

AMENDMENTS TO LB 750

(Amendments to Standing Committee amendments, AM2183)

Introduced by Cornett

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

3 Section 1. Section 77-1359, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 77-1359 The Legislature finds and declares that
6 agricultural land and horticultural land shall be a separate and
7 distinct class of real property for purposes of assessment. The
8 assessed value of agricultural land and horticultural land shall
9 not be uniform and proportionate with all other real property, but
10 the assessed value shall be uniform and proportionate within the
11 class of agricultural land and horticultural land.

12 For purposes of sections 77-1359 ~~to~~ and 77-1363:

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

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

1 art of agriculture, aquaculture, or horticulture. Agricultural or
2 horticultural purposes includes the following uses of land:

3 (a) Land retained or protected for future agricultural or
4 horticultural purposes under a conservation easement as provided
5 in the Conservation and Preservation Easements Act except when the
6 parcel or a portion thereof is being used for purposes other than
7 agricultural or horticultural purposes; and

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

11 (3) Farm home site means ~~not more than one acre of~~
12 ~~land contiguous to a farm site which includes an inhabitable~~
13 ~~residence and improvements used for residential purposes,~~ and such
14 ~~improvements include utility connections, water and sewer systems,~~
15 ~~and improved access to a public road, and or rural residential site~~
16 means land contiguous to a farm site which includes an inhabitable
17 residence and improvements used for residential purposes and which
18 is located outside of urban areas or outside a platted and zoned
19 subdivision; and

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

25 Sec. 2. Section 77-1371, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 77-1371 Comparable sales are recent sales of properties

1 that are similar to the property being assessed in significant
2 physical, functional, and location characteristics and in their
3 contribution to value. When using comparable sales in determining
4 actual value of an individual property under the sales comparison
5 approach provided in section 77-112, the following guidelines shall
6 be considered in determining what constitutes a comparable sale:

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

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

12 (3) For sales of agricultural land or horticultural land
13 as defined in section 77-1359, whether a premium was paid to
14 acquire nearby property. ~~Land within one mile of currently owned~~
15 ~~property shall be considered nearby property.~~ A premium may be paid
16 when proximity or tax consequences cause the buyer to pay more than
17 actual value for agricultural land or horticultural land;

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

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

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

27 (7) Whether sales of undivided interests in real property

1 or parcels less than forty acres or sales conveying only a portion
2 of the unit assessed reflect current market value;

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

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

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

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

15 (12) For agricultural land or horticultural land as
16 defined in section 77-1359 which is or has been receiving the
17 special valuation pursuant to sections 77-1343 to 77-1347.01,
18 whether the sale price reflects a value which the land has for
19 purposes or uses other than as agricultural land or horticultural
20 land and therefor does not reflect current market value of other
21 agricultural land or horticultural land; ~~and-~~

22 (13) Whether sales or transfers of property are in
23 a similar market area and have similar characteristics to the
24 property being assessed.

25 The Property Tax Administrator may issue guidelines for
26 assessing officials for use in determining what constitutes a
27 comparable sale. Guidelines shall take into account the factors

1 listed in this section and other relevant factors as prescribed by
2 the Property Tax Administrator.

3 Sec. 3. Original sections 77-1359 and 77-1371, Reissue

4 Revised Statutes of Nebraska, are repealed.