

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 936

Introduced by Ebke, 32.

Read first time January 13, 2016

Committee: Revenue

- 1 A BILL FOR AN ACT relating to revenue and taxation; to amend sections
- 2 77-2004, 77-2005, 77-2006, and 77-2040, Reissue Revised Statutes of
- 3 Nebraska; to change inheritance tax rates and exemption amounts; to
- 4 provide for applicability; 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 In the case of a father, mother, grandfather, grandmother,
4 brother, sister, son, daughter, child or children legally adopted as such
5 in conformity with the laws of the state where adopted, any lineal
6 descendant, any lineal descendant legally adopted as such in conformity
7 with the laws of the state where adopted, any person to whom the deceased
8 for not less than ten years prior to death stood in the acknowledged
9 relation of a parent, or the spouse or surviving spouse of any such
10 persons, the rate of tax shall be one percent of the clear market value
11 of the property in excess of one hundred forty thousand dollars received
12 by each person. Any interest in property, including any interest acquired
13 in the manner set forth in section 77-2002, which may be valued at a sum
14 of one hundred less than forty thousand dollars or less shall not be
15 subject to tax. In addition the homestead allowance, exempt property, and
16 family maintenance allowance shall not be subject to tax. Interests
17 passing to the surviving spouse by will, in the manner set forth in
18 section 77-2002, or in any other manner shall not be subject to tax.

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

21 77-2005 In the case of an uncle, aunt, niece, or nephew related to
22 the deceased by blood or legal adoption, or other lineal descendant of
23 the same, or the spouse or surviving spouse of any of such persons, the
24 rate of tax shall be one ~~thirteen~~ percent of the clear market value of
25 the property received by each person in excess of one hundred fifteen
26 thousand dollars. If the clear market value of the beneficial interest is
27 one hundred fifteen ~~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 In all other cases the rate of tax shall be one eighteen

1 percent on the clear market value of the beneficial interests in excess
2 of one hundred ~~ten~~ thousand dollars. Such rates of tax shall be applied
3 to the clear market value of the beneficial interests in excess of one
4 hundred ~~ten~~ thousand dollars received by each person. If the clear market
5 value of the beneficial interest is one hundred ~~ten~~ thousand dollars or
6 less, it shall not be subject to any tax.

7 Sec. 4. Section 77-2040, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 77-2040 Sections 77-2002 to 77-2004 and 77-2102 shall become
10 operative on December 31, 1982, and shall apply to all property which
11 passes from a decedent dying after such date. Sections 77-2001, 77-2032,
12 and 77-2106 shall become operative on July 17, 1982. The changes made in
13 sections 77-2004 to 77-2006 by Laws 2007, LB 502, apply to all property
14 which passes from a decedent dying on or after January 1, 2008. The
15 changes made to section 77-2010 by Laws 2007, LB 502, apply to decedents
16 dying on or after January 1, 2008. The changes made in sections 77-2004,
17 77-2005, and 77-2006 by this legislative bill apply to all property which
18 passes from a decedent dying on or after January 1, 2017.

19 Sec. 5. Original sections 77-2004, 77-2005, 77-2006, and 77-2040,
20 Reissue Revised Statutes of Nebraska, are repealed.