

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 750**

Introduced by Cornett, 45.

Read first time January 04, 2012

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; and to repeal  
4 the original section.  
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, except that residential land located within a  
7 platted and zoned residential subdivision is not land comparable to  
8 land that is part of a farm home site as defined in section 77-1359.

9 When using comparable sales in determining actual value of an  
10 individual property under the sales comparison approach provided in  
11 section 77-112, the following guidelines shall be considered in  
12 determining what constitutes a comparable sale:

13           (1) Whether the sale was financed by the seller and  
14 included any special financing considerations or the value of  
15 improvements;

16           (2) Whether zoning affected the sale price of the  
17 property;

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

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

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

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

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

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

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

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

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

21                   (12) For agricultural land or horticultural land as  
22 defined in section 77-1359 which is or has been receiving the special  
23 valuation pursuant to sections 77-1343 to 77-1347.01, whether the  
24 sale price reflects a value which the land has for purposes or uses  
25 other than as agricultural land or horticultural land and therefor

1 does not reflect current market value of other agricultural land or  
2 horticultural land.

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

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