Summary of Legal/Legislative Actions

General Overview

The Nebraska Constitution, Article VIII, sets out the general principles upon which the property tax system is built. Specifically, section 1, subsection (1), states, "Taxes shall be levied by valuation uniformly and proportionately upon all real property and franchises as defined by the Legislature except as otherwise provided in or permitted by this constitution." The Constitution further defines different principles for real property and personal property and provides for exemptions and preferential valuations.

Real Property

The Nebraska Constitution, Article VIII, section 1, subsection (1), directs that the property taxes imposed on real property must be based upon valuations that are uniform and proportionate. However, for agricultural and horticultural land, section 1, subsection (4) provides that valuations need not be uniform and proportionate with other classes of real property but must be uniform and proportionate upon all property within the class of agricultural and horticultural land. Classification changes are addressed in the following sections for agricultural and horticultural land and personal property. The following changes were also made to the level of assessment at which the property is taxed:

a) For 1920 and prior years, property was assessed at 20% of its actual value;
b) From 1921 to 1952, property was assessed at its actual value;
c) From 1953 to 1955, property was assessed at 50% of its actual value;
d) For 1956 and 1957, property was assessed at 50% of its base value;
e) From 1958 to 1980, property was assessed at 35% of its actual value;
f) From 1981 to 1991, property was assessed at 100% of actual value;
g) From 1992 to 2006, property was assessed at 100% of actual value, except for agricultural and horticultural land which was assessed at 80% of actual value and agricultural and horticultural land receiving special valuation which was assessed at 80% of its special value; and
h) From 2007 to current, agricultural and horticultural land has been assessed at 75% of actual value and agricultural and horticultural land receiving special valuation has been assessed at 75% of its special value.
i) Effective 2022, all agricultural and horticultural land, including agricultural and horticultural land that receives special valuation, is to be assessed at 50% of actual value for the purposes of taxes levied by school districts to pay the principal and interest on bonds approved after January 1, 2022.

Agricultural and Horticultural Land

1972: Constitutional amendment, Article VIII, section 1, subsection (5); Legislature is authorized to enact laws providing for the valuation of land actively devoted to agricultural or horticultural uses based on its agricultural or horticultural use without regard for other purposes and uses. Subsequently, the Legislature authorized special valuation.

1984: Kearney Convention Center v. Bd. of Equal., 216 Neb. 292, 344 N.W.2d 620 (1984). Commercial property owners requested that their valuation be equalized with agricultural and horticultural land which was assessed at a lower level of value.

1984: Constitutional amendment, Article VIII, section 1, subsection (4); agricultural and horticultural land is defined as a separate and distinct class and authorized the use of any different approach to value agricultural and horticultural land.

1985: LB 271, effective for 1986, adopted a method to value agricultural and horticultural land according to a formula based on earning capacity. Income streams were averaged by county and the capitalization rate was fixed in statute. Earning capacity is not similar to the income approach to value as used in professionally accepted appraisal practices.

1987: Banner County v. State Bd. of Equal., 226 Neb. 236, 411 N.W.2d 35 (1987). While the constitution stated that agricultural and horticultural land was a separate and distinct class of property, the constitution still required that all real and tangible personal property values be uniform and proportionate. Using the earning capacity formula to value agricultural and horticultural land would have been allowable if the resulting values had been correlated to be proportionate with all other real and tangible personal property.

1989: LB 361 changed the assessment of agricultural and horticultural land so that the results could be adjusted to be uniform across county lines.

1990: Constitutional amendment was passed that defined agricultural and horticultural land as a separate class of real property and removed from the uniform and proportionate clause, meaning that it need not be uniform and proportionate with other classes of property. However, the values of agricultural and horticultural land must be uniform and proportionate within the class of agricultural and horticultural land.

1991: In response to Banner County v. State Bd. of Equal., LB 404 was passed, which froze agricultural and horticultural values for tax year 1991 at the 1990 value, to give time to respond to the case. LB 320 was also passed, effective for 1992, which changed the assessment of agricultural and horticultural land so that the capitalization rate used to set value is market derived. The capitalization rate was increased 25% so that the resulting values from the income calculation correlate to 80% of market value.

1992: LB 1063 required agricultural and horticultural land to be valued at 80% of actual or market value. All other real property is valued at 100% of actual or market value.

2000: Bartlett v. Dawes County Bd. of Equal., 259 Neb 954, 513 N.W.2d 810 (2000). The Supreme Court ruled that the Tax Equalization & Review Commission could not adjust by market area to achieve inter-county equalization because market areas were not defined as a class or subclass under the statutes.

2001: In response to the Bartlett case, LB 170 provided a definition of class or subclass of real property as a group of properties that share characteristics not shared by those outside the class or subclass. The classification may be based on parcel use, parcel type, location, geographic characteristics, zoning, city size, parcel size, and market characteristics that affect market value.

2002: LB 994 required the Property Tax Administrator to prepare and issue a comprehensive study to determine the level of value of agricultural and horticultural land that is receiving special valuation.

2005: LB 261 eliminated the agricultural and horticultural land valuations boards and the land manual areas beginning January 1, 2006.
2006: LB 808 modified the special valuation (greenbelt) provisions of Nebraska law and made a number of procedural changes, effective January 1, 2007. Generally, the changes narrowed the availability of special value, but the bill also eliminated agricultural zoning as a requirement for special value and phased out the requirements of recapture over three years. Under LB 808, agricultural and horticultural land means that an entire parcel must be primarily used for agricultural or horticultural purposes. Agricultural or horticultural purposes means that the property is used for the commercial production of any plant or animal product in a raw or unprocessed state that is derived from the science and art of agriculture, aquaculture, or horticulture.

2006: LB 968 decreased the assessment percentage for agricultural and horticultural land from 80% to 75% of actual value beginning January 1, 2007.

2008: LB 777 redefined agricultural and horticultural land, effective January 1, 2009. These changes were made in response to issues that developed following the implementation of LB 808 in 2007. LB 777 amended Neb. Rev. Stat. § 77-1359 so that any land associated with any building or enclosed structure located on a parcel will not be considered agricultural and horticultural land. However, the remaining land on the parcel after the exclusion of the land associated with the buildings must be primarily used for agricultural and horticultural purposes in order to be valued as agricultural and horticultural land.

2013: Krings v. Garfield County Bd. of Equal., Ewald, and Sorensen, 286 Neb. 352, 835 N.W.2d 750 (2013). The Supreme Court ruled that the constitutional provision requiring equalization between agricultural and horticultural land and other classes of property found in Kearney Convention Center and Banner County v. State Bd. of Equal. had been changed, and that the class of agricultural and horticultural land must be taxed by valuation uniformly and proportionately within the class of agricultural and horticultural land but is not required to be uniform and proportionate with the other classes of land.

2019: LB 185 changed qualifications for the special valuation of agricultural and horticultural land, to require property owners or lessees of agricultural and horticultural land of five contiguous acres or less provide an Internal Revenue Service Schedule F documenting a profit or loss from farming for two out of the last three years in order to qualify for special valuation.

2019: LB 372 amended classes and subclasses of agricultural and horticultural land to require when valuing agricultural land or horticultural land for property tax purposes, the appropriate primary source for land capability groupings should be the Natural Resources Conservation Service, not all based on a dryland farming criterion.

2021: LB 2 amended Neb. Rev. Stat. § 77-201 to provide that all agricultural and horticultural land, including agricultural and horticultural land that receives special valuation, is to be valued at 50% of actual value for the purposes of taxes levied by school districts to pay the principal and interest on bonds approved after January 1, 2022. For statewide equalization purposes, Neb. Rev. Stat. § 77-5023 was amended to change the acceptable range of level of value for agricultural land and horticultural land, including agricultural and horticultural land receiving special valuation, for purposes of taxes levied by school districts to pay the principal and interest on bonds at 44% to 50%.

