PREPARED BY: Keisha Patent and Liz

Hruska

DATE PREPARED: February 22, 2019 PHONE: 402-471-0059 **LB 710** 

Revision: 00

# **FISCAL NOTE**

LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT - STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 201	9-20	FY 2020-21	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	See Below	See Below	See Below	See Below
CASH FUNDS		See Below	See Below	See Below
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	See Below	See Below	See Below	See Below

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

LB 710 amends criminal provisions, creates a fund, amends taxation provisions, allocates tax proceeds, and redefines terms.

<u>Criminal Provisions:</u> The bill amends the Nebraska Criminal Code provisions related to sale and licensure of cigarettes and tobacco. The bill replaces references in these statutes to cigarettes, cigars, vapor products, alternative nicotine products, or tobacco with "tobacco products." The bill does not change penalties for any offenses related to unlawful sale or use of these products, and there is not estimated to be a fiscal impact from changes to these provisions.

<u>Cigarette Tax:</u> LB 710 increases the tax on cigarettes from \$0.64 to \$2.14 per pack. The bill also redefines cigarette in the taxation statutes to include any rolled tobacco likely to be sold as a cigarette if it weighs under a certain amount, even if it contains other ingredients or is labeled as something other than a cigarette. The Department of Revenue estimates increased revenue of \$87.534 million in FY 19-20, \$92.357 million in FY 20-21, \$89.536 million in FY 21-22, and \$86.744 million in FY 22-23.

Beginning July 1, 2020, and each year thereafter, the bill requires the State Treasurer to transfer \$47.4 million of cigarette tax proceeds to the Nebraska Health Care Cash Fund and transfer \$13 million into the fund for a total of \$60.4 million annually. This is an increase in the transfer of \$59,150,000 per fiscal year from the current amount of \$1,250,000.

The distribution of the proceeds from the increase in the cigarette tax will follow the current distribution formula in FY 19-20, including that once all of the distribution is satisfied according the prescribed number of cents in section 77-2602, the remaining revenue will be credited to the Nebraska Capital Construction Fund according to section 77-2602(4).

Beginning in FY 20-21, \$1.50 of the cigarette tax must be distributed to 27 different funds and programs, including a distribution of 17% of such increase directed to the General Fund. The increased revenue is specifically directed to certain funds and programs through the Nebraska Health Care Cash Fund. However, these distributions seem to operate separately from the transfer prescribed in section 77-2602 because a set amount, \$1.50, of the tax is dedicated to the distributions, and the distributions of the remaining tax will be insufficient to provide for the increased transfer to the Nebraska Health Care Cash Fund. We agree with the Department of Revenue's assumption that the result will be a net revenue loss to the General Fund.

The estimated net General Fund revenue, the net increase to the Nebraska Health Care Cash Fund, and the net increase to the Nebraska Capital Construction Fund are shown in the following table.

Fiscal Year	Net General Fund Revenue	Nebraska Health Care Cash Fund	Nebraska Capital Construction Fund
FY 19-20	\$20,097,000	\$0	\$67,437,000
FY 20-21	(\$43,384,000)	\$59,150,000	\$0
FY 21-22	(\$43,868,000)	\$59,150,000	\$0
FY 22-23	(\$44,345,000)	\$59,150,000	\$0

The following amounts are estimated to be distributed to the funds and programs from the \$1.50 increase in tax, other than the General Fund:

Program	Percentage	FY 19-20	FY 20-21	FY 21-22	FY 22-23
Total Estimated Cigarette Tax Revenue		\$87,464,000	\$92,357,000	\$89,536,000	\$86,744,000
Nebraska Outdoor Recreation Development Cash					
Fund	0.50%		\$461,785	\$447,680	\$433,720
University of Nebraska Medical Center and the					
Creighton University Medical Center for cancer research	1.00%		\$923,570	\$895,360	\$867,440
Building Renewal Allocation Fund	2.50%	•	\$2,308,925	\$2,238,400	\$2,168,600
University of Nebraska Medical Center, the Creighton University Medical Center, and Boys Town Center for Neurobehavioral Research in Children for children's behavioral research	3.00%		\$2,770,710	\$2,686,080	\$2,602,320
Medicaid expansion	25.00%		\$23,089,250	\$22,384,000	\$21,686,000
Public health departments	4.00%		\$3,694,280	\$3,581,440	\$3,469,760
University of Nebraska Medical Center College of Public Health	2.00%		\$1,847,140	\$1,790,720	\$1,734,880
Federally qualified health centers	2.00%		\$1,847,140	\$1,790,720	\$1,734,880
Smoking cessation and addiction services	5.00%	•	\$4,617,850	\$4,476,800	\$4,337,200
Area health education centers	1.00%	-	\$923,570	\$895,360	\$867,440
Cancer and smoking-related disease research	4.00%	_	\$3,694,280	\$3,581,440	\$3,469,760
Behavioral Health Education Center of Nebraska at the University of Nebraska Medical Center	1.00%	Revenue will be distributed	\$923,570	\$895,360	\$867,440
Emergency protective custody services and resources	1.00%	according to the	\$923,570	\$895,360	\$867,440
Behavioral Health Provider Rate Stabilization Fund	2.00%	provisions of section	\$1,847,140	\$1,790,720	\$1,734,880
Children's Health Insurance Program to increase eligibility to 37%	6.00%	77-2602 in FY 19-20.	\$5,541,420	\$5,372,160	\$5,204,640
Improving health care delivery systems under the Patient Safety Improvement Act	2.00%		\$1,847,140	\$1,790,720	\$1,734,880
Emergency medical services workforce training and recruitment	1.00%		\$923,570	\$895,360	\$867,440
Emergency medical services sustainability initiatives	1.00%		\$923,570	\$895,360	\$867,440
Paid family and medical leave start-up costs	2.50%		\$2,308,925	\$2,238,400	\$2,168,600
K-12 education	5.00%		\$4,617,850	\$4,476,800	\$4,337,200
Nebraska Early Childhood Professional Record System	2.00%		\$1,847,140	\$1,790,720	\$1,734,880
Health services in county corrections	2.00%		\$1,847,140	\$1,790,720	\$1,734,880
Human Trafficking Victim Assistance Fund	0.50%		\$461,785	\$447,680	\$433,720
Telehealth services	2.50%		\$2,308,925	\$2,238,400	\$2,168,600
County hospitals and county-owned health centers for mental health treatment in counties with a city of the metropolitan class and a county-owned health center	4.00%		\$3,694,280	\$3,581,440	\$3,469,760
Health and Human Services Cash Fund for traumatic brain injury research	0.50%		\$461,785	\$447,680	\$433,720
Total to Programs other than to General Fund	83.00%		\$76,656,310	\$74,314,880	\$71,997,520

