

AMENDMENTS TO LB 367

(Amendments to Standing Committee amendments, AM911)

Introduced by White, 8

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Section 30-103.01, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 30-103.01 The interest of any surviving spouse in any
6 estate passing under Chapter 30, article 23, parts 1, 2, and 4,
7 shall be determined prior to the payment of any ~~federal or state~~
8 estate taxes, and shall not be subject to or diminished by any debt
9 or charge against such estate by reason of any ~~such federal or~~
10 ~~state~~ estate tax.

11 Sec. 2. Section 30-2209, Revised Statutes Cumulative
12 Supplement, 2006, is amended to read:

13 30-2209 Subject to additional definitions contained in
14 the subsequent articles which are applicable to specific articles
15 or parts, and unless the context otherwise requires, in the
16 Nebraska Probate Code:

17 (1) Application means a written request to the registrar
18 for an order of informal probate or appointment under part 3 of
19 Article 24.

20 (2) Beneficiary, as it relates to trust beneficiaries,
21 includes a person who has any present or future interest, vested
22 or contingent, and also includes the owner of an interest by

1 assignment or other transfer, and as it relates to a charitable
2 trust includes any person entitled to enforce the trust.

3 (3) Child includes any individual entitled to take as
4 a child under the code by intestate succession from the parent
5 whose relationship is involved and excludes any person who is only
6 a stepchild, a foster child, or a grandchild or any more remote
7 descendant.

8 (4) Claim, in respect to estates of decedents and
9 protected persons, includes liabilities of the decedent or
10 protected person whether arising in contract, in tort or otherwise,
11 and liabilities of the estate which arise at or after the death of
12 the decedent or after the appointment of a conservator, including
13 funeral expenses and expenses of administration. The term does not
14 include estate or inheritance taxes, demands or disputes regarding
15 title of a decedent or protected person to specific assets alleged
16 to be included in the estate.

17 (5) Court means the court or branch having jurisdiction
18 in matters relating to the affairs of decedents. This court in this
19 state is known as county court or, for purposes of guardianship
20 of a juvenile over which a separate juvenile court already has
21 jurisdiction, the county court or separate juvenile court.

22 (6) Conservator means a person who is appointed by a
23 court to manage the estate of a protected person.

24 (7) Devise, when used as a noun, means a testamentary
25 disposition of real or personal property and, when used as a verb,
26 means to dispose of real or personal property by will.

27 (8) Devisee means any person designated in a will to

1 receive a devise. In the case of a devise to an existing trust or
2 trustee, or to a trustee on trust described by will, the trust or
3 trustee is the devisee and the beneficiaries are not devisees.

4 (9) Disability means cause for a protective order as
5 described by section 30-2630.

6 (10) Disinterested witness to a will means any individual
7 who acts as a witness to a will and is not an interested witness
8 to such will.

9 (11) Distributee means any person who has received
10 property of a decedent from his or her personal representative
11 other than as a creditor or purchaser. A testamentary trustee
12 is a distributee only to the extent of distributed assets or
13 increment thereto remaining in his or her hands. A beneficiary
14 of a testamentary trust to whom the trustee has distributed
15 property received from a personal representative is a distributee
16 of the personal representative. For purposes of this provision,
17 testamentary trustee includes a trustee to whom assets are
18 transferred by will, to the extent of the devised assets.

19 (12) Estate includes the property of the decedent, trust,
20 or other person whose affairs are subject to the Nebraska Probate
21 Code as originally constituted and as it exists from time to time
22 during administration.

23 (13) Exempt property means that property of a decedent's
24 estate which is described in section 30-2323.

25 (14) Fiduciary includes personal representative,
26 guardian, conservator, and trustee.

27 (15) Foreign personal representative means a personal

1 representative of another jurisdiction.

2 (16) Formal proceedings mean those conducted before a
3 judge with notice to interested persons.

4 (17) Guardian means a person who has qualified as
5 a guardian of a minor or incapacitated person pursuant to
6 testamentary or court appointment, but excludes one who is merely
7 a guardian ad litem.

8 (18) Heirs mean those persons, including the surviving
9 spouse, who are entitled under the statutes of intestate succession
10 to the property of a decedent.

