

PREPARED BY: Nikki Swope  
 DATE PREPARED: February 24, 2022  
 PHONE: 402-471-0042

**LB 1141**

Revision: 00

**FISCAL NOTE**  
**LEGISLATIVE FISCAL ANALYST ESTIMATE**

**ESTIMATE OF FISCAL IMPACT – STATE AGENCIES** (See narrative for political subdivision estimates)

	FY 2022-23		FY 2023-24	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS	\$1,320			
FEDERAL FUNDS	\$3,000,000			
OTHER FUNDS				
TOTAL FUNDS	\$3,001,320			

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

LB 11141 appropriates \$3,000,000 to the Commission on Public Advocacy from the Coronavirus State Fiscal Recovery Fund pursuant to the federal American Rescue Plan Act (ARPA) of 2021, Public Law 117-2, Subtitle M, Section 9901. The appropriation is for the purpose for which money can be used under the Legal Aid and Services Fund, including funding legal representation for indigent clients in matters of domestic violence, eviction, and other civil cases exacerbated by the Covid-19 public health emergency. The bill further permits the administrative costs and public outreach which relate to providing the legal representation as outlined in the bill.

NOTE: Pursuant to the bill, the funding is appropriated to the Commission for the use as prescribed by the Legal Aid and Services Fund. This Commission does not directly provide legal representation but rather provides grants to eligible legal service providers.

Due to the language of the bill that appropriates the funding only for the use of Legal Aid and Services Fund, any administrative costs are an ineligible use of the funds for costs incurred by the Commission. As the bill is written, the Commission would have to absorb the costs associated with the Commission’s chief council and administrative assistant’s time to administer the program. As there is also an emergency clause, the Commission would have to additionally absorb the costs of the expenses incurred from having an additional Commission meeting prior to their scheduled meeting in December of 2022. The additional meeting would be required to review the applications of eligible legal services providers to carry out the intent of the bill. The Commission anticipates the additional expenses to be \$1,320.

The Commission can adequately absorb the personnel costs; however, the Commission’s operation fund has been historically underfunded. In FY 2021-22 and FY 2022-23, transfers from the General Fund addressed the deficit in the fund. It is unclear as to whether the cash balance is sufficient to cover the additional costs of the Commissioner’s expenses.

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

**LB: 1141      AM:                      AGENCY/POLT. SUB: Nebraska Commission on Public Advocacy (94)**

REVIEWED BY: Joe Wilcox                      DATE: 02/01/2022                      PHONE: (402) 471-4178

COMMENTS: No basis to dispute the Nebraska Commission on Public Advocacy estimate of potential Fiscal Impact to the Agency from LB 1141. However, on a technical note, the Agency fiscal note shows Cash Fund expenditures from the Federal Funds received in LB 1141. The expending funds would also be Federal Funds and any administrative expenditures could utilize the Federal Funds. It should also be noted, that the maximum funding available under the federal Coronavirus State Fiscal Recovery Fund is \$1.04 billion, of which only \$520 million is currently available. Appropriation of these funds must be balanced in aggregate in order to avoid over obligation.

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**2022**

**LB<sup>(1)</sup> 1141**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Commission on Public Advocacy

Prepared by: <sup>(3)</sup> Jeffery A. Pickens Date Prepared: <sup>(4)</sup> 1-27-2022 Phone: <sup>(5)</sup> 402-471-7775

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

	<u>FY 2022-23</u>		<u>FY 2023-24</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	<u>3,001,320</u>	_____	_____	_____
FEDERAL FUNDS	_____	<u>3,000,000</u>	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	_____	_____	_____	_____

**Explanation of Estimate:** The bill seeks to appropriate \$3,000,000 from federal funds allocated to the State for FY2022-23 to the Commission on Public Advocacy to use for the purposes for which money can be used under the Legal Aid and Services Fund, including: a) funding legal representation for indigent clients in matters of domestic violence, eviction, and other civil cases exacerbated by the COVID-19 public health emergency; b) administrative costs related to the legal representation described above in subsection a); and c) public outreach to promote the legal representation described in subsection a). It appears the \$3,000,000 will be deposited into the Commission’s Operations Cash Fund. The Commission will then award money and make payments to eligible legal service providers. Neither LB 1141 nor Neb. Rev. Stat. Sec. 25-3002 explicitly state that the Commission can use any of the money allocated to the State to cover the Commission’s administrative costs related to administering this program. Thus, this fiscal impact note will not address the Commission’s chief counsel or administrative assistant’s time spent administering this program. With respect to public outreach to promote legal representation, the Commission will notify past and present LASF applicants and recipients that funds are available to award pursuant to the ARPA. The Commission will not incur any costs with respect to such notification. If the Commission can consider applications and awards of money at its regular December meeting, there would be no additional expenses. If the Commission was required to meet and award money prior to the December meeting, and if the Commission’s members attended such meeting in-person in Lincoln, expenses for mileage reimbursement, lodging, parking, and meals would be approximately \$1,320.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2022-23</u>	<u>2023-24</u>
	<u>22-23</u>	<u>23-24</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	<u>1,320</u>	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	<u>3,000,000</u>	_____
Capital improvements.....	_____	_____	_____	_____

