

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 1102**

Introduced by Wightman, 36.

Read first time January 19, 2012

Committee: Revenue

A BILL

1 FOR AN ACT relating to revenue and taxation; to amend sections  
2 77-2004, 77-2005, and 77-2006, Reissue Revised Statutes  
3 of Nebraska; to change inheritance tax rates and  
4 exemption amounts; and to repeal the original sections.  
5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 77-2004, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           77-2004 (1) In the case of a father, mother, grandfather,  
4 grandmother, brother, sister, son, daughter, child or children  
5 legally adopted as such in conformity with the laws of the state  
6 where adopted, any lineal descendant, any lineal descendant legally  
7 adopted as such in conformity with the laws of the state where  
8 adopted, any person to whom the deceased for not less than ten years  
9 prior to death stood in the acknowledged relation of a parent, or the  
10 spouse or surviving spouse of any such persons, the rate of tax shall  
11 be:

12           (a) One ~~one~~ percent of the clear market value of the  
13 property in excess of forty thousand dollars received by each person.  
14 for any decedent whose death occurred prior to January 1, 2013;

15           (b) One percent of the clear market value of the property  
16 in excess of sixty thousand dollars received by each person for any  
17 decedent whose death occurred on or after January 1, 2013, and prior  
18 to January 1, 2014;

19           (c) One percent of the clear market value of the property  
20 in excess of eighty thousand dollars received by each person for any  
21 decedent whose death occurred on or after January 1, 2014, and prior  
22 to January 1, 2015; and

23           (d) One percent of the clear market value of the property  
24 in excess of one hundred thousand dollars received by each person for  
25 any decedent whose death occurred on or after January 1, 2015.

1           (2) Any interest in property, including any interest  
2 acquired in the manner set forth in section 77-2002, which may be  
3 valued at a sum less than ~~forty thousand dollars~~ or equal to the  
4 applicable amount in subdivision (1)(a), (b), (c), or (d) of this  
5 section shall not be subject to tax. In addition the homestead  
6 allowance, exempt property, and family maintenance allowance shall  
7 not be subject to tax. Interests passing to the surviving spouse by  
8 will, in the manner set forth in section 77-2002, or in any other  
9 manner shall not be subject to tax.

10           Sec. 2. Section 77-2005, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12           77-2005 (1) In the case of an uncle, aunt, niece, or  
13 nephew related to the deceased by blood or legal adoption, or other  
14 lineal descendant of the same, or the spouse or surviving spouse of  
15 any of such persons, the rate of tax shall be:

16           (a) Thirteen ~~thirteen~~ percent of the clear market value  
17 of the property received by each person in excess of fifteen thousand  
18 dollars- for any decedent whose death occurred prior to January 1,  
19 2013;

20           (b) Ten percent of the clear market value of the property  
21 received by each person in excess of twenty-five thousand dollars for  
22 any decedent whose death occurred on or after January 1, 2013, and  
23 prior to January 1, 2015; and

24           (c) Nine percent of the clear market value of the  
25 property received by each person in excess of thirty thousand dollars

1 for any decedent whose death occurred on or after January 1, 2015.

2 (2) If the clear market value of the beneficial interest  
3 is fifteen thousand dollars or less than or equal to the applicable  
4 amount in subdivision (1)(a), (b), or (c) of this section, it shall  
5 not be subject to tax.

6 Sec. 3. Section 77-2006, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 77-2006 (1) In all other cases the rate of tax shall be:

9 (a) Eighteen ~~eighteen~~ percent on ~~of~~ the clear market  
10 value of the beneficial interests received by each person in excess  
11 of ten thousand dollars. Such rates of tax shall be applied to the  
12 clear market value of the beneficial interests in excess of ten  
13 thousand dollars received by each person. for any decedent whose  
14 death occurred prior to January 1, 2013;

15 (b) Fifteen percent of the clear market value of the  
16 beneficial interests received by each person in excess of fifteen  
17 thousand dollars for any decedent whose death occurred on or after  
18 January 1, 2013, and prior to January 1, 2015; and

19 (c) Thirteen percent of the clear market value of the  
20 beneficial interests received by each person in excess of twenty  
21 thousand dollars for any decedent whose death occurred on or after  
22 January 1, 2015.

23 (2) If the clear market value of the beneficial interest  
24 is ten thousand dollars or less than or equal to the applicable  
25 amount in subdivision (1)(a), (b), or (c) of this section, it shall

1 not be subject to any tax.

2                   Sec. 4. Original sections 77-2004, 77-2005, and 77-2006,

3 Reissue Revised Statutes of Nebraska, are repealed.