11 (19) Incapacitated person is as defined in section
12 30-2601.

13 (20) Informal proceedings mean those conducted without
14 notice to interested persons by an officer of the court acting as
15 a registrar for probate of a will or appointment of a personal
16 representative.

17 (21) Interested person includes heirs, devisees,
18 children, spouses, creditors, beneficiaries, and any others having
19 a property right in or claim against a trust estate or the
20 estate of a decedent, ward, or protected person which may be
21 affected by the proceeding. It also includes persons having
22 priority for appointment as personal representative, and other
23 fiduciaries representing interested persons. The meaning as it
24 relates to particular persons may vary from time to time and must
25 be determined according to the particular purposes of, and matter
26 involved in, any proceeding.

27 (22) Interested witness to a will means any individual

1 who acts as a witness to a will at the date of its execution and
2 who is or would be entitled to receive any property thereunder
3 if the testator then died under the circumstances existing at
4 the date of its execution, but does not include any individual,
5 merely because of such nomination, who acts as a witness to a
6 will by which he or she is nominated as personal representative,
7 conservator, guardian, or trustee.

8 (23) Issue of a person means all his or her lineal
9 descendants of all generations, with the relationship of parent and
10 child at each generation being determined by the definitions of
11 child and parent contained in the Nebraska Probate Code.

12 (24) Lease includes an oil, gas, or other mineral lease.

13 (25) Letters include letters testamentary, letters
14 of guardianship, letters of administration, and letters of
15 conservatorship.

16 (26) Minor means an individual under nineteen years of
17 age, but in case any person marries under the age of nineteen years
18 his or her minority ends.

19 (27) Mortgage means any conveyance, agreement, or
20 arrangement in which property is used as security.

21 (28) Nonresident decedent means a decedent who was
22 domiciled in another jurisdiction at the time of his or her
23 death.

24 (29) Notice means compliance with the requirements of
25 notice pursuant to subdivisions (a)(1) and (a)(2) of section
26 30-2220.

27 (30) Organization includes a corporation, government, or

1 governmental subdivision or agency, business trust, estate, trust,
2 partnership, limited liability company, or association, two or more
3 persons having a joint or common interest, or any other legal
4 entity.

5 (31) Parent includes any person entitled to take, or who
6 would be entitled to take if the child died without a will, as
7 a parent under the Nebraska Probate Code, by intestate succession
8 from the child whose relationship is in question and excludes any
9 person who is only a stepparent, foster parent, or grandparent.

10 (32) Person means an individual, a corporation, an
11 organization, a limited liability company, or other legal entity.

12 (33) Personal representative includes executor,
13 administrator, successor personal representative, special
14 administrator, and persons who perform substantially the same
15 function under the law governing their status.

16 (34) Petition means a written request to the court for an
17 order after notice.

18 (35) Proceeding includes action at law and suit in
19 equity, but does not include a determination of inheritance tax
20 under Chapter 77, article 20, ~~or estate tax apportionment as~~
21 ~~provided in sections 77-2108 to 77-2112.~~

22 (36) Property includes both real and personal property or
23 any interest therein and means anything that may be the subject of
24 ownership.

25 (37) Protected person is as defined in section 30-2601.

26 (38) Protective proceeding is as defined in section
27 30-2601.

1 (39) Registrar refers to the official of the court
2 designated to perform the functions of registrar as provided in
3 section 30-2216.

4 (40) Relative or relation of a person means all persons
5 who are related to him or her by blood or legal adoption.

6 (41) Security includes any note, stock, treasury
7 stock, bond, debenture, evidence of indebtedness, certificate
8 of interest or participation in an oil, gas, or mining title
9 or lease or in payments out of production under such a title
10 or lease, collateral-trust certificate, transferable share,
11 voting-trust certificate or, in general, any interest or instrument
12 commonly known as a security, or any certificate of interest or
13 participation, any temporary or interim certificate, receipt, or
14 certificate of deposit for, or any warrant or right to subscribe to
15 or purchase, any of the foregoing.

16 (42) Settlement, in reference to a decedent's estate,
17 includes the full process of administration, distribution, and
18 closing.