Technical Note: The General Fund, the Nebraska Outdoor Recreation Development Cash Fund, and the Building Renewal Allocation Fund retain their allocation of a certain number of cents of the first \$0.64 of cigarette tax proceeds pursuant to section 77-2602. The allocation of proceeds from the new revenue derived from the \$1.50 increase in the cigarette tax in LB 710 is in addition to the current level.

<u>K-12 Education</u>: LB 710 does not prescribe how the funds will be distributed for purposes of K-12 education. If the increase is distributed directly to school districts, there could be an impact on state General Fund expenditures for equalization aid funding pursuant to the Tax Equity and Educational Opportunities Support Act.

Behavioral Health Provider Rate Stabilization Fund: The bill creates the Behavioral Health Provider Rate Stabilization Fund. The fund will be used to support reimbursement of behavioral health providers in the Children's Health Insurance Program (CHIP), Medicaid, the behavioral health regions and the Area Agencies on Aging. The funding is to be used to the greatest extent possible to leverage federal funding. The estimated funding available in FY 20-21 for rates is \$1,847,140. This funding would be placed in the rate stabilization fund. The distribution would be determined by the Legislature. Initially the revenue would be used to increase rates. As the revenue is projected to decline, the revenue would need to become part of the base rather than used to provide an additional increase every year. This is similar to how the funding from the Health Care Cash Fund was handled to boost behavioral health rates on a one-time basis in 2001.

Technical Note: The Area Agencies on Aging are not behavioral health providers.

<u>Medicaid Expansion:</u> The Governor's budget recommendation and the Appropriations Committee's preliminary recommendation for Medicaid Expansion administrative and aid costs is \$51,526,208 General Funds. The 25% of revenue from the increases in this bill would offset that amount by \$23,089,250 in FY 20-21 and similar amounts in the succeeding years.

Children's Health Insurance Program: The bill states 6% of the revenue would be to increase eligibility in the Children's Health Insurance Program (CHIP) by 37%. This would put the income limit at just below 300% of the Federal Poverty Level (FPL). The Department of Health and Human Services assumes a start date of July 1, 2020. The department's fiscal note calculated the number of additional enrollees by increasing the current number of children enrolled by 37%. Based on this assumption, 12,392 children would be added to the program. Based on this assumption and a July 1, 2020 start date, the aid costs would be \$33,104,591 (\$9,542,398 GF and \$23,562,193FF) in FY 20-21. The administrative costs would be \$195,893 (\$97,947 GF and FF) in FY 20 and \$602,442 (\$301,221 GF and FF) in FY 20-21 for six Social Service Workers, one Supervisor, and a Program Specialist.

We assume the start date would be October 1, 2020, which would place all the expenses in the same fiscal year that the revenue is initially generated. A requirement of CHIP is the child cannot be covered by credible health insurance. The Kids Count Report published by Voices for Children shows there are 8,658 uninsured children above 200% of FPL. Using an estimated 8,500 children who would enroll, the aid costs would be \$22,707,240 (\$5,552,011 GF and \$11,631,784 FF) for 75% of FY 20-21. Twelve months of staff and operating costs for five Social Service Workers and a Program Specialist would be \$304,729 (\$153,354 GF and FF). Based on the revenue estimate of \$5,541,420, there would be a shortfall of \$163,945 in FY 21 that would need to be covered with General Funds. In the following years, as revenues are projected to decline and staff and aid cost are estimated to increase, more General Funds would be needed.

Technical Note: Section 68-915(5) needs to be amended to reflect the eligibility increase in CHIP.

<u>Tobacco Products Tax:</u> The bill amends provisions of the Tobacco Products Tax Act, redefining "tobacco product" to include electronic smoking devices. LB 710 increases the tax on snuff from \$0.44/ounce to 65% of the (1) purchase price paid by the first owner or (2) price at which a first owner who made, manufactured, or fabricated the tobacco products sells the items to others, except that the tax must not be less than the cigarette tax per 1.2 ounces. The tax on tobacco products other than snuff is increased from 20% to 65% of the price, determined in the same manner as for snuff.

The Department of Revenue estimates revenue from LB 710 from the increase in the tobacco products tax as follows:

Fiscal Year	Tobacco Products Administration Cash Fund
FY 19-20	\$7,541,000
FY 20-21	\$8,481,000
FY 21-22	\$8,736,000
FY 22-23	\$8,998,000

There is no basis to disagree with the estimate of revenue from the increase in tobacco products tax.

<u>Sales Tax</u>: Due to the increased price on cigarettes, there will be additional sales tax collected. The Department of Revenue estimates the increases to the General Fund, State Highway Capital Improvement Fund, and Highway Allocation Fund:

Fiscal Year	General Fund	State Highway Capital Improvement Fund	Highway Allocation Fund	Total
FY 19-20	\$4,678,000	\$172,000	\$30,000	\$4,880,000
FY 20-21	\$4,940,000	\$200,000	\$35,000	\$5,175,000
FY 21-22	\$4,789,000	\$194,000	\$34,000	\$5,017,000
FY 22-23	\$4,640,000	\$188,000	\$33,000	\$4,861,000

There is no basis to disagree with the estimate of revenue from the increase in sales tax.

