

March 9, 1992

LB 1063

PRESIDENT MOUL: Thank you, Senator Moore.

CLEPK: Madam President, the next amendment I have is by Senator Schmit. Senator, AM3312.

PRESIDENT MOUL: Senator Schmit.

SENATOR SCHMIT: Madam President, with your permission I would like to substitute 3329 for 3312.

CLERK: Three, three what, Senator?

SENATOR SCHMIT: AM3329 for 3312. (Schmit amendment appears on page 1240 of the Legislative Journal.)

PRESIDENT MOUL: If there are no objections, it is so ordered.

CLERK: Okay.

SENATOR SCHMIT: Madam President and members, I handed out earlier a letter from Leon McCoy, an accountant who had called me and suggested that the bill as drafted provided for another great injustice to be done in the event of the death of an individual when the business or the farm must be appraised and the property must be valued for inheritance tax purposes and/or personal property tax. Now Senator Wickersham told me that his amendment which we adopted, which is on page, I believe, 1177 and 78 of the Journal, takes care of this problem. Let me explain to you if you've not read Mr. McCoy's letter, let me explain to you what his concern is. His concern is this, that under the present law, especially with 106...under 1063, when an individual dies and the surviving spouse inherits the property all property is then valued and that value then is the start of a new value and is subject to tax under 1063. In other words, a widow...we have a new version of the widow's tax. An individual who dies finds their entire estate is up for appraisal and that personal property then which is once again subjected to depreciation is going to be taxed. Is it the intention of this body that that take place? I don't think so. Senator Wickersham says that his amendment takes care of it. I read the amendment differently, Senator Wickersham, and I hope that you will comment on it. As I read the amendment, on page 1177 of the Journal, and I hope the body will follow along with me because you will all be embarrassed if this is what is in the bill and the Wickersham amendment did not correct it. It says