

**ONE HUNDRED THIRD LEGISLATURE - FIRST SESSION - 2013**  
**COMMITTEE STATEMENT**  
**LB36**

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**Hearing Date:** Friday January 25, 2013  
**Committee On:** Revenue  
**Introducer:** Wightman  
**One Liner:** Change an exemption to the documentary stamp tax

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

**Aye:** 8 Senators Hadley, Hansen, Harr, Janssen, McCoy, Pirsch, Schumacher, Sullivan

**Nay:**

**Absent:**

**Present Not Voting:**

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**Proponents:**

Sen. John Wightman  
James Lamphere  
Jon Edwards

**Representing:**

Introducer  
NE Land Title Assoc.  
NACO

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

Nebraska currently imposes a tax on the transfers of a deed occurring when real estate ownership changes. (See 76-901 below describing the tax and transactions it applies to under the law.)

A portion of this tax goes to the county, and another portion to the state for state purposes.

The bill before you affects exemptions from this tax.

Exemptions from this tax are listed in 76-902, the section of law amended by this bill.

Section 1 of the bill alters language that applies to a death certificate exemption.

Section 76-901. Tax on grantor; rate.

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

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**Explanation of amendments:**

The Committee Amendment Establishes the Emergency Clause

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Galen Hadley, Chairperson