Revenue Administration: The Department of Revenue estimates their costs to implement the bill include expenditures for 1.0 FTE IT Application Developer Lead in the first year and 1.0 FTE Revenue Investigator in the second and subsequent years for a total cost of \$108,600 in FY 19-20 and \$73,300 in FY 20-21.

However, we disagree that a Revenue Investigator is necessary to carry out the provisions of the bill, and therefore, we estimate the total administrative costs necessary for implementation are \$108,000 in FY 19-20.

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

LB: 710 REVISED AM: AGENCY/POLT. SUB: Nebraska Department of Revenue (016)

REVIEWED BY: Joe Wilcox DATE: 02/27/2019 PHONE: (402) 471-4178

COMMENTS: No basic disagreement with the assumptions behind the Nebraska Department of Revenue estimates of potential General Fund and Cash Fund Revenue to the State of Nebraska, and General Fund expenditures to the Agency from LB 710, with one exception – One of the Nebraska Statutes that is revised by LB 710 is Section 77-2602 – Cigarette tax rate and disposition. The Operative Date of the bill is July 1, 2019 (FY 2019-20), but the distribution of the additional \$1.50 in tax revenue does not take place until FY 2020-21, which means the additional revenue generated by the \$1.50 increase in the tax in FY 2019-20 is allocated based on the existing distribution in Statute 77-2602, as currently applied. Statute Section 77-2602 (4) identifies that "If, after distributing the proceeds of such tax pursuant to subsections (2) and (3) of this section, any proceeds of such tax remain, the State Treasurer shall place such remainder in the Nebraska Capital Construction Fund." The Department of Revenue fiscal note on LB 710 does not reflect the potential revenue distribution to the Nebraska Capital Construction Fund (NCCF) in FY 2019-20, which is likely to occur due to the additional \$1.50 in cigarette tax rate revenues generated in FY 2019-20, which could fully fund all of the other allocation provisions, including the General Fund distribution. This could result in a significant amount to the NCCF in FY 2019-20. This would be a one-time potential distribution, as the allocation outlined in LB 710 for the additional \$1.50 in the tax is specified for FY 2020-21 and beyond.

LB: 710 REVISED AM: AGENCY/POLT. SUB: Nebraska Department of Health and Human Services (025)

REVIEWED BY: Joe Wilcox DATE: 02/27/2019 PHONE: (402) 471-4178

COMMENTS: No basic disagreement with the assumptions behind the Nebraska Department of Health and Human Services estimates of potential Cash Fund Revenue and General, Cash, and Federal Fund expenditures to the Agency from LB 710.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE				
LB: 710 (065)	AM:	AGENCY/POLT. SUB: <b>Nebraska De</b> r	partment of Administrative Services	
REVIEWED E	BY: Joe Wilcox	DATE: 01/31/2019	PHONE: (402) 471-4178	
COMMENTS: No basis to dispute the Nebraska Department of Administrative Services estimate of potential positive, but undeterminable Fiscal Impact to the Agency from LB 710.				

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE				
LB: 710	AM:	AGENCY/POLT. SUB: Nebraska Atto	orney General (011)	
REVIEWED	BY: Joe Wilcox	DATE: 01/29/2019	PHONE: (402) 471-4178	
COMMENTS: No basis to dispute the Nebraska Attorney General estimate of No Fiscal Impact to the Agency from LB 710.				

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE				
LB: 710 Justice (078)	AM:	AGENCY/POLT. SUB: Nebraska Comm	nission on Law Enforcement and Criminal	
REVIEWED BY:	Joe Wilcox	DATE: 02/26/2019	PHONE: (402) 471-4178	
COMMENTS: The Nebraska Commission on Law Enforcement and Criminal Justice fiscal note for LB 710 makes no estimate of potential fiscal impact on the Agency, although, based on revenue from current Cigarette Tax rates, an amount of 0.5% on the new additional \$1.50 tax might result in approximately \$450,000 – \$475,000 in revenue for the Human Trafficking Victim Assistance Fund within the Crime Commission. This assumes, of course, that Cigarette purchases continue at current levels even after the increase in the tax.				

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE				
LB: 710	AM:	AGENCY/POLT. SUB: Nebraska Dep	artment of Education (013)	
REVIEWED	BY: Joe Wilcox	DATE: 02/14/2019	PHONE: (402) 471-4178	
COMMENTS: No disagreement with the Nebraska Department of Education estimates of potential fiscal impact to the Agency from LB 710.				

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE				
LB: 710	AM:	AGENCY/POLT. SUB: Nebraska Ga	me and Parks Commission (033)	
REVIEWED	BY: Joe Wilcox	DATE: 01/31/2019	PHONE: (402) 471-4178	
COMMENTS: No basis to dispute the Nebraska Game and Parks Commission estimate of potential positive, but Indeterminate Fiscal Impact to the Agency from LB 710.				

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE					
LB: 710	AM: 165 and AM 299	AGENCY/POLT. SUB:	Nebraska Department of Labor (023)		
REVIEWED E	REVIEWED BY: Joe Wilcox DATE: 02/21/2019 PHONE: (402) 471-4178				
COMMENTS: Concur with the Nebraska Department of Labor estimate of No Fiscal Impact to the Agency from LB 710.					

