or county official may file with the Tax Commissioner a written  
22 request for a nonappealable correction of the adjusted valuation due to  
23 changes to the tax list that change the assessed value of taxable  
24 property. Upon the filing of the written request, the Tax Commissioner  
25 shall require the county assessor to recertify the taxable valuation by  
26 school district in the county on forms prescribed by the Tax  
27 Commissioner. The recertified valuation shall be the valuation that was  
28 certified on the tax list, pursuant to section 77-1613, increased or  
29 decreased by changes to the tax list that change the assessed value of  
30 taxable property in the school district in the county in the prior  
31 assessment year. On or before the following July 31, the Tax Commissioner

1 shall approve or deny the request and, if approved, certify the corrected  
2 adjusted valuations resulting from such action to the State Department of  
3 Education.

4 (7) No injunction shall be granted restraining the distribution of  
5 state aid based upon the adjusted valuations pursuant to this section.

6 (8) A school district whose state aid is to be calculated pursuant  
7 to subsection (5) of this section and whose state aid payment is  
8 postponed as a result of failure to calculate state aid pursuant to such  
9 subsection may apply to the state board for lump-sum payment of such  
10 postponed state aid. Such application may be for any amount up to one  
11 hundred percent of the postponed state aid. The state board may grant the  
12 entire amount applied for or any portion of such amount. The state board  
13 shall notify the Director of Administrative Services of the amount of  
14 funds to be paid in a lump sum and the reduced amount of the monthly  
15 payments. The Director of Administrative Services shall, at the time of  
16 the next state aid payment made pursuant to section 79-1022, draw a  
17 warrant for the lump-sum amount from appropriated funds and forward such  
18 warrant to the district.

19 Sec. 23. Section 79-1036, Revised Statutes Cumulative Supplement,  
20 2022, is amended to read:

21 79-1036 (1) In making the apportionment under section 79-1035, the  
22 Commissioner of Education shall distribute from the school fund for  
23 school purposes to (a) for school fiscal years prior to school fiscal  
24 year 2017-18, any and all learning communities and school districts which  
25 are not members of a learning community, and (b) for school fiscal year  
26 2017-18 and each school fiscal year thereafter, all school districts in  
27 which there are situated school lands which have not been sold and  
28 transferred by deed or saline lands owned by the state, which lands are  
29 being used for a public purpose, an amount in lieu of tax money that  
30 would be raised by school district levies if such lands were taxable, to  
31 be ascertained in accordance with subsection (2) of this section.

1           (2) The county assessor shall certify to the Commissioner of  
2 Education the tax levies of each school district and, for levies  
3 certified prior to January 1, 2017, learning community in which school  
4 land or saline land is located and the last appraised value of such  
5 school land, which value shall be the same as the agricultural use value  
6 established under the Agricultural Valuation Fairness Act ~~percentage of~~  
7 ~~the appraised value as the percentage of the assessed value is of market~~  
8 ~~value in subsection (2) of section 77-201~~ for the purpose of applying the  
9 applicable tax levies for each district and, for levies certified prior  
10 to January 1, 2017, learning community in determining the distribution to  
11 the districts of such amounts. The school board of any school district  
12 and, for levies certified prior to January 1, 2017, the learning  
13 community coordinating council of any learning community in which there  
14 is located any leased or undeeded school land or saline land subject to  
15 this section may appeal to the Board of Educational Lands and Funds for a  
16 reappraisalment of such school land if such school board or learning  
17 community coordinating council deems the land not appraised in proportion  
18 to the value of adjoining land of the same or similar value. The Board of  
19 Educational Lands and Funds shall proceed to investigate the facts  
20 involved in such appeal and, if the contention of the school board or  
21 learning community coordinating council is correct, make the proper  
22 reappraisalment. The value calculation in this subsection shall be used by  
23 the Commissioner of Education for making distributions in each school  
24 fiscal year.

25           Sec. 24. Section 86-1403, Revised Statutes Cumulative Supplement,  
26 2022, is amended to read:

27           86-1403 (1) The Precision Agriculture Infrastructure Grant Program  
28 is created. The commission shall administer the program. The purposes of  
29 the program are to:

30           (a) Propel Nebraska agricultural producers to lead the nation in  
31 precision agriculture connectivity, sustainability, traceability, and

1 autonomy to accelerate rural economic development; and

2 (b) Provide high-speed Internet service to farm sites as defined in  
3 section 3 of this act 77-1359 in unserved areas of the state as defined  
4 in section 86-1302.

5 (2) For the purpose of carrying out the program, the commission may  
6 utilize funds provided to the state through the federal Broadband Equity,  
7 Access, and Deployment Program, not to exceed two million dollars per  
8 year.

9 Sec. 25. Sections 4, 5, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19,  
10 20, 21, 22, 23, 24, 26, and 27 of this act become operative on January 1,  
11 2024. The other sections of this act become operative on their effective  
12 date.

13 Sec. 26. Original sections 19-2428, 46-294.03, 76-710.04,  
14 77-103.01, 77-1327, 77-1359, 77-1371, 77-1507.01, 77-5007, and 77-5022,  
15 Reissue Revised Statutes of Nebraska, and sections 77-201, 77-1363,  
16 77-4212, 77-5023, 79-1016, 79-1036, and 86-1403, Revised Statutes  
17 Cumulative Supplement, 2022, are repealed.

18 Sec. 27. The following sections are outright repealed: Sections  
19 77-1343, 77-1345, 77-1345.01, 77-1346, and 77-1347.01, Reissue Revised  
20 Statutes of Nebraska, and sections 77-1344 and 77-1347, Revised Statutes  
21 Cumulative Supplement, 2022.

22 Sec. 28. Since an emergency exists, this act takes effect when  
23 passed and approved according to law.