2023: LB 727 amended Neb. Rev. Stat. §§ 77-1344 and 77-1347, to change the requirements for real property to receive special valuation. The land must only be agricultural or horticultural and consisting of five acres or more. As of January 1, 2023, land within the corporate boundaries of any sanitary and improvement district, city, or village is no longer excluded from special valuation. Land can only be disqualified if the county assessor receives written notice from the applicant/ successor in interest or if the land no longer qualifies as agricultural or horticultural land.

2024: LB 877 amended Neb. Rev. Stat. §§ 77-1344 and 77-1347 to change the requirements for real property to qualify for special valuation. As amended, the requirements are (1) if the land consists of five or more contiguous acres OR (2) if the land consists of less than five contiguous acres, the owner or lessee provides an IRS Schedule F or other suitable tax document reporting a profit or loss from farming for two out of the last three years for the land.

2024: LB 1317 amended Neb. Rev. Stat. § 77-1359 to change the definition of agriculture and horticultural land is amended to specifically exclude land used for commercial purposes that are not agricultural or horticultural purposes, such as land used for a solar or wind farm.

2024: The Nebraska Supreme Court in Fountain II, LLC v. Douglas Cnty. Bd. of Equalization, 315 Neb. 633, 999 N.W.2d 135 (2024) held and clarified that parcel's eligibility for special valuation is dependent on its primary use as of January 1. It was reasoned that even though a county assessor has until on or before July 15 to approve or deny a special valuation application per Neb. Rev. Stat. § 77-1345.01, that Neb. Rev. Stat. § 77-1344 is unambiguous in its mandate that such decision can only rely on evidence of the parcel's primary use as of January 1.

Personal Property

1967: After the November 1966 vote, which changed the Constitution, the Legislature repealed the head and poll taxes, exempted household goods, clothing and other personal items, and exempted certain types of intangible personal property such as stocks, bonds and certificates of deposit. 970: A constitutional amendment gave approval to the Legislature to classify and exempt personal property.1972-1974: The Legislature partially exempted from taxation agricultural income-producing machinery and equipment; business inventory; livestock; grain and seed; and poultry, fish and fur-bearing animals. The Legislature provided for a 12.5% exemption of actual value for calendar year 1973. The exemption increased by 12.5% each year until a total of 62.5% was exempt in 1977. Political subdivisions were reimbursed for the tax revenue loss resulting from these exemptions. In 1974, the Nebraska Supreme Court ruled that personal property tax exemptions were constitutional, Stahmer v. State, 192 Neb. 63, 218 N.W. 2d 893 (1974).

1977-1981: The Legislature completely exempted from taxation the classes of personal property that had been partially exempted except business inventory and livestock, which were fully exempted in calendar year 1978. The Legislature appropriated $58.6 million as personal property relief to reimburse local governments for the losses resulting from these exemptions. Business inventories became totally exempt for calendar year 1979 and a reimbursement of $62.2 million was appropriated for fiscal year 1979-1980. Livestock became totally exempt in calendar year 1980 and a reimbursement of $70 million was appropriated for fiscal year 1980-1981.

1982: The Legislature eliminated the Personal Property Tax Relief and the Government Subdivision Fund. LB 816 provided for the distribution of aid to community colleges, natural resource districts, incorporated municipalities, counties, and for aid to school districts from the School Foundation and Equalization Fund.

1985: The Employment and Investment Growth Act (LB 775) was enacted by the Legislature and provided new economic development incentives and benefits such as sales tax exemption of manufacturing machinery and equipment, income tax credits, and exemption of personal property tax for qualifying equipment.

1986: Car line companies began requesting that their personal property be equalized with all personal property, Trailer Train Company v. Leuenberger, 885 F.2d 415 (8th Cir. 1988), aff'g, CV87-L-29 (D. Neb. 1987). Citing protection under the 1976 Federal Railroad Revitalization and Regulatory Reform Act (4-R Act), the car line companies argued that since much of the personal property in Nebraska was exempted from taxation by the Legislature (inventory, agricultural machinery and equipment, earth-moving equipment, etc.), their personal property was being taxed to a greater degree than other personal property in Nebraska. The 8th Circuit Court of Appeals ruled that the Nebraska property tax on personal property of car companies violated the 4-R Act. The State was prohibited from collecting property tax on car companies.

1987: Railroads filed suit against Nebraska arguing that the property tax on railroad personal property violated the 4-R Act. The litigation was settled in 1989, before reaching trial, resulting in the railroad companies paying tax on 25% of their value attributed to personal property for 1987, 1988, and 1989.

1988: LB 1091 created a one-time appropriation to reimburse local governments for any losses attributable to the railroad's 4-R Act litigation that exceeded 1% of expected property tax dollars. After line-item vetoes and partial overrides, the amount appropriated to the fund from the Cash Reserve Fund totaled $7.7 million.

1988-1990: Centrally assessed companies such as pipelines, telecommunications, and airlines appealed to the State Board of Equalization requesting equalization of their personal property with the exempt property of car companies and railroads, The companies were denied by the State Board and appealed to the Nebraska Supreme Court based on the Nebraska constitutional requirement of uniform and proportionate values for the levy of property taxes.

1989: The Nebraska Supreme Court ruled in favor of four pipeline companies for the 1988 tax year, and the State Board equalized their personal property value to zero. In July 1991, the Nebraska Supreme Court ruled on the tax year 1989 equalization requests of centrally assessed companies. The court found that equalization was not an appropriate remedy. All previous personal property exemptions were declared unconstitutional, effectively overturning the 1974 decision allowing personal property exemptions. As a result of the court's decision on the 1989 cases the State Board reduced the 1990 certified values of the appealing centrally assessed companies by 18.81%. See Northern Natural Gas Co. v. State Bd. of Equal. and Assessment, 232 Neb. 806 (1988) and Trailblazer v. State Bd. of Equal. and Assessment, 232 Neb. 823 (1989).

1991: LB 829 exempted all personal property from property tax for 1991 only and reimbursed local governments for the loss using a series of revenue-raising proposals including a depreciation surcharge, a temporary reduction in the sales tax collection fee, extending the sales tax to manufacturing energy, and a one-year increase in the corporate occupation tax. The total cost was $120 million.

1992: Constitutional amendment LR 219CA was adopted and removed personal property from the uniform and proportionate clause of the constitution. It authorized personal property to be either taxed on actual value or net book value while allowing reasonable classifications to be exempt and set apart a classification for the properties of entities that are protected by federal law, such as railroads. The Legislature passed LB 1063 and the "net-book" concept of taxing depreciable tangible personal property was adopted, rather than taxing personal property based on actual value.

1993: The Nebraska Supreme Court ruled on the appeal of the State Board of Equalization and Assessment's action which reduced the 1990 certified values of the appealing centrally assessed companies by 18.81%. The court upheld the State Board of Equalization's remedy which was to refund the difference in tax the appellants would have been required to pay if all the exempt property in question had been placed on the tax rolls and taxed. See MAPCO Ammonia Pipeline, Inc. v. State Bd. of Equal. and Assessment, 242 Neb. 263 (1993).

1994: LB 961 exempted livestock from the personal property tax.

2005: LB 312, the Nebraska Advantage Act, was passed, providing new economic development incentives and replaced Employment and Investment Growth Act (Laws 1985, LB 775). Benefits include sales tax exemption of manufacturing machinery and equipment, income tax credits, and exemption of personal property tax for an investment of at least $10 million and the hiring of at least 100 new employees. Eligible personal property includes certain aircraft, main frame business computers for business information processing, depreciable personal property used for distribution facilities to store or move products, and depreciable personal property in a single project if the personal property is involved directly in the manufacture or processing of agricultural products.

