

PREPARED BY: Liz Hruska
 DATE PREPARED: March 29, 2018
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LB 1040

Revision: 01

Revised based on amendments adopted through 3-28-18

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2018-19		FY 2019-20	
	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.

This bill authorizes the Department of Health and Human Services to issue a commemorative certificate for a nonviable birth prior to the twentieth week of gestation during a pregnancy that has been verified by a health care practitioner. The Department would issue the certificate when provided with a letter certifying the nonviable birth to the patient. The nonviable birth would not be registered. The certificate would have no legal effect. The Department is required to charge a fee not to exceed the cost for issuing the certificate.

The commemorative certificate is not to be registered and has no legal effect. Once the certificate is issued, the Department has no further responsibilities or obligations, so nothing would need to be permanently retained unlike other vital records. The design of the certificate can be handled within existing resources. Cost of staff time to verify the letters from health care professionals and print and send the certificates would be nominal and covered by the fee authorized in the bill. The staffing costs in the Department of Health and Human Services fiscal note are existing staff and represents the time that would be allocated to this activity.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 1040	AM:1995	AGENCY/POLT. SUB: Department of Health and Human Services (DHHS)
REVIEWED BY: Elton Larson	DATE: 3/19/2018	PHONE: (402) 471-4173
COMMENTS: DHHS analysis and estimate of fiscal impact to the department appear reasonable.		

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

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

Prepared by: (3) Mike Michalski

Date Prepared 2-27-18

Phone: (5) 471-6719

	<u>FY 2018-2019</u>		<u>FY 2019-2020</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS				
CASH FUNDS	\$2,123	\$2,040	\$4,443	\$4,080
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$2,123	\$2,040	\$4,443	\$4,080

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

Explanation of Estimate:

AM 1995 amends LB 1040 to provide “commemorative certificate” a distinct definition from “certificate” within the Vital Statistics Act. It replaces instances of “certificate of nonviable birth” with “commemorative certificate of nonviable birth.” Additionally, it strikes “certifying” and replaces it with “verifying.” “Certificate” and “certification” are defined terms within the Vital Statistics Act that result in record retention requirements. AM 1995 seeks to avoid a requirement for the Department to retain vital record information with regard to nonviable birth requests.

AM 1995 would preclude the need for an event creation within the Department’s vital records system. However, a manual process to fulfill requests for commemorative certificates would require additional staff time. The amount would be largely dependent on consumer demand. Neither LB 1040 nor AM 1995 prevent retroactive requests for commemorative certificates for nonviable births taking place prior to the bill’s enactment. A gestational lower bound is not explicitly provided in LB 1040 or AM 1995. This may result in a greater proportion of miscarriages being verified than in Florida, which is the only state to date with similar legislation already enacted. The Department estimates issuing approximately 120 certificates in FY19 and 240 in FY20. The Department would be authorized to set fees for providing commemorative certificates. This fiscal note assumes a fee equivalent to the \$17 charged for a certificate of birth resulting in stillbirth.

MAJOR OBJECTS OF EXPENDITURE

PERSONAL SERVICES:	POSITION TITLE	NUMBER OF POSITIONS		2018-2019	2019-2020
		18-19	19-20	EXPENDITURES	EXPENDITURES
	Vital Statistics Clerk	.04	.09	\$1,193	\$2,497

Benefits.....	\$408	\$854
Operating.....	\$522	\$1,092
Travel.....		
Capital Outlay.....		
Aid.....		
Capital Improvements.....		
TOTAL.....	\$2,123	\$4,443