

E AND R AMENDMENTS TO LB 2

Introduced by McKinney, 11, Chairman Enrollment and Review

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

3 Section 1. Section 77-201, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 77-201 (1) Except as provided in subsections (2) through (4) of this
6 section, all real property in this state, not expressly exempt therefrom,
7 shall be subject to taxation and shall be valued at its actual value.

8 (2) Agricultural land and horticultural land as defined in section
9 77-1359 shall constitute a separate and distinct class of property for
10 purposes of property taxation, shall be subject to taxation, unless
11 expressly exempt from taxation, and shall be valued at seventy-five
12 percent of its actual value, except that for school district taxes levied
13 to pay the principal and interest on bonds that are issued on or after
14 the operative date of this act, such land shall be valued at fifty
15 percent of its actual value.

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

27 (4) Historically significant real property which meets the

1 qualifications for historic rehabilitation valuation under sections
2 77-1385 to 77-1394 shall be valued for taxation as provided in such
3 sections.

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

27 Sec. 2. Section 77-5023, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 77-5023 (1) Pursuant to section 77-5022, the commission shall have
30 the power to increase or decrease the value of a class or subclass of
31 real property in any county or taxing authority or of real property

1 valued by the state so that all classes or subclasses of real property in
2 all counties fall within an acceptable range.

3 (2) An acceptable range is the percentage of variation from a
4 standard for valuation as measured by an established indicator of central
5 tendency of assessment. Acceptable ranges are: (a) For agricultural land
6 and horticultural land as defined in section 77-1359, sixty-nine to
7 seventy-five percent of actual value, except that for school district
8 taxes levied to pay the principal and interest on bonds that are issued
9 on or after the operative date of this act, the acceptable range is
10 forty-four to fifty percent of actual value; (b) for lands receiving
11 special valuation, sixty-nine to seventy-five percent of special
12 valuation as defined in section 77-1343, except that for school district
13 taxes levied to pay the principal and interest on bonds that are issued
14 on or after the operative date of this act, the acceptable range is
15 forty-four to fifty percent of special valuation as defined in section
16 77-1343; and (c) for all other real property, ninety-two to one hundred
17 percent of actual value.

18 (3) Any increase or decrease shall cause the level of value
19 determined by the commission to be at the midpoint of the applicable
20 acceptable range.

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

24 (5) Whether or not the level of value determined by the commission
25 falls within an acceptable range or at the midpoint of an acceptable
26 range may be determined to a reasonable degree of certainty relying upon
27 generally accepted mass appraisal techniques.

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

29 Sec. 4. Original sections 77-201 and 77-5023, Reissue Revised
30 Statutes of Nebraska, are repealed.