2007: LB 334 modified definitions to exclude trade fixtures from the definition of real property. Trade fixtures are now defined as personal property.

2008: LB 1027 provided a personal property exemption for agricultural and horticultural machinery and equipment utilized by a qualified beginning farmer or livestock producer in their operation. The beginning farmer must be certified by the Department of Agricultural and apply for the personal property exemption with the county assessor on or before December 31 in the year preceding the exemption. The beginning farmer must file their personal property return on or before May 1, and if the exemption application is approved, the county assessor may exempt taxable agricultural machinery and equipment up to a maximum of $100,000 in any one year. A properly granted exemption will continue for period of three years if a personal property return is filed on or before May 1 of each year.

2010: LB 1048 exempted property used directly in the generation of electricity using wind as the fuel source from property taxes. Instead of a property tax, wind energy producers will pay a 'nameplate capacity tax' which is a tax of $3,518 per megawatt or fraction thereof. The Department of Revenue enforces reporting and collecting of the nameplate capacity tax. All proceeds from the nameplate capacity tax are paid to the county treasurer of the county where the facility is located. The county treasurer distributes the proceeds of the nameplate capacity tax using the same allocation formula used to distribute property taxes to the political subdivisions in the tax district(s) in which the wind energy facility is located.

2011: LB 360 modified the original legislation, LB 1048 (passed in 2010), pertaining to wind generation facilities. This legislation exempts depreciable tangible personal property used in the generation of electricity using wind as the fuel source and allows the county assessor to locally assess any real property. The land associated with the facility will continue to be assessed as it was prior to the facility being built. The operative date for this legislation was retroactive to January 1, 2010.

2011: In Vandenberg v. Butler County, 281 Neb. 437 (2011), the Nebraska Supreme Court held that an irrigation pump was a trade fixture within the meaning of Neb. Rev. Stat. § 77-105. The application of the three-part test found in Northern Natural Gas Co. v. State Bd. of Equal. and Assessment, 232 Neb. 806 (1989), was expressly overruled for taxation purposes. The Court stated that "…§ 77-105 clearly controls the issue of classifications of fixtures for taxation purposes." There are two considerations in determining whether an item of property is a trade fixture: whether it is "machinery or equipment" and whether it "used directly in commercial, manufacturing, or processing activities." The Court also found that agricultural production is a "commercial activity" within the meaning of §77-105.

2015: LB 259 created the Personal Property Tax Relief Act (Act), codified in Neb. Rev. Stat. §77-1229, which provides for an exemption of the first $10,000 of tangible personal property value for each tax district in which a personal property return is filed by a taxpayer. Failure to report tangible personal property on the personal property return will result in a forfeiture of the exemption for any personal property not timely reported for that year. The Act provides an exemption factor for centrally assessed taxpayers. It also provides a reimbursement mechanism for any taxes lost by the county and political subdivisions because of the exemption.

2016: LB 275 changed the Nebraska net book value to be based on the year placed in service, rather than the year of acquisition. The bill also included trailers and semitrailers with motor vehicles as a class of property exempt from property tax.

2020: LB 1107 eliminated the Personal Property Tax Relief Act after the 2019 tax year.

2020: LB 1107, effective for 2021, created the ImagiNE Nebraska Act, an updated incentives program, similar to the Nebraska Advantage Act which includes a personal property exemption for specific property owned by qualifying companies and located at qualifying projects.

2024: LB 1023 amended Neb. Rev. Stat. § 77-6831 of the ImagiNE Act to include equipment primarily used for the capture and compression of carbon dioxide as personal property that may be exempt from taxation under the act.

Rent-Restricted Housing

2015: LB 356 established the Rent-Restricted Housing Projects Valuation Committee (Committee) and requires the use of the income approach in valuing rent-restricted housing projects, which are projects consisting of five or more houses or residential units receiving an allocation of federal low-income housing tax credits under Section 42 of the Internal Revenue Code. The Committee develops a market-derived capitalization rate to be used by county assessors when using the income approach to value rent-restricted housing projects.

The Committee may determine a different capitalization rate for different areas of the state if it is deemed appropriate. The owner of a rent-restricted housing project must file an income and expense statement with both the Committee and the county assessor on or before October 1 of each year. If the statement is not timely filed, the county assessor may use any professionally accepted mass appraisal technique for determining actual value of the property. If actual value is not achieved using the income approach, the county assessor may present these findings to the county board of equalization, which may petition the Tax Equalization and Review Commission (Commission) no later than January 31 of each year for use of another professional accepted mass appraisal technique in determining actual value. The Tax Commissioner may also file a similar petition with the Commission.

2024: LB 1317 changes the methodology by which rent-restricted housing projects are assessed in two ways. One, by allowing new projects to use estimated income and expenses rather than actual expenses that new projects may not have. Two, instead of determining a project's assessed value based solely on the application of the committee-determined capitalization rate to a project's income and expenses for one year, a project's assessed value is determined by averaging the result of a given year's capitalization rate when applied to a project's income and expenses for that year for three years.

Other Property "Assessment Structure" Changes

1995: LB 490, effective for 1996, changed the property assessment calendar so that statewide equalization was completed before property valuation notices are sent to individuals. An individual may then protest his or her property valuation to the county board of equalization.

1995: LB 490, effective for 1996, created the Tax Equalization and Review Commission to replace the State Board of Equalization and Assessment for purposes of equalization of property valuations. In addition to its constitutional statewide equalization duties, the Commission replaced the district court for the purpose of hearing individual appeals from decisions of the Property Tax Administrator, Department of Motor Vehicles, or the county board of equalization involving the valuation and taxation of property. Commissioners are appointed by the Governor and serve six-year terms.

1995: LB 490, effective for 1996, established acceptable ranges for the level of value for each class of property for purposes of the Tax Equalization and Review Commission's statewide equalization of real property. The acceptable ranges for the level of value were then 74 to 80% of actual value for agricultural land and 92 to 100% for all other real property.

1995: LB 490, effective for 1996, also created the position of Property Tax Administrator as a statutory position to oversee the Property Tax Division of the Department of Revenue. The powers and duties of the Tax Commissioner relating to valuation and taxation of property were transferred to the Property Tax Administrator. The Property Tax Administrator is appointed by the Governor and approved by the Legislature to serve a six-year term.

1997: LB 269, effective July 1, 1998, gave the county board authority to vote by resolution to have the Property Tax Administrator assume the county assessment function. The state would become fiscally responsible for the assessment functions in that county. The county assessor and employees of the assessor's office in those counties became state employees. Nine out of 93 counties have turned the assessment function over to the state.

1998: LR45CA placed four separate constitutional amendments on the 1998 general election ballot as follows: (1) strike the requirements that motor vehicle taxes be distributed to local governments in proportion to property taxes levied, (2) provide for the merger or consolidation of cities and counties, (3) limit the property tax exemption for government property to property used for a public purpose, and (4) strike all references to townships in the Constitution. The first three amendments succeeded while the fourth failed.

1999: LB 36, 1999 First Special Session, made the former Property Tax Division of the Department of Revenue a separate agency called the Department of Property Assessment and Taxation, directed by the Property Tax Administrator.

2001: LB 271 passed in 1999, and implementation was delayed until 2001. Beginning January 1, 2001, property of the state and its governmental subdivisions that is not used or not being developed for a public purpose is taxable, based on Constitutional Amendment to Article VIII, section 2, subsection (1). Previously, all governmentally owned property, no matter how used, was exempt from property taxation.