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

LB: 710 AM: AGENCY/POLT. SUB: University of Nebraska (051)

REVIEWED BY: Joe Wilcox DATE: 02/05/2019 PHONE: (402) 471-4178

COMMENTS: No basis to dispute the University of Nebraska estimate of potential Fiscal Impact to the University from the tax allocations identified in LB 710, which would be directed toward the University of Nebraska, except to note that some of the University estimates are based on indirect or secondary allocations to the University. For instance, LB 710, Section 15 directs part of the proceeds to the Health and Human Services Cash Fund for traumatic brain injury research. While this is not a direct allocation to the University, the Department of Health and Human Services (DHHS) works with the University to conduct such research with expenditures from the Health and Human Services Cash Fund. Instances like this are part of the University estimate of impact. One final note: The University fiscal note provides estimates for both FY 2019-20 and FY 20-21, but LB 710, Section 15 (6) (a) specifically states the additional \$1.50 tax distribution begins in FY 2020-21, so there would be no increased allocation available in FY 2019-20.

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

LB: 710 AM: AGENCY/POLT. SUB: Lancaster County

REVIEWED BY: Joe Wilcox DATE: 01/30/2019 PHONE: (402) 471-4178

COMMENTS: No basis to dispute the Lancaster County estimate of No Fiscal Impact to the County from LB 710.

\$67,800

\$34,000

\$103,350,000

## LB 710 REVISION2

Approved by: Tony Fulton

General Funds

Cash Funds Federal Funds Other Funds

**Total Funds** 

State Agency Name: Department of Revenue

	State Agency					
				Date Due LFA:	2/25/19	
	Date Prepared:	2/26/19		Phone: 471-5896		
FY 2019-2020		FY 2020-2021		FY 2021-2022		
litures	Revenue	Expenditures	Revenue	Expenditures	Revenue	
109,100	\$24,775,000	\$73,900	(\$38,444,000)	\$67,800	(\$39,079,000)	
	\$75.150.000		\$144,487,000	·	\$142,395,000	

\$73,900

\$35,000

\$106,078,000

LB 710, Sections 1 through 12 make changes to statutes concerning local licenses for sale of cigarettes and tobacco, and penalties for unlawful sales/distribution to minors or unlicensed sellers. The changes primarily involve eliminating the language listing cigarettes, vapor products, and other tobacco products replacing the lists with the phrase "tobacco products".

\$30,000

\$99,955,000

Section 15 provides for distribution of the additional \$1.50 on each package of cigarettes sold. Out of these funds: 17% goes to the general fund outright; 0.5% goes to the Nebraska Outdoor Recreation Fund; 2.5% goes to the Building Renewal Allocation Fund, 25% for Medicaid expansion; 2% to the Behavioral Health Provider Fund; 0.5% to the Human Trafficking Victim Assistance Fund; 0.5% to the Health and Human Services Cash Fund; and the balance to miscellaneous initiatives. It appears that the funding for the miscellaneous initiatives will operate as General Fund offsets.

Section 16 amends definition of cigarette to include little cigars, which are currently defined as other tobacco products, to the extent they are likely to be offered to or purchased by consumers as a cigarette.

Section 17 increases cigarette tax by \$1.50 per package and increases funding to the Nebraska Health Care Cash Fund from \$1,250,000 to \$60,400,000 with \$13,000,000 of that funding earmarked to ensure future sustainability of the fund.

Section 18 through 21 make changes to the Tobacco Products Tax Act.

Expenditures

\$109,100

\$109,100

The definition of tobacco product is expanded to include any product made or derived from tobacco, or containing nicotine, which is intended for human consumption, electronic smoking devices, and any accessory to the consumption of tobacco. Tobacco products exclude cigarettes and products authorized for sale by the FDA.

Electronic smoking device is defined broadly but excludes batteries or chargers that are sold separately.

The tax rate for snuff is changed from \$0.44 per ounce to 65% of the price paid by the first owner in this state or, the price at which a first owner who made, manufactured, or fabricated the tobacco products sells the item to others, but the tax shall be no less than \$0.64 per 1.2 ounces.

The tax rate for tobacco products is changed from 20% of the purchase price, determined in the same manner as for snuff, to 65% of the purchase price.

LB 710, page 2 Fiscal Note 2019

The Department estimates the following total revenue will be generated by increasing the cigarette tax by \$1.50:

Fiscal Year	Net Tax Revenue
FY 2019-20	\$87,464,000
FY 2020-21	\$92,357,000
FY2021-22	\$89,536,000
FY2022-23	\$86,744,000

The Department assumes the cigarette tax revenue generated from the increase of \$1.50 will be distributed into funds listed from (ii) to (xxvii) in Section 15 (6) (a) first. In addition, \$60,400,000 will also be needed to put into the Nebraska Health Care Cash Fund. However, the increase in revenue due to the increase in the cigarette rate will not be enough to distribute to the entire listed funds in LB 710 for fiscal year 2020-21 and subsequent years, hence the Department assumes any shortage will come out from the General Fund.

Nebr. Rev. Stat. § 77-2602(4) requires that after the distribution of cigarette tax revenues, if any proceeds remain, that they shall be placed in the Nebraska Capital Construction Fund (NCCF). This bill does not allow for distribution until July 1, 2020. For fiscal year 2019-20, it is estimated that there will be remaining proceeds of \$67,437,000 for transfer to the NCCF.

