

**FISCAL NOTE**  
LEGISLATIVE FISCAL ANALYST ESTIMATE

**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	45,000	0	0	0	45,000
FY2027-2028	0	0	0	0	0
FY2028-2029	0	0	0	0	0
REVENUE	GENERAL	CASH	FEDERAL	REVOLVING	TOTAL
FY2025-2026	0	0	0	0	0
FY2026-2027	0	0	0	0	0
FY2027-2028	0	0	0	0	0
FY2028-2029	0	0	0	0	0

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

LB 868 provides that if a decedent was the victim of a homicide or is a potential victim of a homicide, then any interested party may file an application for an inheritance tax exemption with the Department of Revenue (DOR) on a form prescribed by the DOR.

This inheritance tax exemption on any interest in property passing from such decedent is granted when the decedent is determined to be the victim of a homicide.

This exemption applies to decedents dying on or after June 1, 2026.

The bill also amends provisions to provide when the tax is due and penalties in the case of the determination that the decedent is not the victim of a homicide.

The bill contains the emergency clause.

The DOR estimates \$45,000 to develop an application in eDASH as a result of the bill. There is no basis to disagree with this estimate.

In the event of an inheritance tax exemption under this bill, counties would see a decrease in inheritance tax revenue.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 868	AM:	AGENCY/POLT. SUB: Department of Revenue
REVIEWED BY: Ryan Yang	DATE: 1/16/2025	PHONE: (402) 471-4178
COMMENTS: The Department of Revenue assessment of fiscal impact from LB 868 appears reasonable.		

## State Agency Estimate

State Agency Name: Department of Revenue		Date Due LFO:	
Approved by: James R. Kamm	Date Prepared: 01/15/2026	Phone: 471-5896	
	FY 2026-2027	FY 2027-2028	FY 2028-2029
	Expenditures	Revenue	Expenditures
General Funds	\$ 45,000	\$ 0	
Cash Funds			
Federal Funds			
Other Funds			
Total Funds	\$ 45,000	\$ 0	\$ 0

LB 868 amends Neb. Rev. Stat. § 77-2007.03 by adding an exemption to the inheritance tax for any interest passing from a decedent who was the victim of a homicide and died after June 1, 2026. The personal representative of the estate of the deceased must make application for the exemption to the Department of Revenue on a form designed by the same. LB 868 also tolls the requirement that inheritance tax be due and payable 12 months after the date of the decedent's death.

LB 868 amends Neb. Rev. Stat. § 77-2010 by requiring that for a homicide exemption, the inheritance tax be paid within 12 months after determination that the decedent was not a victim of homicide with failure to do so subjecting the personal representative or trustee to the existing penalties.

It is estimated that LB 868 will require \$45,000 to develop an application in eDASH.

This bill contains an emergency clause and becomes law upon enactment.

## Major Objects of Expenditure

Class Code	Classification Title	26-27	27-28	28-29	26-27	27-28	28-29
		FTE	FTE	FTE	Expenditures	Expenditures	Expenditures
Benefits.....							
Operating Costs.....					\$ 45,000		
Travel.....							
Capital Outlay.....							
Capital Improvements.....							
<b>Total.....</b>					\$ 45,000		

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

**2026**

**LB<sup>(1)</sup>** 868

**FISCAL NOTE**

**State Agency OR Political Subdivision**  
Name: <sup>(2)</sup>

05 Supreme Court

**Prepared by:** <sup>(3)</sup> Eric Asboe

**Date Prepared:** 1/15/2026  
<sup>(4)</sup>

**Phone:** <sup>(5)</sup> 402-326-9215

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

**FY 2026-27**

**FY 2026-27**

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

**Explanation of Estimate:**

Minor modifications may need to be made to JUSTICE, the Judicial Branch case management system. There may also be a minimal fiscal impact to provide judicial education. It is estimated that a small number of cases would involve homicide. Therefore, no additional resources required.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<b>POSITION TITLE</b>	<b>NUMBER OF POSITIONS</b>	<b>2026-27 EXPENDITURES</b>	<b>2027-28 EXPENDITURES</b>
	<b>26-27</b>	<b>27-28</b>	

**Benefits.....**

**Operating.....**

**Travel.....**

**Capital outlay.....**

**Aid.....**

**Capital improvements.....**

**TOTAL.....**