Keisha Patent February 13, 2024 402-471-0059

# LB 1321

# Revision: 00 FISCAL NOTE LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)							
	FY 2024	4-25	FY 2025-26				
_	EXPENDITURES REVENUE		EXPENDITURES	REVENUE			
GENERAL FUNDS							
CASH FUNDS							
FEDERAL FUNDS							
OTHER FUNDS							
TOTAL FUNDS							

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

LB 1321 amends the Office of Public Counsel Act, incorporates the Office of Inspector General of Nebraska Child Welfare Act and the Office of Inspector General of Nebraska Correctional System Act, and amends provision related to each act. The bill changes provisions related to appointment, investigations, reports, and subpoena process.

No fiscal impact.

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

LB: 1321	AM:	AGENCY/POLT. SUB: Legislative Co	AGENCY/POLT. SUB: Legislative Council (003)				
REVIEWED BY	Y: Joe Wilcox	DATE: 01/23/24	PHONE: (402) 471-4178				
COMMENTS: Agree with the Legislative Council estimate of No Fiscal Impact to the Legislative Branch from LB 1321.							

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

### LB: 1321 AM: AGENCY/POLT. SUB: Nebraska Department of Correctional Services (046)

REVIEWED BY: Joe Wilcox

DATE: 01/30/2024

PHONE: (402) 471-4178

COMMENTS: Agree with the Nebraska Department of Correctional Services (NDCS) estimate of No Fiscal Impact to the Agency from LB 1321.

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

LB: 1321 AM: AGENCY/POLT. SUB: Nebraska Commission on Law Enforcement and Criminal Justice (078)

REVIEWED BY: Joe Wilcox

DATE: 01/25/2024

PHONE: (402) 471-4178

COMMENTS: Do not disagree with the Nebraska Commission on Law Enforcement and Criminal Justice (Crime Commission) estimate of No Fiscal Impact to the Agency from LB 1321.

Please complete <u>ALL</u> (5) blanks in the first three lines.

LB <sup>(1)</sup> 1321				I	FISCAL NOTE		
State Agency OR Pol	itical Subdivision Name: <sup>(2)</sup>	Nebraska Department of Correctional Services					
Prepared by: (3)	_isa Stanton	Date Prepared: <sup>(4)</sup>	01/18/2024	Phone: (5)	(402)479-5702		
	ESTIMATE PROVID	DED BY STATE AGEN	CY OR POLITIC	AL SUBDIVISI	ION		
	FY	2024-25		FY 2025	5-26		
	<b>EXPENDITURES</b>		EXPEND		REVENUE		
GENERAL FUND							
CASH FUNDS							
FEDERAL FUNDS							
OTHER FUNDS							
TOTAL FUNDS							
Explanation of Estir	nate:						

NDCS estimates no fiscal impact as a result of LB 1321.

BREAKD	OWN BY MAJ	OR OBJECTS OF	EXPENDITURE	
Personal Services:				
POSITION TITLE	NUMBER OI <u>24-25</u>	F POSITIONS <u>25-26</u>	2024-25 <u>EXPENDITURES</u>	2025-26 <u>EXPENDITURES</u>
Benefits				
Operating				
Travel				
Capital outlay Aid				
Capital improvements				
TOTAL				

# 2024

LB (1) 1321

**FISCAL NOTE** 

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

State Agency or Political Subdivision Name:(2) Department of Health and Human Services

Prepared by: (3) John Meals	Date Prepa	red 2-12-2024	Phone: (5) 471-6719		
	<u>FY 2024</u>	-2025	FY 202	25-2026	
_	EXPENDITURES REVENUE		EXPENDITURES	REVENUE	
GENERAL FUNDS					
CASH FUNDS					
FEDERAL FUNDS					
OTHER FUNDS					
TOTAL FUNDS	\$0	\$0	\$0	\$0	
=					

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate:

LB 1321 changes the powers and duties of the Executive Board (EB) of the Legislative Council, the Office of Public Counsel (OPC), and the Office of the Inspector Generals (OIG) for both Child Welfare and Nebraska Correctional Systems.

The OPC is established under the Office of Public Counsel Act, appointed by the EB of the Legislative Counsel, and is no longer appointed by the Legislature by two thirds vote. The OPC serves the EB with term limits being struck.

Under this bill, the OPC is given the power to investigate any administrative act of any administrative agency on their own motion rather than on complaint.

The Department of Health and Human Services (DHHS) is considered a fully covered entity for information privacy purposes and follows the standards outlined by the federal government under the Health Insurance Portability and Accountability Act (HIPAA). Under a subpoena, a DHHS provider may disclose information only if the HIPAA guidelines are met.

The subpoenas issued by the OIG or the EB of the Legislative Council under LB1321 lack clarity on what guidelines their subpoenas must follow and what information those subpoenas may request. These undefined subpoena guidelines open the potential for them to come into conflict with the HIPAA guidelines. This will be a legal challenge for DHHS as the department will need to observe HIPAA policies but also comply with these subpoenas or risk contempt of court for failure to comply.

There is no initial fiscal impact to the Department of Health and Human Services (DHHS). Any additional work will be absorbed by current staff. However, should the volume of requests and required time for review of those requests be substantial, an appropriation request would be submitted at that time.

MAJOR OBJECTS OF EXPENDITURE						
PERSONAL SERVICES:						
	NUMBER OF POSITIONS	2024-2025	2025-2026			
POSITION TITLE	24-25 25-26	EXPENDITURES	EXPENDITURES			

Benefits.....

Operating		
Travel		
Capital Outlay		
Aid		
Capital Improvements	\$0	\$0
TOTAL		

Please complete  $\underline{ALL}$  (5) blanks in the first three lines.