19 (43) Special administrator means a personal
20 representative as described by sections 30-2457 to 30-2461.

21 (44) State includes any state of the United States, the
22 District of Columbia, the Commonwealth of Puerto Rico, and any
23 territory or possession subject to the legislative authority of the
24 United States.

25 (45) Successor personal representative means a
26 personal representative, other than a special administrator,
27 who is appointed to succeed a previously appointed personal

1 representative.

2 (46) Successors mean those persons, other than creditors,
3 who are entitled to property of a decedent under his or her will or
4 the Nebraska Probate Code.

5 (47) Supervised administration refers to the proceedings
6 described in Article 24, part 5.

7 (48) Testacy proceeding means a proceeding to establish a
8 will or determine intestacy.

9 (49) Testator means the maker of a will.

10 (50) Trust includes any express trust, private or
11 charitable, with additions thereto, wherever and however created.
12 It also includes a trust created or determined by judgment or
13 decree under which the trust is to be administered in the manner
14 of an express trust. Trust excludes other constructive trusts,
15 and it excludes resulting trusts, conservatorships, personal
16 representatives, trust accounts as defined in Article 27, custodial
17 arrangements pursuant to the Nebraska Uniform Transfers to Minors
18 Act, business trusts providing for certificates to be issued
19 to beneficiaries, common trust funds, voting trusts, security
20 arrangements, liquidation trusts, and trusts for the primary
21 purpose of paying debts, dividends, interest, salaries, wages,
22 profits, pensions, or employee benefits of any kind, and any
23 arrangement under which a person is nominee or escrowee for
24 another.

25 (51) Trustee includes an original, additional, or
26 successor trustee, whether or not appointed or confirmed by court.

27 (52) Ward is as defined in section 30-2601.

1 (53) Will means any instrument, including any codicil or
2 other testamentary instrument complying with sections 30-2326 to
3 30-2338, which disposes of personal or real property, appoints
4 a personal representative, conservator, guardian, or trustee,
5 revokes or revises an earlier executed testamentary instrument,
6 or encompasses any one or more of such objects or purposes.

7 Sec. 3. Section 30-2352, Revised Statutes Cumulative
8 Supplement, 2006, is amended to read:

9 30-2352 (a)(1) A person (or the representative of a
10 deceased, incapacitated, or protected person) who is an heir,
11 devisee, person succeeding to a renounced interest, donee,
12 beneficiary under a testamentary or nontestamentary instrument,
13 donee of a power of appointment, grantee, surviving joint owner
14 or surviving joint tenant, beneficiary, or owner of an insurance
15 contract or any incident of ownership therein, beneficiary or
16 person designated to take pursuant to a power of appointment
17 exercised by a testamentary or nontestamentary instrument, person
18 who has a statutory entitlement to or election with respect to
19 property pursuant to the Nebraska Probate Code, or recipient of
20 any beneficial interest under any testamentary or nontestamentary
21 instrument, may renounce in whole or in part, or with reference
22 to specific parts, fractional shares, undivided portions or assets
23 thereof, by filing a written instrument of renunciation within the
24 time and at the place hereinafter provided.

25 (2) The instrument shall (i) describe the property or
26 part thereof or the interest therein renounced, (ii) be signed
27 and acknowledged by the person renouncing in the manner provided

1 for in the execution of deeds of real estate, (iii) declare the
2 renunciation and the extent thereof, and (iv) declare that the
3 renunciation is an irrevocable and unqualified refusal to accept
4 the renounced interest.

5 (3) The appropriate court in a proceeding under section
6 30-3812, may direct or permit a trustee under a testamentary
7 or nontestamentary instrument to renounce any restriction on or
8 power of administration, management, or allocation of benefit upon
9 finding that such restrictions on the exercise of such power may
10 defeat or impair the accomplishment of the purposes of the trust
11 whether by the imposition of tax or the allocation of beneficial
12 interest inconsistent with such purposes or by other reason. Such
13 authority shall be exercised after hearing and upon notice to
14 qualified beneficiaries as defined in section 30-3803, in the
15 manner directed by the court.

