

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 69

Introduced by Louden, 49; Fischer, 43; Harms, 48; Schilz, 47;
Wallman, 30.

Read first time January 06, 2011

Committee: Revenue

A BILL

- 1 FOR AN ACT relating to revenue and taxation; to amend section
- 2 77-1371, Reissue Revised Statutes of Nebraska; to change
- 3 provisions relating to comparable sales; to repeal the
- 4 original section; and to declare an emergency.
- 5 Be it enacted by the people of the State of Nebraska,

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

3 77-1371 Comparable sales are recent sales of properties
4 that are similar to the property being assessed in significant
5 physical, functional, and location characteristics and in their
6 contribution to value. When using comparable sales in determining
7 actual value of an individual property under the sales comparison
8 approach provided in section 77-112, the following ~~guidelines shall~~
9 ~~be considered in determining what constitutes a comparable sale shall~~
10 not be used:

11 (1) ~~Whether the sale was~~ Any sale financed by the seller
12 ~~and which~~ included any special financing considerations or the value
13 of improvements;

14 (2) ~~Whether~~ Any sale in which zoning affected the sale
15 price of the property;

16 (3) ~~For sales~~ Any sale of agricultural land or
17 horticultural land as defined in section 77-1359, ~~whether~~ in which a
18 premium was paid to acquire nearby property. Land within one mile of
19 currently owned property shall be considered nearby property;

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

25 (5) ~~Whether sales~~ Any sale between family members within

1 the third degree of consanguinity; ~~include considerations that fail~~
2 ~~to reflect current market value;~~

3 (6) ~~Whether sales~~ Any sale to or from federal or state
4 agencies or local political subdivisions; ~~reflect current market~~
5 ~~value;~~

6 (7) ~~Whether sales~~ Any sale of undivided interests in real
7 property or parcels less than forty acres or sales conveying only a
8 portion of the unit assessed; ~~reflect current market value;~~

9 (8) ~~Whether sales or transfers~~ Any sale or transfer of
10 property in exchange for other real estate, ~~stocks, bonds, or other~~
11 ~~personal property~~ reflect current market value; that qualifies as a
12 like-kind exchange under section 1031 or 1033 of the Internal Revenue
13 Code;

14 (9) ~~Whether deeds~~ Any deed recorded for transfers of
15 convenience, transfers of title to cemetery lots, mineral rights, and
16 rights of easement; ~~reflect current market value;~~

17 (10) ~~Whether sales or transfers~~ Any sale or transfer of
18 property involving railroads or other public utility corporations;
19 ~~reflect current market value;~~

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

24 (12) ~~For~~ Any sale of agricultural land or horticultural
25 land as defined in section 77-1359 which is or has been receiving the

1 special valuation pursuant to sections 77-1343 to 77-1347.01, ~~whether~~
2 in which 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.~~

6 ~~The Property Tax Administrator may issue guidelines for~~
7 ~~assessing officials for use in determining what constitutes a~~
8 ~~comparable sale. Guidelines shall take into account the factors~~
9 ~~listed in this section and other relevant factors as prescribed by~~
10 ~~the Property Tax Administrator.~~

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

13 Sec. 3. Since an emergency exists, this act takes effect
14 when passed and approved according to law.