

LEGISLATURE OF NEBRASKA

ONE HUNDRED THIRD LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 1043**

Introduced by Nelson, 6; Campbell, 25; Coash, 27; Johnson, 23;  
Scheer, 19; Seiler, 33; Smith, 14; Watermeier, 1;  
Wightman, 36.

Read first time January 22, 2014

Committee: Revenue

A BILL

- 1 FOR AN ACT relating to the documentary stamp tax; to amend section
- 2 76-902, Revised Statutes Supplement, 2013; to exempt
- 3 certain deeds from taxation; and to repeal the original
- 4 section.
- 5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 76-902, Revised Statutes Supplement,  
2   2013, is amended to read:

3           76-902 The tax imposed by section 76-901 shall not apply  
4   to:

5           (1) Deeds recorded prior to November 18, 1965;

6           (2) Deeds to property transferred by or to the United  
7   States of America, the State of Nebraska, or any of their agencies or  
8   political subdivisions;

9           (3) Deeds which secure or release a debt or other  
10   obligation;

11          (4) Deeds which, without additional consideration,  
12   confirm, correct, modify, or supplement a deed previously recorded  
13   but which do not extend or limit existing title or interest;

14          (5)(a) Deeds between spouses, between ex-spouses for the  
15   purpose of conveying any rights to property acquired or held during  
16   the marriage, or between parent and child, without actual  
17   consideration therefor, and (b) deeds to or from a family  
18   corporation, partnership, or limited liability company when all the  
19   shares of stock of the corporation or interest in the partnership or  
20   limited liability company are owned by members of a family, or a  
21   trust created for the benefit of a member of that family, related to  
22   one another within the fourth degree of kindred according to the  
23   rules of civil law, and their spouses, for no consideration other  
24   than the issuance of stock of the corporation or interest in the  
25   partnership or limited liability company to such family members or

1 the return of the stock to the corporation in partial or complete  
2 liquidation of the corporation or deeds in dissolution of the  
3 interest in the partnership or limited liability company. In order to  
4 qualify for the exemption for family corporations, partnerships, or  
5 limited liability companies, the property shall be transferred in the  
6 name of the corporation or partnership and not in the name of the  
7 individual shareholders, partners, or members;

8 (6) Tax deeds;

9 (7) Deeds of partition;

10 (8) Deeds made pursuant to mergers, consolidations,  
11 sales, or transfers of the assets of corporations pursuant to plans  
12 of merger or consolidation filed with the office of Secretary of  
13 State. A copy of such plan filed with the Secretary of State shall be  
14 presented to the register of deeds before such exemption is granted;

15 (9) Deeds made by a subsidiary corporation to its parent  
16 corporation for no consideration other than the cancellation or  
17 surrender of the subsidiary's stock;

18 (10) Cemetery deeds;

19 (11) Mineral deeds;

20 (12) Deeds executed pursuant to court decrees;

21 (13) Land contracts;

22 (14) Deeds which release a reversionary interest, a  
23 condition subsequent or precedent, a restriction, or any other  
24 contingent interest;

25 (15) Deeds of distribution executed by a personal

1 representative conveying to devisees or heirs property passing by  
2 testate or intestate succession;

3 (16) Transfer on death deeds or revocations of transfer  
4 on death deeds;

5 (17) Certified or authenticated death certificates;

6 (18) Deeds transferring property located within the  
7 boundaries of an Indian reservation if the grantor or grantee is a  
8 reservation Indian;

9 (19) Deeds transferring property into a trust if the  
10 transfer of the same property would be exempt if the transfer was  
11 made directly from the grantor to the beneficiary or beneficiaries  
12 under the trust. No such exemption shall be granted unless the  
13 register of deeds is presented with a signed statement certifying  
14 that the transfer of the property is made under such circumstances as  
15 to come within one of the exemptions specified in this section and  
16 that evidence supporting the exemption is maintained by the person  
17 signing the statement and is available for inspection by the  
18 Department of Revenue;

19 (20) Deeds transferring property from a trustee to a  
20 beneficiary of a trust;

21 (21) Deeds which convey property held in the name of any  
22 partnership or limited liability company not subject to subdivision  
23 (5) of this section to any partner in the partnership or member of  
24 the limited liability company or to his or her spouse;

25 (22) Leases;

1                   (23) Easements; ~~or~~

2                   (24) Deeds which transfer title from a trustee to a  
3 beneficiary pursuant to a power of sale exercised by a trustee under  
4 a trust deed; or -

5                   (25) Deeds transferring property, without actual  
6 consideration therefor, to a nonprofit organization that is exempt  
7 from federal income tax under section 501(c)(3) of the Internal  
8 Revenue Code and is not a private foundation as defined in section  
9 509(a) of the Internal Revenue Code.

10                   Sec. 2. Original section 76-902, Revised Statutes  
11 Supplement, 2013, is repealed.