

LEGISLATURE OF NEBRASKA  
NINETY-SEVENTH LEGISLATURE  
FIRST SESSION

LEGISLATIVE BILL 516

FINAL READING

(SECOND)

Introduced by Smith, 48; Aguilar, 35; Bourne, 8; Brown, 6;  
Bruning, 3; Burling, 33; Byars, 30; Connealy, 16;  
Coordsen, 32; Dierks, 40; Engel, 17; Erdman, 47;  
Foley, 29; Hartnett, 45; Janssen, 15; Kruse, 13;  
Kremer, 34; Landis, 46; Maxwell, 9; Dw. Pedersen, 39;  
Preister, 5; Raikes, 25; Redfield, 12; Schimek, 27;  
Suttle, 10; Thompson, 14; Wehrbein, 2

Read first time January 11, 2001

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to real property; to amend sections 68-1603,  
2 68-1604, 68-1605, 68-1607, and 76-902, Reissue Revised  
3 Statutes of Nebraska, and section 76-903, Revised  
4 Statutes Supplement, 2000; to change provisions relating  
5 to the Homeless Shelter Assistance Trust Fund Act; to  
6 establish an advisory committee; to change funding  
7 provisions relating to the Affordable Housing Trust Fund;  
8 to provide an exemption to the documentary stamp tax as  
9 prescribed; to harmonize provisions; to provide operative  
10 dates; and to repeal the original sections.  
11 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 68-1603, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           68-1603. For purposes of the Homeless Shelter Assistance  
4 Trust Fund Act, department shall mean the Department of ~~Economic~~  
5 ~~Development~~ Health and Human Services.

6           Sec. 2. Section 68-1604, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8           68-1604. The Homeless Shelter Assistance Trust Fund is  
9 hereby created. The fund shall include the proceeds raised from  
10 the documentary stamp tax and remitted for such fund pursuant to  
11 section 76-903. ~~All money raised for the Homeless Shelter~~  
12 ~~Assistance Trust Fund Act shall be~~ Money remitted to such fund ~~and~~  
13 ~~earmarked shall be used~~ by the department (1) for grants to  
14 eligible shelter providers as set out in section 68-1605 for the  
15 purpose of assisting in the alleviation of homelessness, to provide  
16 temporary and permanent shelters for homeless persons, to encourage  
17 the development of projects which link housing assistance to  
18 programs promoting the concept of self-sufficiency, and to address  
19 the needs of the migrant farmworker and (2) to aid in defraying the  
20 expenses of administering the Homeless Shelter Assistance Trust  
21 Fund Act, which shall not exceed fifty thousand dollars in any  
22 fiscal year.

23           Any money in the fund available for investment shall be  
24 invested by the state investment officer pursuant to the Nebraska  
25 Capital Expansion Act and the Nebraska State Funds Investment Act.

26           Sec. 3. Section 68-1605, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

28           68-1605. (1) The department shall use the funds in the

1 Homeless Shelter Assistance Trust Fund to finance grants for  
2 projects or programs that provide for persons or families with  
3 special housing needs.

4 (2) Projects and programs to which funds shall be  
5 provided include eligible community, neighborhood-based,  
6 housing-assistance organizations, institutions, associations, and  
7 societies or corporations that:

8 (a) Are exempt from taxation under section 501(c)(3) of  
9 the Internal Revenue Code as defined in section 49-801.01;

10 (b) Do not discriminate on the basis of age, religion,  
11 sex, race, color, or national origin;

12 (c) Provide ~~twenty-four-hour~~ residential housing for at  
13 least eight hours of every twenty-four-hour period; and

14 (d) ~~Conduct an annual certified external audit; and~~

15 ~~(e) Operate a drug-free premises.~~

16 (3) The ~~housing advisory committee established pursuant~~  
17 ~~to section 81-1281 shall~~ department shall establish an advisory  
18 committee consisting of individuals and groups involved with  
19 housing issues, in particular those pertaining to persons or  
20 families with special housing needs, to advise and assist the  
21 department in establishing criteria, priorities, and guidelines for  
22 eligibility requirements, application requirements and dates,  
23 public notification, and monitoring and shall assist the department  
24 in adopting and promulgating rules and regulations for providing  
25 grants from the fund.

26 (4) An application submitted by an organization  
27 representing a number of eligible applicants may be considered even  
28 though the representing organization may itself not qualify under

1 this section.

2 (5) In making grants pursuant to the Homeless Shelter  
3 Assistance Trust Fund Act, the department shall consider, but not  
4 be limited to, the following factors:

5 (a) The number of night-lodging units provided by the  
6 applicant as measured by the number of persons housed per night;

7 (b) ~~The number of meals provided by the applicant~~  
8 Participation by the applicant in community planning processes and  
9 activities aimed at preventing and alleviating homelessness;

10 (c) Other verifiable units of service provided by the  
11 applicant; and

12 (d) The geographic distribution of funds.

13 Sec. 4. Section 68-1607, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 68-1607. ~~All applications for grants shall be~~  
16 ~~accompanied by a certified independent audit for the immediately~~  
17 ~~preceding fiscal year, and recipients~~ Recipients of grant money  
18 shall, upon request, submit to the department records for  
19 verification of the information included on applications submitted  
20 for grants from the Homeless Shelter Assistance Trust Fund.

