

E AND R AMENDMENTS TO LB 502

Introduced by Enrollment and Review Committee: McGill, 26,
Chairperson

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

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

5 77-2004 In the case of a father, mother, grandfather,
6 grandmother, brother, sister, son, daughter, child or children
7 legally adopted as such in conformity with the laws of the state
8 where adopted, any lineal descendant, any lineal descendant legally
9 adopted as such in conformity with the laws of the state where
10 adopted, any person to whom the deceased for not less than ten
11 years prior to death stood in the acknowledged relation of a
12 parent, or the spouse or surviving spouse of any such persons, the
13 rate of tax shall be one percent of the clear market value of the
14 property in excess of ~~ten~~ forty thousand dollars received by each
15 person. Any interest in property, including any interest acquired
16 in the manner set forth in section 77-2002, which may be valued at
17 a sum less than ~~ten~~ forty thousand dollars shall not be subject
18 to tax. In addition the homestead allowance, exempt property, and
19 family maintenance allowance shall not be subject to tax. Interests
20 passing to the surviving spouse by will, in the manner set forth
21 in section 77-2002, or in any other manner shall not be subject to
22 tax.

23 Sec. 2. Section 77-2005, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 77-2005 In the case of an uncle, aunt, niece, or nephew
3 related to the deceased by blood or legal adoption, or other lineal
4 descendant of the same, or the spouse or surviving spouse of any
5 of such persons, the rate of tax shall be ~~six~~ thirteen percent of
6 the clear market value of the property received by each person in
7 excess of ~~two~~ fifteen thousand dollars. If the clear market value
8 of the beneficial interest is fifteen thousand dollars or less,
9 it shall not be subject to tax. and not exceeding sixty thousand
10 dollars; and on all the excess over sixty thousand dollars, the
11 rate of tax shall be nine percent.

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

14 77-2006 In all other cases the rate of tax shall be
15 eighteen percent on the clear market value of the beneficial
16 interests in excess of ten thousand dollars. shall be as follows:
17 (1) For any amount not exceeding five thousand dollars, six
18 percent; (2) on all the excess of beneficial interests over five
19 thousand dollars and not exceeding ten thousand dollars, nine
20 percent; (3) on all the excess of beneficial interests over ten
21 thousand dollars and not exceeding twenty thousand dollars, twelve
22 percent; (4) on all the excess of beneficial interests over twenty
23 thousand dollars and not exceeding fifty thousand dollars, fifteen
24 percent; and (5) on all the excess of beneficial interests over
25 fifty thousand dollars, eighteen percent. Such rates of tax shall
26 be applied to the clear market value of the beneficial interests
27 in excess of ~~five hundred~~ ten thousand dollars received by each

1 person. If the clear market value of the beneficial interest is
2 ~~five hundred~~ ten thousand dollars or less, it shall not be subject
3 to any tax.

4 Sec. 4. Section 77-2010, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 77-2010 All taxes imposed by sections 77-2001 to 77-2037,
7 unless otherwise herein provided for, shall be due and payable
8 twelve months after the date of the death of the decedent, and
9 interest at the rate specified in section 45-104.01, as such rate
10 may from time to time be adjusted by the Legislature, shall be
11 charged and collected on any unpaid taxes due from the date the
12 same became payable, and in all cases ~~where~~ in which the personal
13 representatives or trustees do not pay such tax within twelve
14 months from the death of the decedent, they shall be required to
15 give bond in the form and to the effect prescribed in section
16 77-2009 for the payment of the tax together with interest. In
17 addition, for failure to file an appropriate proceeding for the
18 determination of the tax within twelve months after the date of
19 the death of the decedent there shall be added to the amount due
20 a penalty of five percent per month, up to a maximum penalty of
21 twenty-five percent of the unpaid taxes due.

22 Sec. 5. Section 77-2040, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 77-2040 Sections 77-2002 to 77-2004 and 77-2102 shall
25 become operative on December 31, 1982, and shall apply to all
26 property which passes from a decedent dying after such date.
27 Sections 77-2001, 77-2032, and 77-2106 shall become operative on

1 July 17, 1982. The changes made in sections 77-2004 to 77-2006 by
2 this legislative bill apply to all property which passes from a
3 decedent dying on or after January 1, 2008. The changes made to
4 section 77-2010 by this legislative bill apply to decedents dying
5 on or after January 1, 2008.

6 Sec. 6. Original sections 77-2004, 77-2005, 77-2006,
7 77-2010, and 77-2040, Reissue Revised Statutes of Nebraska, are
8 repealed.

9 2. On page 1, line 2, after the third comma insert
10 "77-2010,"; and in line 3 strike "rates" and insert "provisions".