With these assumptions, the Department estimates the following revenue impact associated with the cigarette tax increase, tobacco products tax increase, and defining little cigars as cigarettes to be:

Fiscal Year	General Fund	Fund in Section	Nebraska	Tobacco Products	Capital
		15 (6) Except the	Health Care	Administration Cash	Construction
		General Fund	Cash Fund	Fund	Fund
FY 2019-20	\$20,097,000	\$0	\$0	\$7,541,000	\$67,437,000
FY 2020-21	(\$43,384,000)	\$76,656,000	\$59,150,000	\$8,481,000	\$0
FY 2021-22	(\$43,868,000)	\$74,315,000	\$59,150,000	\$8,736,000	\$0
FY 2022-23	(\$44,345,000)	\$71,998,000	\$59,150,000	\$8,998,000	\$0

The Department estimates the following revenue impact associated with sales tax collections on higher-priced cigarettes:

Fiscal Year	General Fund	State Highway Capital	Highway	Total
		Improvement Fund	Allocation Fund	
FY 2019-20	\$4,678,000	\$172,000	\$30,000	\$4,880,000
FY 2020-21	\$4,940,000	\$200,000	\$35,000	\$5,175,000
FY 2021-22	\$4,789,000	\$194,000	\$34,000	\$5,017,000
FY 2022-23	\$4,640,000	\$188,000	\$33,000	\$4,861,000

**LB 710, page 3 Fiscal Note 2019** 

The Department estimates the following net revenue impact associated with the General Fund and cash funds resulting from LB 710:

Fiscal Year	General Fund	Cash Funds	Other Funds	Total
FY 2019-20	\$24,775,000	\$75,150,000	\$30,000	\$99,955,000
FY 2020-21	(\$38,444,000)	\$144,487,000	\$35,000	\$106,078,000
FY 2021-22	(\$39,079,000)	\$142,395,000	\$34,000	\$103,350,000
FY 2022-23	(\$39,705,000)	\$140,334,000	\$33,000	\$100,662,000

The Department will need 1.0 FTE IT Application Developer/Lead in the first year and 1.0 FTE Revenue Investigator in the second and subsequent years to implement this bill.

The operative date for this bill is July 1, 2019.

	Major Objects of Expenditure								
		19-20	20-21	21-22	19-20	20-21	21-22		
Class Code	Classification Title	<b>FTE</b>	<b>FTE</b>	<b>FTE</b>	Expenditures	<b>Expenditures</b>	Expenditures		
A07014	IT Applications Developer/Lead	1.0			\$77,900	\$0	\$0		
X62730	Revenue Investigator		1.0	1.0	\$0	\$51,400	\$50,400		
					\$25,700	\$16,900	\$16,600		
Operating Cost	S								
Travel									
Capital Outlay					\$5,000	\$5,000	\$0		
Capital Improv	ements								
Total	Total				\$108,600	\$73,300	\$67,000		

## LB<sub>(1)</sub> 710 - REVISION2 FISCAL NOTE

	ESTIMATE PROV	IDED BY STATE AGENCY C	OR POLITICAL SUBDIVISION			
State Agency or Politica	al Subdivision Name:(2) Dep	partment of Health and Hui	man Services			
Prepared by: (3) Mike Mic	chalski Date Pre	pared 2-26-19	Pho	ne: (5) 471-6719		
	FY 201	9-2020	FY 2020-2021			
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE		
GENERAL FUNDS	\$39,570		\$4,174,631			
CASH FUNDS			\$48,487,425	\$48,487,425		
FEDERAL FUNDS	\$156,323		\$23,990,980			
OTHER FUNDS						
TOTAL FUNDS	\$195,893		\$76,653,036	\$48,487,425		

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

## **Explanation of Estimate:**

LB 710 is a bill to increase the cigarette tax by \$1.50 per pack to \$2.14. Below are the revenues anticipated by the Department of Health and Human Services (DHHS) based on Department of Revenue Projections. All revenue is assumed to be utilized by each program each year for the intended purpose of the aid program. DHHS will receive 52.5% of the tax revenue from LB 710 with other state agencies receiving the other 47.5%. See the table for the breakdown by program and percentage.

<u>Program</u>	<u>Percentage</u>	FY19-20	FY20-21	FY21-22	FY22-23
Total Revenue Projected by Dept. of Revenue		87,464,000	92,357,000	89,536,000	86,744,000
UNMC/Creighton Cancer Research	1.00%		923,570	895,360	867,440
Public Health Departments	4.00%		3,694,280	3,581,440	3,469,760
Federally Qualified Health Centers	2.00%		1,847,140	1,790,720	1,734,880
Smoking Cessation Services	5.00%		4,617,850	4,476,800	4,337,200
Area Health Education Centers	1.00%	Revenue will	923,570	895,360	867,440
Cancer/Smoking Related Cancer Research	4.00%	be distributed	3,694,280	3,581,440	3,469,760
EMS Workforce Training/Recruitment	1.00%	based on	923,570	895,360	867,440
EMS Sustainability	1.00%	current law	923,570	895,360	867,440
Traumatic Brain Injury Research	0.50%	found in	461,785	447,680	433,720
Medicaid Expansion	25.00%	Section 77-2602	23,089,250	22,384,000	21,686,000
Behavioral Health Rate Increase	2.00%		1,847,140	1,790,720	1,734,880
CHIP Expansion	6.00%		5,541,420	5,372,160	5,204,640
Total DHHS Revenue	52.50%		48,487,425	47,006,400	45,540,600
Revenue appropriated to other agencies	47.50%		43,869,575	42,529,600	41,203,400
Total Revenue of LB 710	100%	87,464,000	92,357,000	89,536,000	86,744,000

LB 710 requires DHHS to increase eligibility of the Children's Health Insurance Program (CHIP) by 37%. In SFY 2018, the average enrollees per month in CHIP were 33,492. Total costs for SFY 2018 were \$2,681,375 General Funds, \$7,084,976 Cash Funds, and \$79,660,731 Federal Funds. The monthly average cost per enrollee was \$222.62. A 37% increase would have 12,392 more children in the program. Total costs would \$33,104,591 per year without any inflation factors for enrollees or cost per month.

It is assumed that new enrollees would start the program in July 2020 due to DHHS needing to submit a State Plan Amendment and a Waiver Amendment to the Federal Centers for Medicaid and Medicare Systems (CMS). Beginning in October 2019 (FFY 2020), CHIP Federal Match Rate drops from 89.81% to 79.80%. This Federal Match drops to 68.30% beginning in October 2020. Below is a breakdown of costs for the SFY 2021.

