

AMENDMENTS TO LB 750

Introduced by Revenue

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

3 Section 1. Section 77-1371, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 77-1371 Comparable sales are recent sales of properties
6 that are similar to the property being assessed in significant
7 physical, functional, and location characteristics and in their
8 contribution to value. Sales of land which do not include a farm
9 home site as defined in section 77-1359 shall not constitute
10 a comparable sale when determining the actual value for farm
11 home sites pursuant to sections 77-1359 and 77-1363. When using
12 comparable sales in determining actual value of an individual
13 property under the sales comparison approach provided in section
14 77-112, the following guidelines shall be considered in determining
15 what constitutes a comparable sale:

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

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

21 (3) For sales of agricultural land or horticultural land
22 as defined in section 77-1359, whether a premium was paid to
23 acquire nearby property. Land within one mile of currently owned

1 property shall be considered nearby property;

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

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

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

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

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

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

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

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

26 (12) For agricultural land or horticultural land as
27 defined in section 77-1359 which is or has been receiving the

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

6 (13) For agricultural land and horticultural land as
7 defined in section 77-1359, whether a premium was paid because
8 the sale was in conjunction with a like-kind exchange of property
9 under section 1031 of the Internal Revenue Code. The Department
10 of Revenue shall each year conduct an analysis of sales of
11 agricultural land and horticultural land to determine whether sales
12 of agricultural land and horticultural land involving section 1031
13 like-kind exchanges reflect a market premium relative to sales of
14 agricultural land and horticultural land not involving section 1031
15 like-kind exchanges.

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

21 Sec. 2. Original section 77-1371, Reissue Revised
22 Statutes of Nebraska, is repealed.