LB <sup>(1)</sup> 1321				I	FISCAL NOTE
State Agency OR Po	litical Subdivision Name: <sup>(2)</sup>	Nebraska Board o	f Parole/Division	of Parole	Supervision
Prepared by: <sup>(3)</sup> Chairperson Rosalyn Cotton		Date Prepared: <sup>(4)</sup>	Date Prepared: <sup>(4)</sup> January 22, 2024 Pho		402 479-5731
	ESTIMATE PROVI	DED BY STATE AGEN	CY OR POLITICAL	<u>SUBDIVIS</u>	ION
	<u>FY :</u> EXPENDITURES	<u>2024-25</u> <u>REVENUE</u>	<u>EXPENDITU</u>	<u>FY 2025-</u> I <u>RES</u>	<u>-26</u> <u>REVENUE</u>
GENERAL FUND	s				
CASH FUNDS					
FEDERAL FUNDS	5				
OTHER FUNDS			<u> </u>		
TOTAL FUNDS					
Explanation of Est	imate:				
No Fiscal Impact					

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE							
Personal Services:							
	NUMBER OF	<b>F POSITIONS</b>	2024-25	2025-26			
POSITION TITLE	24-25	25-26	EXPENDITURES	<b>EXPENDITURES</b>			
				,			
Benefits							
Operating							
Travel							
Capital outlay							
Aid							
Capital improvements							
TOTAL							

Please complete  $\underline{ALL}$  (5) blanks in the first three lines.

LB <sup>(1)</sup> 1321				<b>FISCAL NOTE</b>			
State Agency OR Politica	al Subdivision Name: <sup>(2)</sup>	05 Supreme Court					
Prepared by: <sup>(3)</sup> Eric Asboe		Date Prepared: <sup>(4)</sup>	2/12/2024 Pho	one: <sup>(5)</sup> 402-326-9215			
	ESTIMATE PROVI	<u>DED BY STATE AGEN</u>	NCY OR POLITICAL SUP	BDIVISION			
	FY	2024-25	F	¥ 2025-26			
	<b>EXPENDITURES</b>	REVENUE	<b>EXPENDITURES</b>	REVENUE			
GENERAL FUNDS							
CASH FUNDS							
FEDERAL FUNDS							
OTHER FUNDS							
TOTAL FUNDS							
Explanation of Estima	te						
No fiscal impact.							

BREAK	<u>DOWN BY MAJ</u>	OR OBJECTS O	<u>F EXPENDITURE</u>	
Personal Services:				
	NUMBER OF	POSITIONS	2024-25	2025-26
POSITION TITLE	<u>24-25</u>	25-26	EXPENDITURES	EXPENDITURES
	<u> </u>			,
Benefits				
Operating				
Travel				
Capital outlay				
Aid				
Capital improvements				
TOTAL				

Please complete <u>ALL</u> (5) blanks in the first three lines.

LB <sup>(1)</sup> 1321					FISCAL NOTE
State Agency OR Political S	ubdivision Name: (2)	LEGISLATURE -	03		
Prepared by: <sup>(3)</sup> Shelley	y Reed	Date Prepared: <sup>(4)</sup>	01/23/2024	Phone: (5)	402-471-2226
I	ESTIMATE PROVI	DED BY STATE AGEN	ICY OR POLITICAL	SUBDIVIS	ION
	<u>FY 2</u> EXPENDITURES	2024-25 <u>REVENUE</u>	<u>EXPENDITUI</u>	<u>FY 2025</u> <u>RES</u>	-26 <u>REVENUE</u>
GENERAL FUNDS					
CASH FUNDS					
FEDERAL FUNDS					
OTHER FUNDS			<u> </u>		
TOTAL FUNDS	0	0	0		0
Explanation of Estimate:					

NO FISCAL IMPACT

LB1321 Changes the provisions relating to the Public Counsel, Inspector General of NE Child Welfare and the Inspector General of the NE Correctional Systems. These positions are already a part program 504's appropriations, so there is no additional fiscal impact.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE									
Personal Services:									
POSITION TITLE	NUMBER OI <u>24-25</u>	F POSITIONS <u>25-26</u>	2024-25 <u>EXPENDITURES</u>	2025-26 <u>EXPENDITURES</u>					
Benefits									
Operating	•••								
Travel									
Capital outlay									
Aid									
Capital improvements									
TOTAL									

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

TOTAL

LB <sup>(1)</sup> 1321				FISCAL NC	)TE	
State Agency OR Polit	ical Subdivision Name: (2)	Nebraska Crime C	commission			
Prepared by: <sup>(3)</sup> A	manda Limbach	Date Prepared: <sup>(4)</sup>	01/25/24	Phone: <sup>(5)</sup> 402-471-8799		
	ESTIMATE PROVI	DED BY STATE AGEN	ICY OR POLITICAL S	UBDIVISION		
	<u>FY :</u> EXPENDITURES	<u>FY 2024-25</u> <u>CPENDITURES</u> <u>REVENUE</u>		<u>FY 2025-26</u> <u>EXPENDITURES</u> <u>REVENUE</u>		
GENERAL FUNDS						
CASH FUNDS						
FEDERAL FUNDS						
OTHER FUNDS						
TOTAL FUNDS	0	0	0	0		
Explanation of Estin	nate:					

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE Personal Services: NUMBER OF POSITIONS 2024-25 2025-26 POSITION TITLE **EXPENDITURES EXPENDITURES** <u>25-26</u> <u>24-25</u> Benefits Operating..... Travel..... Capital outlay..... Aid..... Capital improvements.....