21 Sec. 5. Section 76-902, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 76-902. The tax imposed by section 76-901 shall not  
24 apply to:

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

26 (2) Deeds to property transferred by or to the United  
27 States of America, the State of Nebraska, or any of their agencies  
28 or political subdivisions;

1           (3) Deeds which secure or release a debt or other  
2 obligation;

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

6           (5)(a) Deeds between husband and wife, or parent and  
7 child, without actual consideration therefor, and (b) deeds to or  
8 from a family corporation, partnership, or limited liability  
9 company when all the shares of stock of the corporation or interest  
10 in the partnership or limited liability company are owned by  
11 members of a family, or a trust created for the benefit of a member  
12 of that family, related to one another within the fourth degree of  
13 kindred according to the rules of civil law, and their spouses, for  
14 no consideration other than the issuance of stock of the  
15 corporation or interest in the partnership or limited liability  
16 company to such family members or the return of the stock to the  
17 corporation in partial or complete liquidation of the corporation  
18 or deeds in dissolution of the interest in the partnership or  
19 limited liability company. In order to qualify for the exemption  
20 for family corporations, partnerships, or limited liability  
21 companies, the property shall be transferred in the name of the  
22 corporation or partnership and not in the name of the individual  
23 shareholders, partners, or members;

24           (6) Tax deeds;

25           (7) Deeds of partition;

26           (8) Deeds made pursuant to mergers, consolidations,  
27 sales, or transfers of the assets of corporations pursuant to plans  
28 of merger or consolidation filed with the office of Secretary of

1 State. A copy of such plan filed with the Secretary of State shall  
2 be presented to the register of deeds before such exemption is  
3 granted;

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

7 (10) Cemetery deeds;

8 (11) Mineral deeds;

9 (12) Deeds executed pursuant to court decrees;

10 (13) Land contracts;

11 (14) Deeds which release a reversionary interest, a  
12 condition subsequent or precedent, a restriction, or any other  
13 contingent interest;

14 (15) Deeds of distribution executed by a personal  
15 representative conveying to devisees or heirs property passing by  
16 testate or intestate succession;

17 (16) Deeds transferring property located within the  
18 boundaries of an Indian reservation if the grantor or grantee is a  
19 reservation Indian;

20 (17) Deeds transferring property into a trust if the  
21 transfer of the same property would be exempt if the transfer was  
22 made directly from the grantor to the beneficiary or beneficiaries  
23 under the trust. No such exemption shall be granted unless the  
24 register of deeds is presented with a signed statement certifying  
25 that the transfer of the property is made under such circumstances  
26 as to come within one of the exemptions specified in this section  
27 and that evidence supporting the exemption is maintained by the  
28 person signing the statement and is available for inspection by the

1 Department of Revenue;

2 (18) Deeds transferring property from a trustee to a  
3 beneficiary of a trust;

4 (19) Deeds which convey property held in the name of any  
5 partnership or limited liability company not subject to subdivision  
6 (5) of this section to any partner in the partnership or member of  
7 the limited liability company or to his or her spouse;

8 (20) Leases; ~~or~~

9 (21) Easements; or

10 (22) Deeds which transfer title from a trustee to a  
11 beneficiary pursuant to a power of sale exercised by a trustee  
12 under a trust deed.

13 Sec. 6. Section 76-903, Revised Statutes Supplement,  
14 2000, is amended to read:

15 76-903. The Tax Commissioner shall design such stamps in  
16 such denominations as in his or her judgment will be the most  
17 advantageous to all persons concerned. When any deed subject to  
18 the tax imposed by section 76-901 is offered for recordation, the  
19 register of deeds shall ascertain and compute the amount of the tax  
20 due thereon and shall collect such amount as a prerequisite to  
21 acceptance of the deed for recordation. If a dispute ~~shall arise~~  
22 arises concerning the taxability of the transfer, the register of  
23 deeds shall not record the deed until the disputed tax is paid. If  
24 a disputed tax has been paid, the taxpayer may file for a refund  
25 pursuant to section 76-908. The taxpayer may also seek a  
26 declaratory ruling pursuant to rules and regulations adopted and  
27 promulgated by the Department of Revenue. From each one dollar and  
28 seventy-five cents of tax collected pursuant to section 76-901, the

1 register of deeds shall retain fifty cents to be placed in the  
2 county general fund and shall remit the balance to the State  
3 Treasurer who shall credit ~~(1) prior to January 17, 1998, one dollar~~  
4 ~~of such amount to the state General Fund and twenty-five cents of~~  
5 ~~such amount to the Homeless Shelter Assistance Trust Fund,~~ (2) on  
6 ~~and after January 17, 1998, and prior to January 17, 2003,~~ one dollar  
7 of such amount to the Affordable Housing Trust Fund and twenty-five  
8 cents of such amount to the Homeless Shelter Assistance Trust Fund.  
9  ~~and (3) on and after January 17, 2003, one dollar of such amount~~  
10 ~~to the state General Fund and twenty-five cents of such amount to~~  
11 ~~the Homeless Shelter Assistance Trust Fund.~~

12           Sec. 7. Sections 5 and 8 of this act become operative on  
13 October 1, 2001. The other sections of this act become operative  
14 on their effective date.

15           Sec. 8. Original section 76-902, Reissue Revised  
16 Statutes of Nebraska, is repealed.

17           Sec. 9. Original sections 68-1603, 68-1604, 68-1605, and  
18 68-1607, Reissue Revised Statutes of Nebraska, and section 76-903,  
19 Revised Statutes Supplement, 2000, are repealed.