

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 86

Introduced by Wayne, 13.

Read first time January 10, 2019

Committee: Revenue

1 A BILL FOR AN ACT relating to revenue and taxation; to amend sections
2 76-901 and 76-903, Reissue Revised Statutes of Nebraska, and section
3 58-708, Revised Statutes Cumulative Supplement, 2018; to change
4 provisions relating to the distribution of funds from the Affordable
5 Housing Trust Fund and the documentary stamp tax; and to repeal the
6 original sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 58-708, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 58-708 (1) During each calendar year in which funds are available
4 from the Affordable Housing Trust Fund for use by the Department of
5 Economic Development, the department shall make its best efforts to
6 allocate not less than thirty percent of such funds to each congressional
7 district and not less than XX percent of such funds to projects located
8 in an extremely blighted area as defined in section 18-2103. The
9 department shall announce a grant and loan application period of at least
10 ninety days duration for all projects. In selecting projects to receive
11 trust fund assistance, the department shall develop a qualified
12 allocation plan and give first priority to financially viable projects
13 that serve the lowest income occupants for the longest period of time.
14 The qualified allocation plan shall:

15 (a) Set forth selection criteria to be used to determine housing
16 priorities of the housing trust fund which are appropriate to local
17 conditions, including the community's immediate need for affordable
18 housing, proposed increases in home ownership, private dollars leveraged,
19 level of local government support and participation, and repayment, in
20 part or in whole, of financial assistance awarded by the fund; and

21 (b) Give first priority in allocating trust fund assistance among
22 selected projects to those projects which are located in whole or in part
23 within an enterprise zone designated pursuant to the Enterprise Zone Act,
24 serve the lowest income occupant, and are obligated to serve qualified
25 occupants for the longest period of time.

26 (2) The department shall fund in order of priority as many
27 applications as will utilize available funds less actual administrative
28 costs of the department in administering the program. In administering
29 the program the department may contract for services or directly provide
30 funds to other governmental entities or instrumentalities.

31 (3) The department may recapture any funds which were allocated to a

1 qualified recipient for an eligible project through an award agreement if
2 such funds were not utilized for eligible costs within the time of
3 performance under the agreement and are therefor no longer obligated to
4 the project. The recaptured funds shall be credited to the Affordable
5 Housing Trust Fund.

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

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

25 Sec. 3. Section 76-903, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 76-903 The Tax Commissioner shall design such stamps in such
28 denominations as in his or her judgment will be the most advantageous to
29 all persons concerned. When any deed subject to the tax imposed by
30 section 76-901 is offered for recordation, the register of deeds shall
31 ascertain and compute the amount of the tax due thereon and shall collect

1 such amount as a prerequisite to acceptance of the deed for recordation.
2 If a dispute arises concerning the taxability of the transfer, the
3 register of deeds shall not record the deed until the disputed tax is
4 paid. If a disputed tax has been paid, the taxpayer may file for a refund
5 pursuant to section 76-908. The taxpayer may also seek a declaratory
6 ruling pursuant to rules and regulations adopted and promulgated by the
7 Department of Revenue. From each two dollars and twenty-five cents of tax
8 collected on the first one million dollars in value pursuant to section
9 76-901, the register of deeds shall retain fifty cents to be placed in
10 the county general fund and shall remit the balance to the State
11 Treasurer who shall credit ninety-five cents of such amount to the
12 Affordable Housing Trust Fund, twenty-five cents of such amount to the
13 Site and Building Development Fund, twenty-five cents of such amount to
14 the Homeless Shelter Assistance Trust Fund, and thirty cents of such
15 amount to the Behavioral Health Services Fund. From each three dollars
16 and twenty-five cents of tax collected on value in excess of one million
17 dollars pursuant to section 76-901, the register of deeds shall retain
18 fifty cents to be placed in the county general fund and shall remit the
19 balance to the State Treasurer who shall credit one dollar and ninety-
20 five cents of such amount to the Affordable Housing Trust Fund, twenty-
21 five cents of such amount to the Site and Building Development Fund,
22 twenty-five cents of such amount to the Homeless Shelter Assistance Trust
23 Fund, and thirty cents of such amount to the Behavioral Health Services
24 Fund.

25 Sec. 4. Original sections 76-901 and 76-903, Reissue Revised
26 Statutes of Nebraska, and section 58-708, Revised Statutes Cumulative
27 Supplement, 2018, are repealed.