16 (b) The instrument specified in (a)(1) and (a)(2) must
17 be received by the transferor of the interest, his or her
18 legal representative, the personal representative of a deceased
19 transferor, the trustee of any trust in which the interest being
20 renounced exists, or the holder of the legal title to the property
21 to which the interest relates. To be effective for purposes of
22 determining inheritance and estate taxes tax under articles 20
23 ~~and 21 of Chapter 77,~~ sections 77-2001 to 77-2039, the instrument
24 must be received not later than the date which is nine months
25 after the later of (i) the date on which the transfer creating
26 the interest in such person is made, or (ii) the date on which
27 such person attains age twenty-one. If the circumstances which

1 establish the right of a person to renounce an interest arise as
2 a result of the death of an individual, the instrument shall also
3 be filed in the court of the county where proceedings concerning
4 the decedent's estate are pending, or where they would be pending
5 if commenced. If an interest in real estate is renounced, a copy
6 of the instrument shall also be recorded in the office of the
7 register of deeds in the county in which the real estate lies. No
8 person entitled to a copy of the instrument shall be liable for
9 any proper distribution or disposition made without actual notice
10 of the renunciation and no such person making a proper distribution
11 or disposition in reliance upon the renunciation shall be liable
12 for any such distribution or disposition in the absence of actual
13 notice that an action has been instituted contesting the validity
14 of the renunciation.

15 (c) Unless the transferor of the interest has otherwise
16 indicated in the instrument creating the interest, the interest
17 renounced, and any future interest which is to take effect in
18 possession or enjoyment at or after the termination of the interest
19 renounced, passes as if the person renouncing had predeceased the
20 decedent or had died prior to the date on which the transfer
21 creating the interest in such person is made, as the case may
22 be, if the renunciation is within the time periods set forth in
23 subsection (b) and if not within such time periods the interest
24 renounced, and any future interest which is to take effect in
25 possession or enjoyment at or after the termination of the interest
26 renounced, passes as if the person renouncing had died on the
27 date the interest was renounced. The person renouncing shall have

1 no power to direct how the interest being renounced shall pass,
2 except that the renunciation of an interest for which the right
3 to renounce was established by the death of an individual shall,
4 in the case of the spouse of the decedent, relate only to that
5 statutory provision or that provision of the instrument creating
6 the interest being renounced and shall not preclude the spouse
7 from receiving the benefits of the renounced interest which may be
8 derived as a result of the renounced interest passing pursuant to
9 other statutory provisions or pursuant to other provisions of the
10 instrument creating the interest unless such further benefits are
11 also renounced. In every case when the renunciation is within the
12 time periods set forth in subsection (b) the renunciation relates
13 back for all purposes to the date of death of the decedent or the
14 date on which the transfer creating the interest in such person is
15 made, as the case may be.

16 (d) Any (1) assignment, conveyance, encumbrance, pledge,
17 or transfer of property therein or any contract therefor, (2)
18 written waiver of the right to renounce or any acceptance of
19 property or benefits therefrom or an interest therein by an
20 heir, devisee, person succeeding to a renounced interest, donee,
21 beneficiary under a testamentary or nontestamentary instrument,
22 donee of a power of appointment, grantee, surviving joint owner
23 or surviving joint tenant, beneficiary or owner of an insurance
24 contract or any incident of ownership therein, beneficiary or
25 person designated to take pursuant to a power of appointment
26 exercised by a testamentary or nontestamentary instrument, person
27 who has a statutory entitlement to or election with respect to

1 property pursuant to the Nebraska Probate Code, or recipient of
2 any beneficial interest under any testamentary or nontestamentary
3 instrument, or (3) sale or other disposition of property pursuant
4 to judicial process, made within the time periods set forth in
5 subsection (b) shall not bar the right to renounce, but shall
6 make a subsequent renunciation within the time period set forth
7 in subsection (b) of this section ineffective for purposes of
8 determination of inheritance ~~and estate taxes~~ tax under articles 20
9 ~~and 21 of Chapter 77.~~ sections 77-2001 to 77-2039.