	July-	-Sept 2020	Oct	2020-June 2021	Tot	al SFY 2021	SFY	′ 2022	SF۱	′ 2023
Total Aid Cost	\$	8,276,148	\$	24,828,443	\$	33,104,591	\$	33,104,591	\$	33,104,591
CHIP Federal Match		79.80%		68.30%				68.30%		68.30%
Federal Funds	\$	6,604,366	\$	16,957,827	\$	23,562,193	\$	22,610,436	\$	22,610,436
General Funds	\$	1,671,782	\$	7,870,617	\$	9,542,398	\$	10,494,155	\$	10,494,155
Cash Funds from LB 710					\$	5,541,420	\$	5,372,160	\$	5,204,640
Aid Deficit request										
each fiscal year					\$	4,000,978	\$	5,121,995	\$	5,289,515

To accommodate the newly eligible children, DHHS would hire an additional Program Specialist, starting October 2019, six Social Services Workers (roughly one social services/eligibility worker per 2,000 clients) and one Quality Assurance staff, starting April 2020. New staff would be eligible for the CHIP match rate at the time of employment. Expenditures for staff would require additional GF and FF funding.

LB 710 creates the Behavioral Health Provider Rate Stabilization Fund. This allows any funds, including gifts and donations, to be used for increasing behavioral health services. If the provider rates are increased in one year due to an unsustainable large gift, provider rates would not be able to return to "normal" levels. This creates a maintenance of effort for all behavioral health rates. If tax receipts also decrease, cash revenue also decrease the amount in the fund. The Department would need an increase in general funds to offset any decrease due to a reduction in donations or tax receipts.

DHHS will be required to complete a major rule and regulation change as a result of LB 710. DHHS will absorb the estimated costs listed below to complete this regulation change.

Title	Hours	Hourly Cost	Absorbed Cost
Director	4	72.115	\$ 288
Deputy Director	4	51.923	\$ 208
Administrator I	4	29.354	\$ 117
Program Specialist	8	21.466	\$ 172
Program Analyst	16	20.869	\$ 334
Attorney 3	30	32.213	\$ 966
Total Costs	66		\$ 2,086

DHHS will absorb the estimated costs listed below to complete the SPA and Waiver required by LB 710.

Title	Hours	Hourly Cost	Salary Cost	
Director	4	72.115	\$	288
Deputy Director	4	51.923	\$	208
Administrator I	16	29.354	\$	470
<b>Program Specialist</b>	16	21.466	\$	343
Program Analyst	16	20.869	\$	334
Attorney III	15	32.213	\$	483
Total Salary	71		\$	2,126
Benefits			\$	827
Overhead			\$	963
Total Costs			\$	3,916

	NUMBER O	F POSITIONS	2019-2020	2020-2021
POSITION TITLE	19-20	20-21	EXPENDITURES	EXPENDITURES
DHHS Program Specialist	0.75	1	\$36,886	\$49,182
Social Service Worker	1.5	6	\$58,603	\$234,412
Program Accuracy Specialist	0.25	1	\$10,892	\$43,568
Benefits			\$41,351	\$127,168
Operating			\$48,161	\$148,111
Travel				
Capital Outlay				
Aid				\$76,050,596
Capital Improvements				
TOTAL			\$195,893	\$76,653,036

LB <sup>(1)</sup> 710					FISCAL NOTE			
		Department of Administrative Services (DAS) – Task Force						
State Agency OR Po	litical Subdivision Name: (2)	for Building Renewal (TFBR)						
Prepared by: (3)	Doug Hanson	Date Prepared: (4)	01/25/2019	_ Phone: (5)	402-471-3511			
	ESTIMATE PROVI	DED BY STATE AGEN	NCY OR POLITICA	L SUBDIVIS	ION			
	<u>FY 9</u> EXPENDITURES	<u>2019-20</u> REVENUE	EXPENDIT	<u>FY 2020-</u> TRES	<u>-21</u> REVENUE			
CENTED AT EXAM		REVERGE	<u> Litt Littlit</u>	<u>SRES</u>	REVERCE			
GENERAL FUND			<u> </u>					
CASH FUNDS			<u> </u>					
FEDERAL FUND	s							
OTHER FUNDS								
TOTAL FUNDS	0	0	0		0			

### **Explanation of Estimate:**

LB 710 would redefine the use of any tobacco product to include products derived from tobacco or that contains nicotine to include cigars, pipe tobacco, chewing tobacco, snuff, snus, and electronic smoking devices (e-cigarette, c-cigar, e-pipe, vape pen, or e-hookah).

LB 710 would create the Behavioral Health Provider Rate Stabilization Fund and would increase the cigarette tax rate for a package of cigarettes from sixty-four cents (\$0.64) to two dollars and fourteen cents (\$2.14), constituting a \$1.50 increase. These additional funds would be distributed on a percentage basis to twenty seven (27) various programs and service providers. The programs and services that would receive funds from the \$1.50 increase include Medicaid Expansion), the General Fund, Outdoor Recreational fund, UNMC and Creighton University Medical Centers, health centers, smoking cessation programs, behavioral health providers, children's health programs, county hospitals, and the Building Renewal Allocation Fund and others.

The Building Renewal Allocation Fund (funded from cigarette taxes) and the State Building Renewal Assessment Fund (funded from rent depreciation surcharges assessed to tenants in buildings managed by the Department of Administrative Services (DAS) State Building Division) provide all of the cash funds for the Task Force for Building Renewal. If passed, beginning in FY2020-21, LB 710 would increase the amount of funds flowing into the Building Renewal Allocation Fund. Pursuant to LB 710, the amount of funds to be transferred into the Building Renewal Allocation Fund from the \$1.50 tobacco tax increase is two and one-half percent (2.5%, or 0.0375 per pack - 0.0375).

The 309 Task Force has consistently received the equivalent of seven cents (\$0.07) per pack of cigarettes in the Building Renewal Allocation Fund of not less than the amount distributed for FY1997-98 (or \$9,163,271 annually).