2003: Following the implementation of LB 271, a number of political subdivisions took issue with the taxation of property and appealed the taxability of certain governmentally owned property. In 2003, both the Nebraska Supreme Court and Nebraska Court of Appeals issued decisions on this issue. See, City of Alliance v. Box Butte Cty. Bd. of Equal., 265 Neb. 262 (2003), Brown Cty. Ag. Society v. Brown Cty. Bd. of Equal., 11 Neb. App. 642 (2003), City of York v. York Cty. Bd. of Equal., 266 Neb. 297 (2003) [York I], City of York v. York Cty. Bd. of Equal., 266 Neb. 305 (2003) [York II], and City of York v. York Cty. Bd. of Equal., 266 Neb. 311 (2003) [York III]. Although each case deals with a separate factual situation, it appears that the courts have taken a fairly expansive view of what constitutes a "public purpose" under LB 271. If, for example, the political subdivision is authorized to use its property in a particular way, that use constitutes a public purpose for the purposes of being exempt from property taxes, even if the property is also being used for an ongoing nonpublic use. Further, if a public purpose is advanced by the ownership of the property by the political subdivision, that use will be deemed to be predominant, even if there is another, ongoing nonpublic use being made of the property. The courts did not specifically address the question of whether the mere generation of proceeds for the political subdivision through the use of its property would be sufficient to maintain the exempt status of the property.

2005: LB 66 passed which provides for a valuation preference rather than a complete exemption for historically significant real property that has been renovated or rehabilitated. The law limits the preference to properties deemed "historically significant" as opposed to any real property over a certain age. There is an application and approval process with the State Historical Preservation Officer (SHPO) for the real property to be deemed historically significant and revolves around the National Register of Historic Places. A "preliminary certificate" must be obtained and is the step that sets the "base value" for the property. When the work on the real property is complete, a certificate of rehabilitation is issued, and the property is to be assessed at no more than its base value for eight years. In years 9-11, market value is increased incrementally until at the beginning of year 12, the value for the property is at actual value. The valuation benefit only applies to real property for which a final certificate of rehabilitation has been issued (by the SHPO) after January 1, 2006.

2006: LB 968 decreased the assessment percentage for agricultural and horticultural land from 80% to 75% of actual value beginning January 1, 2007. For purposes of the Tax Equalization and Review Commission's statewide equalization of agricultural and horticultural land, the acceptable range for the level of value was changed to a range of 69% to 75%.

2007: LB 334 merged the Department of Property Assessment and Taxation with the Department of Revenue and established a Property Assessment Division. The legislation amended more than 150 sections of statutes to strike references to the former "Department of Property Assessment and Taxation" and "Property Tax Administrator" and replaced them with references to the "Department of Revenue" and "Tax Commissioner." The Property Assessment Division is directed by the Property Tax Administrator, who is appointed by the Governor, with the approval of a majority of members of the legislature. The Property Tax Administrator serves under the general supervision of the Tax Commissioner.

2007: LB 334 also required county assessors to review properties on a cycle to assure that all parcels have been inspected and reviewed at least once every six years.

2008: LB 965 amended Neb. Rev. Stat. § 76-214 so that beginning January 1, 2009, the Real Estate Transfer Statement, Form 521, became a single part form, rather than a multi-part form. The Real Estate Transfer Statement, Form 521, is required to be filed with the Register of Deeds when a deed to real estate, memorandum of contract, or land contract is presented for recording.

2009: LB 121 returned the nine state assessment offices back to the counties. All counties were returned by June 30, 2013.

2011: LB 384 requires county assessors in counties with over 150,000 inhabitants to conduct preliminary hearings with the taxpayer regarding the assessed valuations on their real property, beginning in tax year 2014. This legislation also reduced the number of commissioners on the Tax Equalization and Review Commission from four to three.

2012: LB 902 amended Neb. Rev. Stat. § 77-202(1) to exempt any property beneficially owned by a governmental unit and used for a public purpose from property tax if the property purchased is subject to a lease-purchase agreement, financing lease, or other instrument which transfers title of the property to the governmental unit upon payment of the debt used to finance the project. The purchase may be subject to property tax if the acquisition cost of the property exceeds the greater of 0.06% of the total actual value of real and personal property of the governmental unit or $50,000, and the acquisition is not approved by a vote of the people that reside within the governmental unit in which the property is located.

2013: KAAPA Ethanol v. Bd. of Supervisors of Kearney Cty., 285 Neb. 112, 825 N.W.2d 761 (2013). A taxpayer's decision to list real property as personal property, while yielding "the harsh result of double taxation," is the result of a mistake of law. The refund claim statute is a codification of the common-law rule that refunds of taxes levied upon and paid are only authorized with respect to mistakes of fact.

2015: LB 414 Fraternal Benefit Societies, as organized and licensed under Neb. Rev. Stat. §§ 44-1072 to 44-10,109, are included in the definition of "charitable organization." Such organizations are exempt from property taxes pursuant to Neb. Rev. Stat. § 77-202.

2017: Cty. of Franklin v. Tax Equal. and Review Comm'n, 296 Neb. 193, 892 N.W.2d 142 (Neb. 2017), Cty. of Douglas v. Neb. Tax Equal. and Review Comm'n, 296 Neb. 501, 894 N.W.2d 308 (Neb. 2017), and Cty. of Webster v. Neb. Tax Equal. and Review Comm'n, 296 Neb. 751, 896 2d 887 (Neb. 2017). The Supreme Court heard three appeals of the Commission's orders to adjust the value of subclasses of real property during its annual meeting for statewide equalization. In all three cases, the Court found it reasonable for the Commission to rely on reports and opinions of the Property Tax Administrator when such reports and opinions were competent evidence of the level of value and quality of assessment in the county. Conversely, it was not reasonable for the Commission to fail to rely on the reports and opinions when such reports and opinions were competent evidence of the level of value and quality of assessment. Finally, the Court found that the Property Tax Administrator's policies regarding the inclusion of sales outside a county's boundaries for the ratio study required by Neb. Rev. Stat. §§ 77-1327 and 77-5027 were reasonable, and that such "borrowed sales" could be competent evidence of the level of value and quality of assessment within a county. The Court determined that in order for the statistics used by the Commission in determining the level of value, they had to be reliable and representative, as determined by professionally accepted mass appraisal standards.

2018: Upper Republican Natural Resources District and Steve Yost and FEM, Inc., and M&L v. Dundy County Board of Equalization, 300 Neb. 256, 912 N.W.2d 796 (2018). The sole issue was whether the property at issue was being used for a public purpose. The Court ruled that property can be utilized by a public entity in more than one way and for more than one public purpose, and all public purposes are to be considered together when determining whether any private use of property is merely incidental to the analysis required under Neb. Rev. Stat.§ 77-202(1)(a). The Court also ruled the law does not require that a public purpose be tied to the reason for acquisition, or that surface uses of a property are the only activities to be considered when analyzing whether leased property is tax exempt for a public purpose. The Court recognized the underground uses of the property and gave weight to its continual use of the underground aquifer, pipelines, and wells. The Court also noted that grazing of the prairie helped perform a function of ecological management that the Natural Resources District (NRD) would otherwise have to perform itself. While the lessees benefit from grazing lease and grain storage, the Court found these uses to be incidental to the public purposes that the NRD serves.

2019: Wheatland Industries, LLC/Mid America Agri Products v. Perkins County Board of Equalization, 304 Neb. 638, 935 N.W.2d 764 (2019). The Perkins County appraiser utilized the mass appraisal method by obtaining values of all ethanol plants in Nebraska from other counties' assessors but did not collect information about how each had been assessed. The Perkins County appraiser agreed with the Perkin's County Assessor $16 million valuation for the subject property. Utilizing the cost approach to value, Wheatland's appraiser estimated the base actual value of the subject property's buildings and improvements then applied physical depreciation of 20% to 25%, functional depreciation of 20%, and economic depreciation of 40% to the buildings and improvements to arrive at the subject property's valuation of $6.8 million. The Court agreed with the Tax Equalization and Review Committee's decision to value the property at $6.8 million. In affirming Tax Equalization and Review Committee decision, the Court made clear that their decision did not mean that mass appraisal valuation techniques should not be used to value ethanol plants, but that in this case, evidence was presented to show the Perkin's County Board of Equalization's valuation of the subject property was unreliable.

