

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

As Amended by AM2326, AM2463, AM2658, FA1058, AM2635 & AM2672

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)					
EXPENDITURES	GENERAL	CASH	FEDERAL	REVOLVING	TOTAL
FY2025-2026	0	0	0	0	0
FY2026-2027	523,247	0	0	0	523,247
FY2027-2028	136,300	0	0	0	136,300
FY2028-2029	140,300	0	0	0	140,300
REVENUE	GENERAL	CASH	FEDERAL	REVOLVING	TOTAL
FY2025-2026	0	0	0	0	0
FY2026-2027	4,902,000	0	0	0	4,902,000
FY2027-2028	6,831,000	0	0	0	6,831,000
FY2028-2029	7,138,000	0	0	0	7,138,000

Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.

LB 838 AM2326 contains the provisions of LB 838, as well as the provisions of four other bills, LB 1063, LB 837, LB 1160, and LB 875. AM2463 amends the committee amendment AM2326 to incorporate the provisions of LB 1118 and LB 1119.

AM2658 contains the provisions of LB 1174 as amended by AM2553 which provides a excise tax of 25% on any remittance transfer to a resident of a foreign adversary country. The bill also provides exemptions for active duty members of the armed forces.

FA1058 amends AM2658 to include the exception of Cuba and Venezuela when referring to foreign adversary countries.

AM2635 changes provisions related to social media platforms failing to investigate fraudulent advertisement reported by a user, removing such advertisement, notifying submitter of status, and knowingly permitting advertisement on platform.

AM2672 adds the Severability Clause.

LB 838 as amended by AM 2247 modifies language relating to the immunity of a financial institution from any civil, criminal, or administrative liability for choosing not to implement an authorized contact program or any actions or omissions related to the administration of such a program.

LB 838 changes provisions relating to the financial exploitation of vulnerable or senior adults. The bill would grant immunity to the financial institution for denying interaction with authorized contacts and would not hold them liable for the authorized contacts actions if financial exploitation was suspected. An authorized contact acting in good faith would also be granted immunity.

LB 1063 as amended by AM 1955 replaces the word "person" in Section 6 of LB 1063 with "person in control".

LB 1063 changes provisions relating to applicants and licensees under the Nebraska Money Transmitters Act. The bill would update compliance standards and set requirements for informal value transfer services. Additionally, the bill would prohibit money transmission activities by entities from countries that are considered foreign adversaries and would add certifications and screening requirements to verify applicants.

LB 1160 amends section 25-2701 to provide that unless specifically provided to the contrary in the Uniform Probate Code or unless inconsistent with its provisions, the rules and codes of civil procedure, including the rules concerning vacation of orders and appellate review, govern proceedings under the section.

The bill amends section 30-2301 to provide that any part of a decedent's estate not effectively disposed of by will passes by intestate succession to the decedent's heirs as prescribed in the following section of the code, except as modified by the decedent's will.

The bill amends section 30-2302 to provide that the intestate share of the surviving spouse is:

- If there is no surviving issue but the decedent is survived by a parent or parents, the first \$150,000, a change from \$100,000, plus one-half of the balance of the intestate estate;
- If there are surviving issue all of whom are issue of the surviving spouse also, the first \$150,000, a change from \$100,000, plus one-half of the balance of the intestate estate.

The bill amends section 30-2322 to provide that a surviving spouse of a decedent who was domiciled in this state is entitled to a homestead allowance of \$25,000 for a decedent who dies on or after January 1, 2027.

The bill amends section 30-2323 to provide that in addition to the homestead allowance, the surviving spouse of a decedent who was domiciled in this state is entitled from the estate to value not exceeding \$17,500 for a decedent who dies on or after January 1, 2027, in excess of any security interest therein in household furniture, automobiles, furnishings, appliances, and personal effects.

The bill amends section 30-2325 to provide that the personal representative may determine the family allowance in a lump sum not exceeding \$25,000 for a decedent who dies on or after January 1, 2027, or periodic installments not exceeding \$2,083.33 per month for one year for a decedent who dies on or

after January 1, 2027.

The bill amends the Nebraska Uniform Trust Code.

The bill amends section 30-3803 to change the definition of “terms of a trust.”

