

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 310**

Introduced by Clements, 2; Erdman, 47; Geist, 25; Lowe, 37.

Read first time January 12, 2021

Committee: Revenue

- 1 A BILL FOR AN ACT relating to revenue and taxation; to amend sections
- 2 77-2004, 77-2005, and 77-2006, Reissue Revised Statutes of Nebraska;
- 3 to change inheritance tax rates and exemption amounts as prescribed;
- 4 to harmonize provisions; 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 Nebraska, is  
2 amended to read:

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

11 (a) For decedents dying prior to January 1, 2022, one percent of the  
12 clear market value of the property in excess of forty thousand dollars  
13 received by each person in excess of forty thousand dollars; -

14 (b) For decedents dying during calendar year 2022, one percent of  
15 the clear market value of the property received by each person in excess  
16 of one hundred fifty thousand dollars;

17 (c) For decedents dying during calendar year 2023, seventy-five  
18 hundredths of one percent of the clear market value of the property  
19 received by each person in excess of one hundred fifty-five thousand  
20 dollars; and

21 (d) For decedents dying during calendar year 2024 or any calendar  
22 year thereafter, five-tenths of one percent of the clear market value of  
23 the property received by each person in excess of the applicable exempt  
24 amount for the year. For calendar year 2024, the exempt amount shall be  
25 one hundred sixty thousand dollars. For each subsequent calendar year,  
26 the exempt amount shall increase by five thousand dollars.

27 (2) Any interest in property, including any interest acquired in the  
28 manner set forth in section 77-2002, which may be valued at a sum less  
29 than or equal to the applicable exempt amount under subsection (1) of  
30 this section forty thousand dollars shall not be subject to tax. In  
31 addition the homestead allowance, exempt property, and family maintenance

1 allowance shall not be subject to tax. Interests passing to the surviving  
2 spouse by will, in the manner set forth in section 77-2002, or in any  
3 other manner shall not be subject to tax.

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

6 77-2005 (1) In the case of an uncle, aunt, niece, or nephew related  
7 to the deceased by blood or legal adoption, or other lineal descendant of  
8 the same, or the spouse or surviving spouse of any of such persons, the  
9 rate of tax shall be:

10 (a) For decedents dying prior to January 1, 2022, thirteen percent  
11 of the clear market value of the property received by each person in  
12 excess of fifteen thousand dollars; -

13 (b) For decedents dying during calendar year 2022, eleven percent of  
14 the clear market value of the property received by each person in excess  
15 of sixty thousand dollars;

16 (c) For decedents dying during calendar year 2023, nine percent of  
17 the clear market value of the property received by each person in excess  
18 of sixty-two thousand five hundred dollars; and

19 (d) For decedents dying during calendar year 2024 or any calendar  
20 year thereafter, six percent of the clear market value of the property  
21 received by each person in excess of the applicable exempt amount for the  
22 year. For calendar year 2024, the exempt amount shall be sixty-five  
23 thousand dollars. For each subsequent calendar year, the exempt amount  
24 shall increase by two thousand five hundred dollars.

25 (2) If the clear market value of the beneficial interest is less  
26 than or equal to the applicable exempt amount under subsection (1) of  
27 this section fifteen thousand dollars or less, it shall not be subject to  
28 tax.

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

31 77-2006 (1) In all other cases the rate of tax shall be:

1        (a) For decedents dying prior to January 1, 2022, eighteen percent  
2 of the clear market value of the beneficial interests received by each  
3 person in excess of ten thousand dollars; -

4        (b) For decedents dying during calendar year 2022, fifteen percent  
5 of the clear market value of the beneficial interests received by each  
6 person in excess of forty thousand dollars;

7        (c) For decedents dying during calendar year 2023, twelve percent of  
8 the clear market value of the beneficial interests received by each  
9 person in excess of forty-two thousand five hundred dollars; and

10       (d) For decedents dying during calendar year 2024 or any calendar  
11 year thereafter, nine percent of the clear market value of the beneficial  
12 interests received by each person in excess of the applicable exempt  
13 amount for the year. For calendar year 2024, the exempt amount shall be  
14 forty-five thousand dollars. For each subsequent calendar year, the  
15 exempt amount shall increase by two thousand five hundred dollars Such  
16 ~~rates of tax shall be applied to the clear market value of the beneficial~~  
17 ~~interests in excess of ten thousand dollars received by each person.~~

18       (2) If the clear market value of the beneficial interest is less  
19 than or equal to the applicable exempt amount under subsection (1) of  
20 this section ten thousand dollars or less, it shall not be subject to any  
21 tax.

22       Sec. 4. Original sections 77-2004, 77-2005, and 77-2006, Reissue  
23 Revised Statutes of Nebraska, are repealed.