2021: LB 9 amended Neb. Rev. Stat. § 16-118 to allow for the annexation of land, lots, tracts, streets, and highways that are adjacent to or contiguous with property owned by the federal government in counties with at least three cities of the first class. LB 9 also amends Neb. Rev. Stat. § 77-1344 to make agricultural or horticultural land within the corporate boundaries of a city or village and that is within a flood plain or that is subject to air installation compatible use zone regulations eligible for special valuation blighted area to divide the property taxes for a period not to exceed 20 years instead of 15 years.
The assessed value of the property within the redevelopment project area when the project is complete was changed to three hundred fifty thousand dollars for a single-family residence and one million five hundred thousand for a redevelopment project involving a multi-family or commercial structure.

2024: Inland Ins. Co. v. Lancaster Cnty. Bd. of Equalization, 316 Neb. 143, 144,(2024), the Nebraska Supreme Court ruled (1) the county board is not required to reduce the assessed value based on receipt of a report from taxpayer of destroyed real property and (2) that a fire caused by arson was a "calamity" under Neb. Rev. Stat. §§ 77-1301 to 77-1309 which govern the assessment of real property destroyed by calamity.

2024: LB 1317 created a unique assessment method for sales-restricted housing. Qualified low-income persons owning a sales-restricted home may file an application with the county assessor in the county in which the sales-restricted house is located for property valuation determined by the county assessor using the lesser of (1) the house at its unrestricted appraised value or (2) the maximum sales price allowed for the home under the applicable restrictions.

2025: LB 501 changed the property tax relief provisions for "destroyed" real property by changing the term to "damaged" real property. It added language stating events that cause "significant damage" may also cause qualifying damage to real property and clarified that the damage does not need to be caused by an act of nature to be qualifying damage. The legislation also required county assessors to inspect and review all damaged real properties for which a Damaged Real Property Report has been filed and to submit a comprehensive report of all such properties to the county board of equalization on or before July 20 of each assessment year.

Other Property "Tax Policy" Changes

1999: LB 881 (tax credit for 2000) also provided $25 million for the Relief to Property Taxpayers Act. The Act provided direct local property tax relief to all taxable real property owners in the form of a tax credit that is displayed on the tax statement. The credit for year 2020, provided $30.54 in property tax relief for every $100,000 in taxable value. In other words, for every $100,000 in taxable value, the state paid the local taxing subdivisions $30.54 that otherwise would have been collected from the taxpayer. Due to state budget constraints, the Legislature did not appropriate any monies to the Relief to Property Taxpayers Act in 2001 and subsequently repealed the Act in 2002.

2006: Effective June 15, 2006, in accordance with final orders issued pursuant to LB 126 (2005), all Class I school districts (elementary grades only) and Class VI high school districts (high school grades only) were dissolved and merged into school systems that offer kindergarten through 12th grade. Nebraska's approximate 469 individual base school districts decreased to 254 school systems for 2006. This legislation was repealed by voters in the 2006 November election, but it did not automatically reinstate the school districts as they existed prior to implementation of LB 126. Instead, the 2007 legislative session provided the enabling statutory language for Class I or Class VI schools to exist or be created again.

2007: LB 367 created the Property Tax Credit Act, codified in Neb. Rev. Stat. § 77-4209, which provides direct local property tax relief to all taxable real property owners in the form of a tax credit that is displayed on the tax statement. The real property tax credit is based upon the valuation of each parcel of real property compared to the valuation of all real property in the state. The total amount of credit available for statewide distribution is $105 million for year 2007 and $115 million for year 2008. The credit, for year 2007, provided $83.22 in property tax relief for every $100,000 in taxable value. In other words, for every $100,000 in taxable value, the state paid the local taxing subdivisions $83.22 that otherwise would have been collected from the taxpayer.

2009: LB 315 funded the Property Tax Credit Act for two additional years. The total amount of credit available for statewide distribution was $115 million for 2009 and $115 million for 2010.

2011: LB 374 funded the Property Tax Credit Act for two additional years. The total amount of credit available for statewide distribution was $115 million for 2011 and $115 million for 2012.

2013: LB 195 funded the Property Tax Credit Act for two additional years. The total amount of credit available for statewide distribution was $115 million for 2013 and $115 million for 2014.

2014: LB 905 provided an additional $25 million for two additional years. The total amount of credit available for statewide distribution was $140 million for 2013 and $140 million for 2014.

2015: LB 657 provided property tax relief in the amount of $204 million for tax years 2015 and 2016.

2016: LB 958 provided an additional $20 million of funding for the property tax relief fund for a total of $224 million for tax year 2017. It also changed the calculation of the credit so that the credit will be allocated as if agricultural and horticultural land, and agricultural and horticultural land receiving special valuation, were valued at 120% of their taxable value.

2017: LB 327 provided property tax relief in the amount of $224 million for tax years 2017 and 2018.

2019: LB 294 provided property tax relief in the amount of $275 million for tax years 2019 and 2020.

2019: LB 512 allowed for current assessed value of destroyed real property (destroyed on or after January 1 and before July 1) to be adjusted by the county board of equalization if the property suffered significant damage as of result of a calamity. Significant damage was defined to mean damage that exceeds twenty percent of the improvements and or land. Calamity was defined to mean a disastrous event, including but not limited to, a fire, an earthquake, a flood, a tornado, or other natural event.

2020: LB 1107 provided for a refundable income tax credit for property taxes paid in 2020. The credit is available to any person or entity that pays school district taxes in Nebraska. The credit is determined by multiplying the amount of school district taxes levies, excluding bonded indebtedness or any levy override approved by votes, by a credit percentage. The credit percentage equals the amount of dollars available for the credit by the total real property taxes levied for school purposes by the total real property taxes levied for school purposes. The amount available for 2020 is $125 million, increasing to $375 million for 2024. For tax year 2025, the amount of credit available will be $375 million, plus allowable growth of no more than 5%. Allowable growth is the percentage increase in the total assessed value of all real property in the state from the prior year.

LB 1107 also amended Neb. Rev. Stat. § 77-4212 to reflect that the minimum amount of relief, granted under the Property Tax Credit Act is $275 million for tax year 2020. If money is transferred or credited to the Property Tax Credit Cash Fund pursuant to any other state law, such amount is to be added to the minimum amount when determining the total amount of relief to be granted.

2020: Initiative Law 2020, No. 431, created an annual gaming tax (Neb. Rev. Stat. §§ 9-1201 through 9-1208) on gross gaming revenue generated by authorized gaming operators within licensed racetrack enclosures from the operation of all games of chance equal to 20% percent the gross gaming revenue. Of the tax imposed 70% is to be credited to the Property Tax Credit Cash Fund which amount is added to amount funded to the Property Tax Credit.

2021: LB 380 provided property tax relief in the amount of $300 million for tax year 2021 and $313 million for tax year 2022.

2022: LB 873 amended the Nebraska Property Tax Incentive (Act) to add property taxes levied on real property in this state by a community college area, not on bonded indebtedness, to receive back as a refundable income tax credit. These credits were established in 2022 at $50 million dollars and increasing each year to $195 million in 2026 and then increasing by the allowable growth percentage each year thereafter. Allowable growth percentage is defined as the percentage increase in the total assessed value of all real property in the state from the prior year to the current year, not to exceed 5% in a given year.

In addition, the Act increase the amount of refundable income tax credits available to property taxpayers from $548 million dollars in 2022 to $560.7 million dollars in 2023 and then increases those credits by the allowable growth percentage each year thereafter.