The bill adds that a contract to make a trust, or not to revoke a trust, if executed on or after January 1, 1977 shall only be established in specific ways.

The bill adds that a provision in a trust purporting to penalize any interested person for contesting the trust or instituting other proceedings relating to the trust is unenforceable if probable cause exists in instituting proceedings.

The bill adds that the rules of construction that apply in this state to the interpretation and disposition of property by will shall also apply as appropriate to the interpretation of the terms of a trust and the disposition of the trust property.

The bill amends section 30-38,103 to add that any information necessary to establish a person’s ownership of a homestead for purposes of obtaining a homestead exemption is a fact/information a certification of trust may confirm.

The bill amends section 77-2004 to provide persons subject to inheritance tax at the rate of 1%.

The bill amends section 77-3503 to add that a certification of trust showing that the criteria of this section regarding homestead owners shall be on file on the appropriate public record as of January 1 of the year for which exemption is sought, except that if such instrument is not on file as of January 1, a copy of such instrument shall be attached to such application before the homestead exemption shall be granted.

LB 875 as amended by AM 1919 adds clarifying language to the bill to include that a term of a dealer agreement inconsistent with the terms of the Equipment Business Regulation Act is contrary to public policy and is void and unenforceable.

LB 875 amends the Equipment Business Regulation Act to add new restrictions to supplier-dealer agreements and to strengthen dealers’ surplus repair parts return rights. The bill prohibits contract terms that waive compliance with Nebraska law or require disputes to be resolved outside Nebraska or under another state’s law. It also removes the current option to waive the annual opportunity for dealers to return surplus repair parts for credit.

LB 837 as amended by AM 1826 and AM 2128 strikes the original Section 1 in LB 837 and adds language relating to the rounding rules to include fees, surcharges, assessments, and other governmental charges, or the final cash amount paid out or returned to a customer or employee. Also amended, are the provisions prohibiting altering the sales price of any good or service, the amount of any tax calculated or imposed under state or local law, and any regulatory fee, government-imposed fee, surcharge, assessment, or other charge required by law. Tax liability for rounded transactions remains the exact amount calculated prior to rounding.

LB 837 provides for rounding in five cent increments for any person selling goods or services in a cash transaction, entering into any transaction that results in a payment or transfer of cash between the parties to the transaction, or paying cash wages to an employee as compensation. This does not apply to any transaction for which payment is made by any demand or negotiable instrument, electronic fund transfer, check, gift card, money order, credit card, or other similar instrument or method.

LB 1118 as amended by AM 2463 amends provisions under social media platforms to include a cable operator or an affiliate of a cable operator.

LB 1118 updates Neb. Rev. Stat. §87-302 under the Uniform Deceptive Trade Practices Act to treat certain conduct by a social media platform that accept paid advertising as a deceptive trade practice. The bill requires platforms to implement advertiser identity verification fraud and impersonation detection measures, repeat-offender controls, and reporting processes for both users and law enforcement. It also requires the platform, within seven days of a report, to investigate whether an ad is fraudulent, remove ads determined to be fraudulent, and provide a status notice when law enforcement submits a report.

LB 1119 as amended by AM 2463 modifies the covered online service definition under the Age-Appropriate Online Design Code Act to include a sole proprietorship, a limited liability company, a corporation, an association, or any other legal entity that generates a majority of its annual revenue from online services. Additionally, a covered online service was amended to not include a financial institution subject to Title V of the Gramm-Leach-Bliley Act or any regulations adopted in accordance with such act. AM 2463 amends statute 87-1304 and 87-1306 to strike unnecessary language in regards to covered design features.

LB 1119 updates the Age-Appropriate Online Design Code Act by expanding when an online service is considered to have knowledge of a user’s age, broadening the types of design features covered by the Act, prohibiting one-step privacy downgrades and repeated prompts for minors to reduce privacy protections, and requiring a clear tool for minors to request account unpublishing or deletion within 15 days. The bill also maintains limits on data collection and use, profiling, targeted advertising, certain notifications geolocation collection, prohibited product advertising, and dark patterns when the user is a covered minor.

LB 838 AM 2326, AM 2463, FA1058, AM2635 and AM2672 do not appear to have direct fiscal impact to the state. However, the counties may see a decrease in revenue due to the reduction in inheritance tax collections.