10 (e) Within thirty days of receipt of a written instrument
11 of renunciation by the transferor of the interest, his or her legal
12 representative, the personal representative of the decedent, the
13 trustee of any trust in which the interest being renounced exists,
14 or the holder of the legal title to the property to which the
15 interest relates, as the case may be, such person shall attempt
16 to notify in writing those persons who are known or ascertainable
17 with reasonable diligence who shall be recipients or potential
18 recipients of the renounced interest of the renunciation and the
19 interest or potential interest such recipient shall receive as a
20 result of the renunciation.

21 (f) The right to renounce granted by this section exists
22 irrespective of any limitation on the interest of the person
23 renouncing in the nature of a spendthrift provision or similar
24 restriction. A trust beneficiary whose interest is subject to any
25 limitation in the nature of a spendthrift provision or similar
26 restriction may assign, sell, or otherwise convey such interest or
27 any part thereof upon a finding by a court in a proceeding under

1 section 30-3812 that the rights of other beneficiaries would not
2 be impaired and that such assignment, sale, or other conveyance
3 would not result in any substantial benefit to nonbeneficiaries
4 of the trust at the expense of the trust or trust beneficiaries.
5 Such finding may be made after hearing and upon notice to all
6 known persons beneficially interested in such trust, in the manner
7 directed by the court.

8 (g) This section does not abridge the right of any person
9 to assign, convey, release, or renounce any property arising under
10 any other section of this code or other statute.

11 (h) Any interest in property which exists on July 19,
12 1980, may be renounced after July 19, 1980, as provided herein. An
13 interest which has arisen prior to July 19, 1980, in any person
14 other than the person renouncing is not destroyed or diminished by
15 any action of the person renouncing taken under this section.

16 Sec. 4. Section 77-381, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 77-381 For purposes of the Tax Expenditure Reporting Act,
19 unless the context otherwise requires:

20 (1) Tax expenditure shall mean a revenue reduction that
21 occurs in the tax base of the state or a political subdivision
22 as the result of an exemption, deduction, exclusion, tax deferral,
23 credit, or preferential rate introduced into the tax structure;

24 (2) Department shall mean the Department of Revenue;

25 (3) Income tax shall mean the tax imposed upon
26 individuals and corporations under the Nebraska Revenue Act of
27 1967;

1 (4) Sales tax shall mean the tax imposed upon
2 expenditures under the Nebraska Revenue Act of 1967;

3 (5) Property tax shall mean the tax imposed upon real and
4 personal property under Chapter 77; and

5 (6) Miscellaneous tax shall mean revenue sources other
6 than income, sales, and property taxes for state and local
7 government including, but not limited to, motor fuel taxes,
8 liquor taxes, cigarette taxes, inheritance and estate taxes,
9 ~~generation-skipping transfer taxes~~, insurance premium taxes, and
10 occupation taxes and fees or other taxes which generate state or
11 local revenue annually in excess of two million dollars.

12 Sec. 5. Section 77-2039, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 77-2039 (1) Any county court may issue an order
15 discharging any or all of the property subject to any inheritance
16 tax, Nebraska estate tax, or ~~generation-skipping transfer tax~~ lien.

17 (2) The county court may prescribe the terms and
18 conditions upon which any inheritance tax, estate tax, or
19 ~~generation-skipping transfer tax~~ lien shall be released or
20 discharged.

21 (3) Any person who desires a release or discharge of any
22 inheritance tax, estate tax, or ~~generation-skipping transfer tax~~
23 lien shall make a written application to the county court. If the
24 county attorney shall not consent to the release or discharge of
25 the lien as requested in the application by entering his or her
26 voluntary appearance and waiver of notice, he or she shall within
27 seven days of the filing of such application show in writing why

1 such release or discharge should not be granted or shall specify
2 the terms and conditions upon which such release or discharge
3 should be allowed.

4 Sec. 6. Section 77-2701.02, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 77-2701.02 Pursuant to section 77-2715.01:

7 (1) Until July 1, 1998, the rate of the sales tax levied
8 pursuant to section 77-2703 shall be five percent;

9 (2) Commencing July 1, 1998, and until July 1, 1999, the
10 rate of the sales tax levied pursuant to section 77-2703 shall be
11 four and one-half percent;

12 (3) Commencing July 1, 1999, and until the start of the
13 first calendar quarter after July 20, 2002, the rate of the sales
14 tax levied pursuant to section 77-2703 shall be five percent; and

15 (4) Commencing on the start of the first calendar quarter
16 after July 20, 2002, and until October 1, 2007, the rate of the
17 sales tax levied pursuant to section 77-2703 shall be five and
18 one-half percent; and -

19 (5) Commencing October 1, 2007, the rate of the sales tax
20 levied pursuant to section 77-2703 shall be five and one-quarter
21 percent.