2022: Lancaster Cnty. Bd. of Equalization v. Moser, 312 Neb. 757, 980 N.W.2d 611 (2022). The Nebraska Supreme Court considered an issue of first impression in the state: whether constitutional principles of uniform and proportionate taxation require that an isolated error in the subclassification and undervaluation of one taxpayer's property must be replicated through the equalization process. The Court ruled that there was no legal duty for the Lancaster County Board of Equalization to replicate the error of an undervalued property through the equalization process. The Nebraska Supreme Court ruled the remedy is to have the lower assessed property value raised, rather than the true value of a property reduced.

2023: LB 243 and LB 727 amended Neb. Rev. Stat. §§ 77-6702; 77-6703; and 77-6706, Nebraska Property Tax Incentive (Act) to exclude from the refundable income tax credit any property taxes delinquent for five years or more at the time of payment. The 5% annual cap on the allowable growth percentage of the total tax credit amount was removed.

The tax credit for school district taxes paid was amended as follows:

- ❖ For tax years 2024 – 2028: The Department of Revenue is to set the credit percentage so that the total amount of credits for the taxable years be the maximum amount of credits allowed in the prior year increased by the allowable growth percentage;
- ❖ For tax year 2029: The Department of Revenue is to set the credit percentage so that the total amount of credits for such taxable years is the maximum amount of credits allowed in the prior year increased by the allowable growth percentage plus an additional $75 million; and
- ❖ For tax year 2030 and each calendar year thereafter, the Department of Revenue is to set the credit percentage so that the total amount of credits for such taxable years is the maximum amount of credits allowed in the prior year increased by the allowable growth percentage.

The tax credit for community college taxes paid pursuant was amended as follows:

- ❖ For taxable years beginning or deemed to begin during calendar year 2023, the credit will be equal to the credit as set by the Department of Revenue, multiplied by the amount of community college taxes paid by the eligible taxpayer during such taxable year. The Department of Revenue is to set the credit percentage so that the total amount of credits for such taxable years shall be $100 million; and
- ❖ For taxable years beginning or deemed to begin on or after January 1, 2024, the credit is to be equal to 100% of the community college taxes paid by the eligible taxpayer during the taxable year.

2023: LB 243 amended Neb. Rev. Stat. § 77-4212 (Property Tax Credit Act) which provides direct local property tax relief to all taxable real property owners in the form of a tax credit that is displayed on the tax statement. The minimum amount that was funded for the Property Tax Credit for tax years is as follows:

2023 - $360 million

2024 - $395 million

2025 - $430 million

2026 - $445 million

2027 - $460 million

2028 - $475 million

2029 - $475 million PLUS the percentage increase in total assessed value from the prior year (2028) to the current year, plus $75 million; and

2030 and forward – amount from the prior year PLUS the percentage increase in total assessed value from the prior year to the current year.2023: LB 243 amended Neb. Rev. Stat. §§ 77-5003; 77-5004; and 77-5015.02 by adding an at-large commissioner for a total of four commissioners; to require at least two commissioners to have practiced law in Nebraska for at least five years; requiring the one of the two attorney commissioners serve as presiding hearing officers when hearing appeals or matters requiring more than one commissioner; established commissioner pay as a percentage of the salary of the Chief Justice and the judges of the Supreme Court; and increased the taxable value of a parcel that a single commissioner can hold a hearing to two million dollars or less as determined by the county board of equalization.

2023: LB 727 amended the statutes listed below to increase notice due to property owners associated with the purchase of delinquent taxes and tax deeds Notably, within 30 days after recording of a tax deed, the grantee of the deed must pay the previous owner of the property a surplus that is equal to: the sale price of the property (if sold by the tax deed grantee) or the assessed value (if not sold by the tax deed grantee) minus the amount needed to redeem the property and pay all encumbrances, as well as an administrative fee of $500 or reasonable attorney fees in the event of a judicial foreclosure. Statutes amended were Neb. Rev. Stat. §§ 77-1701; 77-1802; 77-1818; 77-1824; 77-1837 and 77-1838.

2024 Special Session: LB 34 sunset the School District Property Tax Credit after tax year 2023 and removed the definition of allowable growth percentage by amending Neb. Rev. Stat. §§ 77-6702 and 77-6703.

2024 Special Session: LB 34 created the Property Tax Growth Limitation Act codified in Neb. Rev. Stat. §§ 13-3401 to 13-3408. For fiscal years starting on or after July 1, 2025, cities, villages, and counties may not increase their property tax request more than what was levied in the prior fiscal year minus any listed exceptions, plus the political subdivision's growth percentage and the greater of zero or the inflation percentage. Listed exceptions include the amount of taxes budgeted for (1) approved bonds, (2) declared emergencies in the prior year, (3) services related to threats to public safety, (4) public safety services, and (5) county attorneys and public defenders. The request limitation may also be exceeded by the amount of a political subdivision's unused property tax request authority and by increases in the property tax authority approved by the majority of legal voters.

2024 Special Session: Beginning in 2024, the School District Property Tax Relief Act is established by LB 34 to provide a real property tax credit based on the eligible prior year real property taxes levied by school districts. Eligible real property taxes exclude voter approved bonds and overrides of levy limits. The relief provided is a proration of taxes levied, using two calculations. First, the prior year eligible school district taxes levied in each county is divided by the total eligible school taxes levied in the state. Then, each county treasurer calculates the credit on a parcel by dividing the parcel's prior year eligible school tax levied by the county eligible school tax levied multiplied by the amount of credit distributed to the county.

2025: LB 647, amended the School District Property Tax Relief Act, so that the county treasurer's distribution of the School Tax Credit is calculated from school taxes levied in the current year rather than the prior year. It is also allowed county treasurers to retain one percent of the amount disbursed to them by the state treasurer before disbursing the remainder to school districts. LB 647 also made several changes to the Property Tax Growth Limitation Act and Property Tax Request Act including, harmonizing the different statutory definitions of "growth" under the Property Tax Growth Limitation and Property Tax Request Acts.

School Adjusted Value

1994: LB 1290 required the adjusted value or full assessable property valuations to be determined for each school district, by the Property Assessment Division, for use in the school aid formula. This provision "levels the playing field" and prevents a school district from receiving an unfair advantage in the school aid formula if their property valuations are at a lower level than other school districts.

2006: LB 968 changed the required level of assessment for agricultural and horticultural land from 80% to 75% of actual value for purposes of the 2006 school adjusted value, which is used in calculating school aid for 2007-2008. This change was intended to make the agricultural and horticultural land value used in the 2007-2008 school aid formula consistent with the "assessed" value of agricultural and horticultural land in 2007 which moves to 75% of actual value.

2008: LB 988 amended Neb. Rev. Stat. § 79-1016, changing the required level of assessment for purposes of "adjusted value" used in the state's school aid formula. The Property Tax Administrator is required to adjust the taxable value of each school district so that: 1) all real property, other than agricultural and horticultural land, is adjusted to 96% (instead of 100%) of actual value; and 2) all agricultural and horticultural land is adjusted to 72% (instead of 75%) of actual value, and all agricultural and horticultural land that receives special valuation pursuant to Neb. Rev. Stat. § 77-1344 is adjusted to 72% (instead of 75%) of the value of the land for its agricultural or horticultural purposes only.

Motor Vehicles

1997: LB 271 changed the method for taxation of motor vehicles to a uniform, statewide tax and fee system rather than according to value. The fee is a nominal amount, generally between $5 and $30 and the proceeds are distributed to cities and counties based on the Highway Trust Fund dollars. The motor vehicle tax is determined from a table that begins with the manufacturer's suggested retail price (MSRP) and declines each year thereafter, using a table found in state law. Responsibility for motor vehicle taxation was shifted from the county assessor to the county treasurer.