The Department of Revenue, as amended by AM2658, estimates a one-time programming charge of \$385,947 to add a new tax category to the existing Tax Application and to create a new application and batch process which would allow filing the new return. The department would also need to hire one full-time Information Technology Supervisor estimated at about \$140,000 including the salary and benefits to implement the new program, as well as, general oversight and maintenance of the tax program. LB 838 AM2658 would also generate the revenue stated in the table below:

Fiscal Year	General Fund Revenues
FY 2026-2027	\$4,902,000
FY 2027-2028	\$6,831,000
FY 2028-2029	\$7,138,000

No basis to disagree with the estimates.

Please complete ALL (5) blanks in the first three lines.

2026

LB⁽¹⁾ 838 AM2131 AM2326 FA1058 AM2658 AM2672

FISCAL NOTE

State Agency OR Political Subdivision
Name: ⁽²⁾

Attorney General

Prepared by: ⁽³⁾

Date Prepared:
⁽⁴⁾

Phone: ⁽⁵⁾ 402-471-2687

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2026-27</u>		<u>FY 2027-28</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	_____	_____	_____	_____

Explanation of Estimate:

No Fiscal Impact.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2026-27 EXPENDITURES</u>	<u>2027-28 EXPENDITURES</u>
	<u>26-27</u>	<u>27-28</u>		
Benefits.....	_____	_____	_____	_____
...				
Operating.....	_____	_____	_____	_____
....				
Travel.....	_____	_____	_____	_____
.				
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
.				
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

Please complete ALL (5) blanks in the first three lines.

2026

LB⁽¹⁾ LB838 AM2326 AM2463 FA1058 AM2658 AM2635
and AM2672

FISCAL NOTE

State Agency OR Political Subdivision
Name: ⁽²⁾

Department of Banking and Finance

Prepared by: ⁽³⁾ John Drahota

Date Prepared: 03/23/2026
⁽⁴⁾

Phone: ⁽⁵⁾ (402) 471-4954

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2026-27		FY 2027-28	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	_____	_____	_____	_____

Explanation of Estimate:

No fiscal impact.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2026-27	2027-28
	<u>26-27</u>	<u>27-28</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....	_____	_____	_____	_____
... Operating.....	_____	_____	_____	_____
.... Travel.....	_____	_____	_____	_____
. Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
. Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

Please complete ALL (5) blanks in the first three lines.

2026

LB⁽¹⁾ 838, AM2326, AM2463, FA1058, AM2658,
AM2635, AM2672

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ 05 Supreme Court

Prepared by: ⁽³⁾ Eric Asboe Date Prepared: ⁽⁴⁾ 3/19/2026 Phone: ⁽⁵⁾ 402-326-9215

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION
FY 2026-27 **FY 2026-27**

	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	_____	_____	_____	_____

Explanation of Estimate:

LB838, as amended by the amendments listed above, will result in a minimal fiscal impact to provide judicial and court staff education. No additional resources required.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2026-27</u>	<u>2027-28</u>
	<u>26-27</u>	<u>27-28</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....	_____	_____	_____	_____
... Operating.....	_____	_____	_____	_____
... Travel.....	_____	_____	_____	_____
. Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
. Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: 838 AM: Multiple AGENCY/POLT. SUB: Nebraska Supreme Court

REVIEWED BY: Ryan Walton DATE: 3/23/2026 PHONE: (402) 471-4174

COMMENTS: The Supreme Court's assessment of fiscal impact from LB 838, as amended, appears reasonable.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: 838 AM: Multiple AGENCY/POLT. SUB: Department of Revenue

REVIEWED BY: Ryan Walton DATE: 3/24/2026 PHONE: (402) 471-4174

COMMENTS: The Department of Revenue's assessment of fiscal impact from LB 838, as amended, appears reasonable.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: 838 AM: Multiple AGENCY/POLT. SUB: Department of Banking and Finance

REVIEWED BY: Ryan Walton DATE: 3/23/2026 PHONE: (402) 471-4174

COMMENTS: The Department of Banking and Finance's assessment of no fiscal impact from LB 838, as amended, appears reasonable.