22 Sec. 7. Section 77-2715.07, Revised Statutes Cumulative
23 Supplement, 2006, is amended to read:

24 77-2715.07 (1) There shall be allowed to qualified
25 resident individuals as a nonrefundable credit against the income
26 tax imposed by the Nebraska Revenue Act of 1967:

27 (a) A credit equal to the federal credit allowed under

1 section 22 of the Internal Revenue Code; and

2 (b) A credit for taxes paid to another state as provided
3 in section 77-2730.

4 (2) There shall be allowed to qualified resident
5 individuals against the income tax imposed by the Nebraska Revenue
6 Act of 1967:

7 (a) For returns filed reporting federal adjusted
8 gross incomes of greater than twenty-nine thousand dollars, a
9 nonrefundable credit equal to twenty-five percent of the federal
10 credit allowed under section 21 of the Internal Revenue Code of
11 1986, as amended;

12 (b) For returns filed reporting federal adjusted gross
13 income of twenty-nine thousand dollars or less, a refundable credit
14 equal to a percentage of the federal credit allowable under section
15 21 of the Internal Revenue Code of 1986, as amended, whether or
16 not the federal credit was limited by the federal tax liability.
17 The percentage of the federal credit shall be one hundred percent
18 for incomes not greater than twenty-two thousand dollars, and
19 the percentage shall be reduced by ten percent for each one
20 thousand dollars, or fraction thereof, by which the reported
21 federal adjusted gross income exceeds twenty-two thousand dollars;

22 (c) A refundable credit for individuals who qualify for
23 an income tax credit as an owner of agricultural assets under the
24 Beginning Farmer Tax Credit Act for all taxable years beginning or
25 deemed to begin on or after January 1, 2001, under the Internal
26 Revenue Code of 1986, as amended; and a refundable credit as
27 provided in section 77-5209.01 for individuals who qualify for an

1 income tax credit as a qualified beginning farmer or livestock
2 producer under the Beginning Farmer Tax Credit Act for all taxable
3 years beginning or deemed to begin on or after January 1, 2006,
4 under the Internal Revenue Code of 1986, as amended;

5 (d) A refundable credit for individuals who qualify for
6 an income tax credit under the Nebraska Advantage Microenterprise
7 Tax Credit Act or the Nebraska Advantage Research and Development
8 Act; and

9 (e) A refundable credit equal to eight percent of the
10 federal credit allowed under section 32 of the Internal Revenue
11 Code of 1986, as amended.

12 (3) There shall be allowed to all individuals as a
13 nonrefundable credit against the income tax imposed by the Nebraska
14 Revenue Act of 1967:

15 (a) A credit for personal exemptions allowed under
16 section 77-2716.01; and

17 (b) A credit for contributions to certified community
18 betterment programs as provided in the Community Development
19 Assistance Act. Each partner, each shareholder of an electing
20 subchapter S corporation, each beneficiary of an estate or trust,
21 or each member of a limited liability company shall report his or
22 her share of the credit in the same manner and proportion as he
23 or she reports the partnership, subchapter S corporation, estate,
24 trust, or limited liability company income.

25 (4) There shall be allowed as a credit against the income
26 tax imposed by the Nebraska Revenue Act of 1967:

27 (a) A credit to all resident estates and trusts for taxes

1 paid to another state as provided in section 77-2730; and

2 (b) A credit to all estates and trusts for contributions
3 to certified community betterment programs as provided in the
4 Community Development Assistance Act.

5 (5) There shall be allowed to all business firms as a
6 credit against the income tax imposed by the Nebraska Revenue Act
7 of 1967 a credit as provided in section 77-27,222.