1998: LR 45CA amended the constitution, eliminating the requirement that motor vehicle taxes be distributed to local governments in proportion to property taxes levied.

1999: LB 142 implemented part of LR 45CA by providing that the proceeds from the motor vehicle tax be distributed 60% to the school district where the vehicle is registered, 22% to the county, and 18% to the city except in Douglas County where the city-county shares are reversed.

Community Development Law/Tax Increment Financing (TIF)

2020: LB 1021 amended the Community Development (Tax Increment Financing) Law to allow the governing body of a city to elect to provide for the expedited review and approval of qualifying redevelopment. The qualifying plan must include only one redevelopment project that involves the repair, rehabilitation, or replacement of existing structures located within a substandard and blighted areas and the structure meets the required criteria. The project must be completed within two years, and upon completion, the redeveloper is required to notify the county assessor, who must then determine whether the project is complete and the assessed value of the property within the project are. The county assessor must certify to the governing body that a valuation increase has occurred was a result of the improvements made to the improvements. After the assessor completes the certification, the authority may begin to use the excess tax to pay the indebtedness.

2021: LB 25 amended Neb. Rev. Stat. §§ 18-2101.02 and 18-2147 to allow Tax Increment Financing projects in which more than 50% of the property has been declared an extremely blighted area.

2022: LB 1065 amended the Community Development Law for the expedited review and approval for qualifying redevelopment plans to extend the maximum indebtedness from ten to fifteen years. It also allows vacant lots platted within the corporate limits of a city for at least sixty years and is located in a substandard and blighted area to be eligible for expedited review for a qualifying plan.

2023: LB 531 amended Neb. Rev. Stat. §§ 18-2101.02; 18-2105; 18-2109; 18-2117.01; 18-2117.02; 18-2142.05; 18-2147; and 18-2156 (Tax Increment Financing) so that the designation of extremely blighted is valid for 25 years unless the designation is removed by specified procedures. If an area has carried a substandard and blighted or extremely blighted designation for more than 30 years, a Tax Increment Financing project cannot be approved until an analysis of the existing project has occurred. Additionally, cities may now declare an area substandard or blighted by adopting a resolution after a public hearing, rather than holding additional hearings.

2025: LB 240 amended Neb. Rev. Stat. § 18-2147 to change the date of a redevelopment authority's notice of the provision for dividing ad valorem taxes to be sent to the county assessor on or before July 1 instead of August 1.

LB 288 also amended the Community Development Law by adding a lack of affordable housing as a basis for a redevelopment project. The bill also defines lack of affordable housing and adds it to the definition of "blighted area" and "substandard area". Any project approved because of the lack of affordable housing may only be approved if the project includes the construction of residential housing and at least 30 percent of the residential housing in such an area will be affordable housing when the project is complete.

Homestead Exemption

1969: The Homestead Exemption Act was created by the Legislature to provide direct property tax relief to individual owners of residential property. This law, with some exceptions, provided for an exemption of $800 of actual value for residences valued at $4,000 or more. A homestead is defined as a residence, and the land surrounding, not to exceed one acre. To qualify, the homestead must be occupied by the owner of record on January 1 of the year for which application for exemption is made. The exemption applies to all, or part of the local property taxes levied against the home, with the state reimbursing local governments from general fund revenues for the taxes exempted under the program. In 1971 and 1973, the legislature increased the benefits of the homestead exemption for specific categories of veterans, disabled, and elderly homeowners with limited income.

1983: LB 396 eliminated a general homestead exemption that exempted the first $800 of value of a homestead valued at $4,000 or more. The cost savings was $4.7 million.

1984: LB 809 adopted a general homestead exemption of $3,000 and required property tax statements to reflect that the state was financing the exemptions. This was estimated to cost about $18 million. However, the program was delayed and then repealed after one year, never having been implemented.

1986: LB 1268 provided for a sliding scale for homestead exemption benefits for elderly and disabled beneficiaries as income increased.

1988: LB 1105 eliminated the sliding scale of benefits for homestead exemptions and provided that those with income below the filing threshold of $10,400 received the full $35,000 exemption.

1989: LB 84 granted an 8.5% reduction in property valuation, or a $5,400 general homestead exemption for 1989 only; this reduction was financed by the state. Total cost was $114 million.

1994: LB 802 enacted significant changes to the homestead exemption program: redefined household income, increased the amount of exemption, required the filing of an income statement, placed limits on the value of the home for which an exemption application is made, and implemented a sliding scale that allows partial exemption as income increase. Overall, these changes were revenue neutral.

1999: LB 179 increased the homestead exemption income eligibility amounts and expanded the definition of disability for purposes of eligibility. The cost of the expansion was $8.8 million.

2004: LB 986 changed the definition of multiple amputees for certain veterans eligible for exemption for applications filed in 2004 and after.

2006: LB 968 made changes to increase the benefits available under the homestead exemption program, effective for 2007. The exempt amount was increased from the greater of $40,000 or 80% to the greater of $40,000 or 100% of the average residential home value in the county. For disabled veteran beneficiaries, the exempt amount increased from the greater of $50,000 or 100% to the greater of $50,000 or 120% of the average residential home value. The maximum value also increased from $95,000 or 150% to $95,000 or 200% of the average residential home value. The maximum value for handicapped and veteran claimants also increased a comparable amount.

2009: LB 94 made changes to allow applicants for the homestead exemption to file an application or certification up until the first half real estate taxes become delinquent if they missed the June 30 filing dates because of a medical condition.

2009: LB 302 made changes to allow the homestead exemption claimant to transfer their homestead exemption to a new homestead without having to sell the original homestead.

2014: LB 986 increased income eligibility amounts for the homestead exemption program for tax years on or after 2014. Beginning January 1, 2015, homeowners with developmental disabilities are eligible for the homestead exemption. Applicants must provide certification from the Nebraska Department of Health and Human Services regarding their developmental disabilities.

2014: LB 1027 Beginning January 1, 2015, a disabled veteran with a 100% service-connected disability and drawing compensation from the U.S. Department of Veterans Affairs, or the unremarried widow or surviving spouse of this veteran, is eligible for a 100% homestead exemption regardless of income or homestead value. An unremarried widow or widower of any veteran who died because of a service-connected disability is also eligible for the homestead exemption regardless of income or homestead value. A certification of the status of the veteran or surviving spouse must be provided by the U.S. Department of Veterans Affairs when applying for the exemption.

2015: LB 591 Beginning January 1, 2016, the definition of household income for homestead exemption includes any carryforward of a net operating loss when deducted for federal income tax purposes.

2016: LB 683 Beginning January 1, 2017, the homestead exemption statutes were amended to allow a surviving spouse of a qualified veteran, who remarries after attaining the age of 57 years, to qualify.

2017: LB 20 Beginning January 1, 2018, removed the annual disability certification for veterans totally disabled by a nonservice connected accident or illness. LB 217 authorized the delivery of homestead forms for prior-year applicants in the manner approved by the Tax Commissioner and authorized that interest does not accrue on property that has had its homestead exemption rejected or reduced until 30 days after certification by the county board of equalization.

2018: LB 1089 Changes included the following;

1) moved the homestead exemption for the unremarried surviving spouse of a service member who dies while on active duty (previously this was the Department's Category 6 and has been moved into Category 4);
2) retained the indexing for homestead income eligibility amounts based on the Consumer Price Index;
3) requires homestead transfer applications to be filed on or before August 15 or within 30 days of receiving a notice of rejection;
4) persons who have qualified for a homestead exemption in the preceding year must apply in succeeding years, instead of recertifying their status;
5) deleted references to certification of homestead status by prior year homestead recipients,

6) requires the county assessor must send a notice of rejection within 10 days after determining that a homestead exemption application should be rejected; and

7) requires both the county treasurer and the county assessor certify the amount of taxes lost because of homestead exemptions which have been granted.