LB 710 would generate additional funds to be transferred into the Building Renewal Allocation Fund, which would be in addition to the \$9,163,271 as already provided. However, the amount of any increased funding resulting from LB 710 would depend on the number of future tobacco users, which is not determinable. If tobacco tax revenue becomes insufficient to accommodate the defined distribution of funds, the funds flowing into the Building Renewal Allocation Fund as a result of LB 710 would decrease.

If passed, LB 710 would have a positive, but undeterminable, fiscal impact on the Task Force for Building Renewal.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE							
Personal Services:			<u>.</u>				
POSITION TITLE		FPOSITIONS	2019-20 EXPENDITURES	2020-21 EXPENDITURES			
TOSITION TITLE	<u>19-20</u> <u>20-21</u>		EAT ENDIT UKES	EAT ENDIT UKES			
Benefits							
Operating							
Travel							
Capital outlay							
Aid							
Capital improvements							
TOTAL							

LB <sup>(I)</sup>	710						FISCAL NOTE
State Age	ency OR F	Political Subdivision Name: (2	Attorne	ey General			
Prepare	d by: (3)	Dave Bydalek	Date	Prepared: (4)	1-28-19	Phone: (5)	402-471-2687
		ESTIMATE PROV	IDED BY	STATE AGEN	CY OR POLITI	CAL SUBDIVI	SION
			2019-20				
		EXPENDITURE		REVENUE	EXPEND	FY 2020 PITURES	0-21 REVENUE
GENER	AL FUNI	DS					
CASH F	UNDS						
FEDERA	AL FUNI	OS -	_		-		
OTHER					-		
TOTAL					-		
Explanat	tion of Es	stimate:					
							V.
No Fina	مالصمما	- <del>t</del>					
No Fisc	аі іпрас	Jl.					
		BREAKDO	WN BY MA	JOR OBJECT	S OF EXPENDI	TURE	
Personal	Services		UMBER O	F POSITIONS	5 2019	)-90	2020-21
	POSITI	ION TITLE	19-20	20-21	EXPEND		EXPENDITURES
			*			MARK Parameters and the second	
		_	700 - 100 -				
					·	-	
					W. P. Street, Company of the Company		
					-	-	
		nents					2
					<del></del>		



LB <sup>(1)</sup> 7	10						FISCAL NOTE
State Agency	y OR Pol	itical Subdivision Name: (	NE C	ommission o	n Law Enfor	cement and Cr	iminal Justice
Prepared by	y: (3)	Bruce Ayers	Dat	e Prepared: (4)	2-25-2019	Phone: (5)	402-471-0359
		ESTIMATE PRO	VIDED BY	STATE AGEN	NCY OR POLIT	ΓΙCAL SUBDIVIS	ION
		T	V 2010 20			EV 2020	01
		<u>EXPENDITURI</u>	<u>Y 2019-20</u> E <u>S</u>	REVENUE	EXPEN	FY 2020 DITURES	<u>REVENUE</u>
GENERAL	FUNDS	S					
CASH FUN	DS						
FEDERAL	FUNDS		<u> </u>				
OTHER FU	JNDS						
TOTAL FU							
The Human fund has no been receiv	2602 shan Traffic source ed into	lar and fifty cents of the all be distributed as foll cking Victim Assistance of revenue beyond donathis fund.  estimate the amount of	ows: (xxiv) Fund was ontions, gifts	) One-half perc established in 8 s, or bequests a	ent to the Hum 31-1429.02 with nd currently ha	nan Trafficking Vio	etim Assistance Fund 3 294 in 2015. This No funds have ever
Personal Se		<u>BREAKDO</u>	OWN BY M	AJOR OBJECT	S OF EXPEN	<u>DITURE</u>	<del></del>
		ON TITLE	NUMBER ( 19-20	OF POSITION  20-21		019-20 NDITURES	2020-21 EXPENDITURES
Benefits				_			
Travel							
Capital imp	roveme	nts					

<b>LB</b> <sup>(1)</sup> 710			FISCAL NOTE
State Agency OR Political Subdivision Name:	Education		
Prepared by: (3) Dean Folkers	Date Prepared: (4)	1/30/2019 Phone: (5	402-471-4740
ESTIMATE PRO	OVIDED BY STATE AGENO	CY OR POLITICAL SUBDIV	ISION
	FY 2019-20	FY 202	<u>20-21</u>
<u>EXPENDITUE</u>	RES REVENUE	<b>EXPENDITURES</b>	<b>REVENUE</b>
GENERAL FUNDS		·	
CASH FUNDS			3,290,000
FEDERAL FUNDS			
OTHER FUNDS			
TOTAL FUNDS			3,290,000
Explanation of Estimate:			
Nebraska Early Childhood Professional R K-12 Education \$2,350,000 (\$47 million	x 5%)		
Personal Services:	OWN BY MAJOR OBJECTS	OUF EXPENDITURE	
POSITION TITLE	NUMBER OF POSITIONS  19-20 20-21  ———————————————————————————————————	2019-20 EXPENDITURES	2020-21 EXPENDITURES
Benefits			
Operating			
Travel			
Capital outlay			
Aid			
Capital improvements			
TOTAL			

