

LEGISLATIVE BILL 770

Approved by the Governor May 27, 1997

Introduced by Brashear, 4

AN ACT relating to taxation of estates; to amend sections 30-2467, 30-2469, and 77-398, Reissue Revised Statutes of Nebraska; to require the personal representative to file a duplicate original of the inventory of the estate; to eliminate a duty of the county judge; to harmonize provisions; to repeal the original sections; and to outright repeal section 77-397, Reissue Revised Statutes of Nebraska.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 30-2467, Reissue Revised Statutes of Nebraska, is amended to read:

30-2467. Within three months after appointment, a personal representative, who is not a special administrator or a successor to another representative who has previously discharged this duty, shall prepare and file with the court an inventory of property owned by the decedent at the time of death, listing it with reasonable detail and indicating as to each listed item its fair market value as of the date of the decedent's death and the type and amount of any encumbrance that may exist with reference to any item.

The personal representative shall send a copy of the inventory to interested persons who request it, and shall file the original of the inventory with the court, and shall file a duplicate original with the county assessor or county clerk as provided in section 77-398.

Sec. 2. Section 30-2469, Reissue Revised Statutes of Nebraska, is amended to read:

30-2469. If any property not included in the original inventory comes to the knowledge of a personal representative or if the personal representative learns that the value or description indicated in the original inventory for any item is erroneous or misleading, he the personal representative shall make a supplementary inventory or appraisal showing the market value as of the date of the decedent's death of the new item or the revised market value or descriptions, and the appraisers or other data relied upon, if any, and file it with the court and the county assessor or county clerk as provided in section 77-398 and furnish copies thereof or information thereof to persons interested in the new information.

Sec. 3. Section 77-398, Reissue Revised Statutes of Nebraska, is amended to read:

77-398. Upon receipt of a copy duplicate original of the inventory pursuant to section 30-2467, the county assessor shall check the listed taxable tangible personal property to determine whether it was returned for taxation during the three taxing periods prior to the taxing period during which deceased died. In counties in which the county clerk acts as county assessor or the county assessor is not on active duty throughout the year and has completed the duties required of him or her in under section 77-1315, such copy the duplicate original shall be furnished to filed with the county clerk and he or she shall perform the duties required of the county assessor by this section.

Sec. 4. Original sections 30-2467, 30-2469, and 77-398, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 5. The following section is outright repealed: Section 77-397, Reissue Revised Statutes of Nebraska.