2019: LB 512 included the following changes:

1) Veterans applying for a homestead exemption who are 100% disabled due to a service-connected disability, the Department of Veterans Affairs certification is not required in succeeding years if there has been no change in status. The county assessor or Tax Commissioner may request the certification to verify no change in status.

2) Defines prosthetic devise to be the definition Neb. Rev. Stat. § 77-2704.09 for homestead exemption purposes.

3) If a homestead exemption application is rejected on the basis of value, the complaint must be filed by June 30. The county board of equalization may, by majority vote, extend such deadline to July 20. If the homestead exemption application was rejected for any other basis, the complaint must be filed within 30 days from receipt of the notice from the county assessor of the rejection.

2021: LB 313 amended Neb. Rev. Stat. § 77-3512 to allow an owner to file a late homestead exemption application on or before June 30 of the year in which the property taxes become delinquent because of the death of a spouse during the year for which exemption is requested if a copy of the death certificate of the spouse is included with the application. LB313 also amended Neb. Rev. Stat. § 77-3514.01 to allow a late application to be filed until June 30 of the year in which the property taxes become delinquent due to a medical condition which impairs the claimant's ability to apply in a timely manner.

2023: LB 727 amended Neb. Rev. Stat. §§ 77-3506; 77-3512; 77-3513; and 77-3522 to create separate categories for a homestead exemption for certain veterans and veteran spouses and also changed filing requirements. Veterans who are eligible for a homestead exemption due to being 100% permanently disabled are no longer required to file a homestead exemption on an annual basis. Instead, these veterans must only file a homestead exemption along with the required certification from the Department of Veteran Affairs (VA) in their first year of application and in years divisible by five thereafter. If a 100% permanently disabled veteran passes away during the five-year exemption period between years during which an application is required and has a surviving spouse, the spouse receives the homestead exemption for the remainder of the five-year exemption period.

A separate filing category was created for those veterans who are 100% temporarily disabled and their surviving spouses. Previously temporarily and permanently disabled veterans applied using the same category. These veterans and surviving spouses still must apply on an annual basis with the VA certification now being required in the first year of application and in years divisible by five thereafter.

Neb. Rev. Stat. § 77-3513 was amended to clarify that county assessors must mail notice on or before April 1 to those individuals who received a homestead exemption and who are required to refile for an exemption in the current homestead application year.

Finally, Neb. Rev. Stat. § 77-3522 was amended to require 14% interest to accrue on the total amount of property taxes not paid during the applicable exemption period to be owed due to a failure to report a change in status of a 100% permanently disabled veteran. The county assessor can revoke the exemption of a 100% permanently disabled veteran back to the date the county assessor has reason to believe that the exemption was improper. Notice of revocation is to be provided and the veteran can provide evidence to receive the exemption. Any notice of revocation can be appealed to the county board of equalization within 30 days.

2024: LB 126 amended Neb. Rev. Stat. § 77-3506.03 to prevent applicants from being disqualified from receiving a homestead exemption based solely on their homestead residence increasing in value due to market changes. In order to qualify for this protection, the applicant's homestead (1) must have received a homestead exemption in the prior year, (2) been valued below the county's maximum value in the prior year, and (3) faced a reduction or denial solely because of its value. If these requirements are met, then the homestead exemption percentage will equal the homestead exemption percentage received for the year when the homestead property was last valued below the county's maximum value. This provision does not apply if the value of the homestead increased because of improvements made to it or if the applicant is a veteran or veteran's spouse under Neb. Rev. Stat. § 77-3506.

2025: LB 209 amended Neb. Rev. Stat. § 77-3506 to clarify that veterans, who are not one hundred percent physically disabled, but are drawing compensation from the Department of Veterans Affairs as if they were so disabled due to individual unemployability pursuant to 38 C.F.R. 4.16, amongst those veterans who are eligible to receive a Nebraska homestead exemption.

Other Property Tax Exemptions

2024: LB 1317 creates three new property tax exemptions for (1) nursing facilities that provide housing for Medicaid beneficiaries, (2) the common areas of student housing at educational institutions, and (3) qualifying broadband equipment. Neb. Rev. Stat. §§ 77-202; 77-202.01 and 77-202.03 were amended to create these exemptions.

2024: LB 1326 amended Neb. Rev. Stat. § 77-1590 to eliminate the requirement that the local housing agency wholly-own a controlled affiliate for property owned by the local housing agency and the controlled affiliate to qualify for a tax exemption. The exemption applies to property used for housing persons of eligible income as well as the administrative offices of the local housing agency and its controlled affiliates.

2024: LB 874 amended Neb. Rev. Stat. § 77-202 to include a non-profit organization that owns or operates a child care facility in the definition of an educational organization.
2025: LB 209 amends Neb. Rev. Stat. § 77-202 by clarifying that the partial property tax exemption offered to facilities which provide beds to Medicaid beneficiaries specifically applies to for-profit nursing, skilled nursing, and assisted-living facilities while charitable non-profit facilities may still obtain a full property tax exemption based on the non-profit facility's exempt ownership and use.

2025: LB 650 amended Neb. Rev. Stat. § 77-201.23 to change the definition of "disabled veteran" to that found in 5 U.S.C. 2108 for purposes of exempting a mobile home from taxation owned by such a veteran as provided for in Neb. Rev. Stat. § 77-202.24.
2025: LB 647 created the Recreational Trail Easement Property Tax Exemption Act to provide a property tax exemption for the portion of property encumbered by a perpetual and recorded. recreational trail easement held by an eligible holder.

Documentary Stamp Tax

All transfers of beneficial interest in, or legal title to, real estate are subject to a documentary stamp tax based upon the value of the real estate transferred. The tax is due at the time the deed is offered for recording unless specifically exempt pursuant to Neb. Rev. Stat. § 76-902.

1965: Chapter 463 established the documentary stamp tax. The tax is collected by the register of deeds and remitted to the Department of Revenue. The initial rate was $0.55 per each $500 of value or fraction thereof. The register of deeds retained 25% of the proceeds of the sale of stamps to be placed into the county general fund.

1985: LB 236 raised the rate to $1.50 per each $1,000 of value or fraction thereof. The register of deeds retained 33.33% of the proceeds of the sale of stamps to be placed into the county general fund.

1992: LB 1192 raised the rate to $1.75 per each $1,000 of value or fraction thereof. The register of deeds retained $0.50 from each $1.75 collected to be placed into the county general fund.

2005: LB 40 raised the rate to $2.25 per each $1,000 of value or fraction thereof. The register of deeds retains $0.50 from each $2.25 collected to be placed into the county general fund. For each remaining $1.75 remitted to the state, $0.25 is credited to the Homeless Shelter Assistance Trust Fund, $1.20 is credited to the Affordable Housing Trust Fund, and $0.30 is credited to the Behavioral Health Services Fund.

2012: LB 536 amended Neb. Rev. Stat. § 76-902 to provide additional documentary stamp tax exemptions. Deeds between ex-spouses that convey any rights to property acquired or held during the marriage, death deeds and revocations of death deeds, and certified or authenticated death certificates pertaining to death deeds are now exempt from documentary stamp tax.

2025: LB 78 increased the documentary stamp tax rate from two dollars and twenty-five cents to two dollars and thirty-two cents with the seven-cent increase going to the new Domestic Violence and Sex Trafficking Survivor Housing Assistance Fund created under the bill.

2025: LB 194 amended exemption five to the documentary stamp tax so that step relationships are treated the same as blood relationships. It also clarified that deeds to or from single member corporations and limited liability companies qualify under exemption five as long as the grantor or one of the grantors is the same person as the single owner of the company.