8 (6) For taxable years beginning or deemed to begin on
9 or after January 1, 2007, there shall be allowed to resident
10 individuals against the tax imposed by the Nebraska Revenue Act
11 of 1967 a refundable credit for motor vehicle taxes paid on all
12 passenger cars, as defined in section 60-345, and trucks, as
13 defined in section 60-356, registered for three tons or less,
14 of the taxpayer. The amount of the credit shall be the motor
15 vehicle taxes paid on such automobiles during the tax year, but
16 not to exceed one hundred fifty dollars. The Tax Commissioner
17 shall develop a form for use by the taxpayer and the Department
18 of Revenue which provides sufficient proof of ownership and motor
19 vehicle taxes paid in the tax year. Every biennium, the Legislature
20 shall reexamine the amount of this tax credit based on economic
21 conditions, fiscal conditions, and other relevant factors.

22 Sec. 8. Section 77-3307, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 77-3307 In any case where it is determined by the
25 board that the decedent died domiciled in this state, no interest
26 otherwise imposed by sections ~~77-2010~~ and ~~77-2102~~, for nonpayment
27 of death taxes between the date of the agreement and of filing of

1 the determination of the board as to domicile shall be charged.

2 Sec. 9. Section 77-3310, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 77-3310 When the Nebraska taxing authority claims that
5 a decedent was domiciled in this state at the time of his death
6 and the taxing authorities of another state or states make a like
7 claim on behalf of their state or states, the Nebraska taxing
8 authority may make a written agreement of compromise with the other
9 taxing authorities and the executor or administrator that a certain
10 sum shall be accepted in full satisfaction of any and all death
11 taxes imposed by this state, including any interest to the date of
12 filing the agreement. The agreement shall also fix the amount to be
13 accepted by the other states in full satisfaction of death taxes.
14 The executor or administrator is hereby authorized to make such
15 agreement. Either the Nebraska taxing authority or the executor or
16 administrator shall file the agreement, or a duplicate, with the
17 authority that would be empowered to determine death taxes for this
18 state if there had been no agreement, and thereupon the tax shall
19 be deemed conclusively fixed as therein provided. Unless the tax
20 is paid within ninety days after filing the agreement, interest
21 as provided for by sections 77-2010 and 77-2102, shall thereafter
22 accrue upon the amount fixed in the agreement but the time between
23 the decedent's death and the filing shall not be included in
24 computing such interest.

25 Sec. 10. Section 77-3313, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 77-3313 For purposes of the Uniform Act on Interstate

1 Arbitration and Compromise of Death Taxes, (1) state ~~shall mean~~
2 means any state, territory, or possession of the United States
3 and the District of Columbia and (2) Nebraska taxing authority
4 ~~shall mean (a) the Attorney General or the Tax Commissioner for~~
5 ~~state estate or generation-skipping transfer tax purposes and (b)~~
6 means the Attorney General or the county attorney, ~~for Nebraska~~
7 ~~inheritance tax purposes.~~

8 Sec. 11. The changes made in sections 30-103.01, 30-2209,
9 30-2352, 77-2039, 77-3307, 77-3310, and 77-3313 by this legislative
10 bill and the repeal of sections 30-24,114, 77-2040, and 77-2101 to
11 77-2116 become operative for decedents dying on or after January 1,
12 2007, or for generation-skipping transfers made on or after January
13 1, 2007.

14 Sec. 12. Original sections 30-103.01, 77-381, 77-2039,
15 77-2701.02, 77-3307, 77-3310, and 77-3313, Reissue Revised Statutes
16 of Nebraska, and sections 30-2209, 30-2352, 77-2715.02, 77-2715.07,
17 77-2716.01, and 77-2716.03, Revised Statutes Cumulative Supplement,
18 2006, are repealed.

19 Sec. 13. The following sections are outright repealed:
20 Sections 30-24,114, 77-2040, 77-2101, 77-2101.02, 77-2102, 77-2104,
21 77-2105, 77-2106, 77-2106.01, 77-2106.02, 77-2108, 77-2109,
22 77-2110, 77-2111, 77-2112, 77-2113, 77-2114, and 77-2116, Reissue
23 Revised Statutes of Nebraska, and sections 77-2101.01, 77-2101.03,
24 and 77-2115, Revised Statutes Cumulative Supplement, 2006.