

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 393

Introduced by Groene, 42.

Read first time January 17, 2019

Committee: Revenue

- 1 A BILL FOR AN ACT relating to revenue and taxation; to amend sections
- 2 76-901, 76-903, and 77-1327, Reissue Revised Statutes of Nebraska;
- 3 to increase the documentary stamp tax; to distribute certain revenue
- 4 to the Property Tax Credit Cash Fund; to harmonize provisions; to
- 5 provide an operative date; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 76-901, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 76-901 There is hereby imposed a tax on the grantor executing the
4 deed as defined in section 76-203 upon the transfer of a beneficial
5 interest in or legal title to real estate at the rate of three ~~two~~
6 dollars and twenty-five cents for each one thousand dollars value or
7 fraction thereof. For purposes of sections 76-901 to 76-908, value means
8 (1) in the case of any deed, not a gift, the amount of the full actual
9 consideration thereof, paid or to be paid, including the amount of any
10 lien or liens assumed, and (2) in the case of a gift or any deed with
11 nominal consideration or without stated consideration, the current market
12 value of the property transferred. Such tax shall be evidenced by stamps
13 to be attached to the deed. All deeds purporting to transfer legal title
14 or beneficial interest shall be presumed taxable unless it clearly
15 appears on the face of the deed or sufficient documentary proof is
16 presented to the register of deeds that the instrument is exempt under
17 section 76-902.

18 Sec. 2. Section 76-903, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 76-903 The Tax Commissioner shall design such stamps in such
21 denominations as in his or her judgment will be the most advantageous to
22 all persons concerned. When any deed subject to the tax imposed by
23 section 76-901 is offered for recordation, the register of deeds shall
24 ascertain and compute the amount of the tax due thereon and shall collect
25 such amount as a prerequisite to acceptance of the deed for recordation.
26 If a dispute arises concerning the taxability of the transfer, the
27 register of deeds shall not record the deed until the disputed tax is
28 paid. If a disputed tax has been paid, the taxpayer may file for a refund
29 pursuant to section 76-908. The taxpayer may also seek a declaratory
30 ruling pursuant to rules and regulations adopted and promulgated by the
31 Department of Revenue. From each three ~~two~~ dollars and twenty-five cents

1 of tax collected pursuant to section 76-901, the register of deeds shall
2 retain fifty cents to be placed in the county general fund and shall
3 remit the balance to the State Treasurer who shall credit ninety-five
4 cents of such amount to the Affordable Housing Trust Fund, twenty-five
5 cents of such amount to the Site and Building Development Fund, twenty-
6 five cents of such amount to the Homeless Shelter Assistance Trust Fund,
7 ~~and~~ thirty cents of such amount to the Behavioral Health Services Fund,
8 and one dollar of such amount to the Property Tax Credit Cash Fund.

9 Sec. 3. Section 77-1327, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 77-1327 (1) It is the intent of the Legislature that accurate and
12 comprehensive information be developed by the Property Tax Administrator
13 and made accessible to the taxing officials and property owners in order
14 to ensure the uniformity and proportionality of the assessments of real
15 property valuations in the state in accordance with law and to provide
16 the statistical and narrative reports pursuant to section 77-5027.

17 (2) All transactions of real property for which the statement
18 required in section 76-214 is filed shall be available for development of
19 a sales file by the Property Tax Administrator. All transactions with
20 stated consideration of more than one hundred dollars or upon which more
21 than three ~~two~~ dollars and twenty-five cents in documentary stamp taxes
22 are paid shall be considered sales. All sales shall be deemed to be arm's
23 length transactions unless determined to be otherwise under
24 professionally accepted mass appraisal techniques. The Department of
25 Revenue shall not overturn a determination made by a county assessor
26 regarding the qualification of a sale unless the department reviews the
27 sale and determines through the review that the determination made by the
28 county assessor is incorrect.

29 (3) The Property Tax Administrator annually shall make and issue
30 comprehensive assessment ratio studies of the average level of
31 assessment, the degree of assessment uniformity, and the overall

1 compliance with assessment requirements for each major class of real
2 property subject to the property tax in each county. The comprehensive
3 assessment ratio studies shall be developed in compliance with
4 professionally accepted mass appraisal techniques and shall employ such
5 statistical analysis as deemed appropriate by the Property Tax
6 Administrator, including measures of central tendency and dispersion. The
7 comprehensive assessment ratio studies shall be based upon the sales file
8 as developed in subsection (2) of this section and shall be used by the
9 Property Tax Administrator for the analysis of the level of value and
10 quality of assessment for purposes of section 77-5027 and by the Property
11 Tax Administrator in establishing the adjusted valuations required by
12 section 79-1016. Such studies may also be used by assessing officials in
13 establishing assessed valuations.

14 (4) For purposes of determining the level of value of agricultural
15 and horticultural land subject to special valuation under sections
16 77-1343 to 77-1347.01, the Property Tax Administrator shall annually make
17 and issue a comprehensive study developed in compliance with
18 professionally accepted mass appraisal techniques to establish the level
19 of value if in his or her opinion the level of value cannot be developed
20 through the use of the comprehensive assessment ratio studies developed
21 in subsection (3) of this section.

22 (5) County assessors and other taxing officials shall electronically
23 report data on the assessed valuation and other features of the property
24 assessment process for such periods and in such form and content as the
25 Property Tax Administrator shall deem appropriate. The Property Tax
26 Administrator shall so construct and maintain the system used to collect
27 and analyze the data to enable him or her to make intracounty comparisons
28 of assessed valuation, including school districts and other political
29 subdivisions, as well as intercounty comparisons of assessed valuation,
30 including school districts and other political subdivisions. The Property
31 Tax Administrator shall include analysis of real property sales pursuant

1 to land contracts and similar transfers at the time of execution of the
2 contract or similar transfer.

3 Sec. 4. This act becomes operative on January 1, 2020.

4 Sec. 5. Original sections 76-901, 76-903, and 77-1327, Reissue
5 Revised Statutes of Nebraska, are repealed.