01/08/2019

LB <sup>(1)</sup> 710 allocation of cig		FISCAL NOTE	
State Agency OR Political Subdivision Name:	Game and Parks Co	mmission	
Prepared by: (3) Christina Peters	Date Prepared: (4)1/	/29/2019 Phone: (5	(402) 471-5403
ESTIMATE PRO	VIDED BY STATE AGENCY	OR POLITICAL SUBDIVI	SION
	FY 2019-20	FY 20:	
EXPENDITUR	REVENUE REVENUE	<b>EXPENDITURES</b>	<u>REVENUE</u>
GENERAL FUNDS	<u> </u>		
CASH FUNDS			
FEDERAL FUNDS		<u></u> .	
OTHER FUNDS			
TOTAL FUNDS			
The proposed legislation, as it applies 20 cigarettes to \$2.14, with 0.5% of the Development Cash Fund (NORDA). T \$0.01 to \$0.0175.  The potential increase realized will be impact should be positive.  BREAKDO	e \$1.50 increase designate his would increase the rec	ed to the Nebraska Outdoo eived amount on a pack of arette sales volume. As v	or Recreation of 20 cigarettes from
Personal Services:	WIN DI MINOR OBULCIO	A DAI DIADITORE	
POSITION TITLE	NUMBER OF POSITIONS <u>19-20</u> <u>20-21</u>	2019-20 EXPENDITURES	2020-21 EXPENDITURES
Benefits			
Operating			
Travel			
Capital outlay			
Aid			
Capital improvements			
TOTAL			

$LB^{\scriptscriptstyle{(1)}}  7$	10						<b>FISCAL NOTE</b>
State Agency	OR Poli	tical Subdivision Name: <sup>(2</sup>	Nebras	ka Departr	nent of Labor		
Prepared by	y: (3) K	(im Schreiner	Date	Prepared: <sup>(4)</sup>	2/6/2019	Phone: (5)	402-471-2492
		ESTIMATE PROV	VIDED BY S	STATE AGEN	NCY OR POLITIC	CAL SUBDIVIS	SION
		EXPENDITURE	<u> </u>	REVENUE	EXPENDI	<u>FY 2020</u> TURES	REVENUE
GENERAL	FUNDS				_		
CASH FUN	DS						
FEDERAL	FUNDS		_		_		
OTHER FU	JNDS						
TOTAL FU	INDS						
Explanation There will		mate: scal impact on the Ne	ebraska De	partment of	Labor.		
Personal Se	muicos:	BREAKDO	WN BY MA	JOR OBJECT	TS OF EXPENDIT	<u>rure</u>	
		N TITLE	NUMBER O <u>19-20</u>	F POSITION <u>20-21</u>	S 2019 EXPEND		2020-21 EXPENDITURES
Benefits					_		
Operating							
Travel							
Capital out	lay						
Aid							
Capital imp	rovemen	nts					
TOTAL	4						

LB <sup>(1)</sup> 710				FISCAL NOTE				
State Agency OR Po	litical Subdivision Name: (2)	University of Nebr	University of Nebraska					
Prepared by: (3)	Michael Justus	Date Prepared: (4)	February 1, 2019 Phone: (5	402.472-7109				
ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION								
FY 2019-20			FY 2020-21					
	<b>EXPENDITURES</b>	REVENUE	<b>EXPENDITURES</b>	REVENUE				
GENERAL FUND	S							
CASH FUNDS	15,000,000	15,000,000	15,000,000	15,000,000				
FEDERAL FUNDS								
OTHER FUNDS								
TOTAL FUNDS	15,000,000	15,000,000	15,000,000	15,000,000				

## **Explanation of Estimate:**

The bill provides for change in the tobacco tax with certain distributions to the University. The total includes an estimated \$3.6 million awarded to the UNMC and UN-L from the Nebraska Tobacco Settlement Biomedical Research Development Funding. In addition, if LB710 is fully funded, it will also support the Fred & Pamela Buffett Cancer Center (\$600 thousand) for cancer research, the Munroe-Meyer Institute for Neurobehavioral Research in Children (\$1.2 million), the College of Public Health for health promotion (\$2.4 million), area health education centers (\$1.2 million), the Behavioral Health Education Center for workforce training (\$1.2 million), the Simulation in Motion Program for emergency medical services and critical access hospital personnel workforce training and recruitment, (\$1.2 million), telehealth services to provide training to expand the healthcare workforce (\$3.0 million), and Neurological Services for traumatic brain injury research (\$600 thousand).

BREAKD	OWN BY MAJO	OR OBJECTS OF	EXPENDITURE	
Personal Services:				
	NUMBER OI	FPOSITIONS	2019-20	2020-21
POSITION TITLE	<u>19-20</u>	<u>20-21</u>	<b>EXPENDITURES</b>	<b>EXPENDITURES</b>
Various	68.15	73.40	5,431,300	5,803,900
Benefits			1,453,900	1,558,200
Operating			7,041,800	7,364,900
Travel			164,500	164,500
Capital outlay	· · · ·		908,500	108,500
Aid	••••			
Capital improvements	••••			
TOTAL			15,000,000	15,000,000

$LB^{(1)}$	710						FISCAL NOTE
State Ag	gency OR I	Political Subdivision Name: <sup>(2)</sup>	Lancas	ter County			
Prepare	ed by: (3)	Dennis Meyer	Date	Prepared: (4)	1-30-19	Phone: (5)	402-441-6869
-		ESTIMATE PROV	VIDED BY S	TATE AGENC	Y OR POLITICAL S	UBDIVIS	SION
		FY	2019-20			FY 2020	)-21
		EXPENDITURE		<u>REVENUE</u>	<b>EXPENDITUR</b>		REVENUE
GENE	RAL FUN	DS					
CASH	FUNDS		_				
FEDER	RAL FUN	DS	<u> </u>				
OTHE	R FUNDS		<u> </u>				
ТОТА	L FUNDS						
Explan	ation of E	stimate:					
No Fis	cal Impa	ct					
110 1 10	oui iiipu	O					
		BREAKDO	WN BY MA.	IOR OBJECTS	OF EXPENDITURE	Σ	
Person	al Service	s:				<u> </u>	
	POSIT	TION TITLE	NUMBER OI <u>19-20</u>	F POSITIONS 20-21	2019-20 EXPENDITUR	<u>ES</u>	2020-21 EXPENDITURES
						_	
Benefit	·s					_	
•	U						
Capital	outlay						
Aid							
Capital	improver	nents				_ <del>_</del>	
то	TAL						