



Hundredth Legislature - First Session - 2007  
**Introducer's Statement of Intent**  
**LB 137**

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**Chairperson:** Brad Ashford  
**Committee:** Judiciary  
**Date of Hearing:** February 1, 2007

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 137 proposes to amend § 77-2003 and § 77-2037 of the Nebraska Code. Currently, § 77-2037 provides that the inheritance tax lien has a statute of limitations for enforcement of the lien. The Nebraska Supreme Court, in the case of *In re estate of Reed*, 271 Neb. 653 (2006), recognized this limitation on the enforcement of the inheritance tax lien, but then concluded that there is no statute of limitations on the enforcement of the personal liability of the personal representative of the estate or of the recipients of property from the estate.

LB 137 provides that the inheritance tax lien will terminate at the first of the following to occur: (a) ten years after the death of the decedent, (b) five years after the determination and assessment of inheritance tax arising as a result of the death of the decedent, (c) the payment of the amount of inheritance tax finally determined by the County Court, or (d) the release or discharge of any lien pursuant to § 77-2039. LB 137 also provides that the personal liability of those liable for the payment of the inheritance tax will terminate at the first of the following to occur: (a) ten years after the death of the decedent (or, if the decedent died before the effective date of LB 137, one year after the effective date, whichever is later), (b) five years after the determination and assessment of inheritance tax arising as a result of the death of the decedent, or (c) the payment of the amount of inheritance tax finally determined by the County Court.

**Principal Introducer:**

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**Senator Mike Flood**