

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2023-24		FY 2024-25	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	See Below		See Below	
CASH FUNDS				
FEDERAL FUNDS	See Below		See Below	
OTHER FUNDS				
TOTAL FUNDS	See Below		See Below	

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

LB 297 is the Personal Privacy Protection Act.

Section 3 provides definitions for the Act.

Section 4 prohibits public agencies from requiring any individual or nonprofit organization to provide personal information. Public agencies are also prohibited from releasing, publicizing, or otherwise publicly disclosing personal information. Section 4 specifically exempts disclosures required under certain state or federal requirements.

LB 297 has an operative date of January 1, 2024.

The Department of Health and Human Services (DHHS) estimates that the provisions of LB 297 may result in some costs to the agency to review and prevent disclosures associated with public records requests, agency publications, and websites that identify supporters of 501(c) organizations. DHHS will not request additional staffing for this review, but the length of time required to comply cannot be determined at this time.

DHHS estimates a potential for loss of Federal Funds. It is assumed that any lost Federal Funds would be replaced with General Funds. The potentially lost Federal Funds could be realized in the areas of Child and Family Services (for SNAP and Employment Training), Developmental Disabilities, and Behavioral Health. DHHS cannot determine the impact of these potential losses.

Other state agencies report no fiscal impact due to the bill's provisions.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 297	AM:	AGENCY/POLT. SUB: Nebraska Department of Health and Human Services (025)
REVIEWED BY: Joe Wilcox	DATE: 02/14/2023	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Department of Health and Human Services (DHHS) estimate of Potential, but Indeterminate Fiscal Impact to the Agency from LB 297.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 297	AM:	AGENCY/POLT. SUB: Department of Administrative Services (065)
REVIEWED BY: Joe Wilcox	DATE: 02/01/2023	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Department of Administrative Services (DAS) estimate of No Fiscal Impact to the Agency from LB 297.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 297	AM:	AGENCY/POLT. SUB: Nebraska Supreme Court (005)
REVIEWED BY: Joe Wilcox	DATE: 02/13/2023	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Supreme Court estimate of Minimal Fiscal Impact to the Agency from LB 297, with No additional resources required.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 297	AM:	AGENCY/POLT. SUB: University of Nebraska (051)
REVIEWED BY: Joe Wilcox	DATE: 01/23/2023	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the University of Nebraska estimate of Potential, but Undetermined Fiscal Impact to the University from LB 297.		

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

2023

LB⁽¹⁾ 297

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Department of Administrative Services

Prepared by: ⁽³⁾ Jennifer Sommars-Link Date Prepared: ⁽⁴⁾ 1/12/2023 Phone: ⁽⁵⁾ 402-471-1405

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2023-24</u>		<u>FY 2024-25</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
REVOLVING FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate:

LB 297 prohibits any agencies, and other entities named in the bill, from requiring any individual or nonprofit organization to provide personal information or otherwise release personal information. It also prohibits requesting or requiring a current or prospective contractor or grantee to provide a public agency with a list of nonprofit organizations to which the contractor or grantee has provided financial or nonfinancial supports.

LB 297 further provides that personal information, as defined by the bill, is exempt from disclosure under public records law, with exceptions applicable for lawful purposes.

There is no fiscal impact.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023-24</u>	<u>2024-25</u>
	<u>23-24</u>	<u>24-25</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

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 Prepared 2-13-2023

Phone: (5) 471-6719

	FY 2023-2024		FY 2024-2025	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	See below	\$0	See below	\$0

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

Explanation of Estimate:

LB 297 may have a fiscal impact to the following Divisions of the Department of Health and Human Services (DHHS):

Operations (OPS). Public records requests (PRR), policies, and grant/contract policies would need to be updated. Every PRR, agency publication, and website would need to be reviewed to prevent the disclosure of any information identifying supporters of 501(c) organizations. Human Resources (HR) policies would need to be reviewed for employee conflict of interest and outside income for DHHS employees. There would be time and costs associated with reviewing and updating agency policies. Program staff and Information Technology (IT) staff would need to identify every publication and webpage so they can be reviewed for content to ensure compliance with the bill. HR would need to review and update the policies.

A conservative estimate follows:

- DHHS received 682 PRR requests in State Fiscal Year 2022.
- There are approximately 1,680 webpages that would need reviewing for compliance, with an estimated 10 minutes to review per page. This review would result in 280 hours of review time.
 - For each webpage that needs to be updated, it is estimated to take 20 minutes. Total impact is unknown until the number of webpages to be updated is determined.
- There are anywhere from 100-200 policies that would need reviewing for compliance, with an estimated 30-45 minutes to amend any policies. Total impact is unknown until number of policies to update is determined.

The department will not request additional FTE for this review, but the length of time required to comply with LB297 is indeterminable since it is currently unknown how many policies would need to be updated.

Public Health (PH). Statute and regulation revision for health care facilities; professions, occupations, and businesses; and childcare programs will require 80 hours each for nine DHHS Program Manager II staff. Application form revisions for health care facilities; professions, occupations, and businesses; and childcare programs will require 80 hours each for four Health Licensing Coordinators and five Administrative Specialists. Updating revised application forms and information to the DHHS public website will require 80 hours for one Administrative Specialist who maintains the web pages. In total, these staffing requirements would be an estimated \$119,549. The department will absorb these costs.

Position	First Fiscal Year							Second Fiscal Year						
	Title	Rate	Hours	FTE	Pay	Benefits (35%)	Operating costs (26.7%)	Total	5% increase	FTE	Pay	Benefits (35%)	Operating costs (26.7%)	Total
Program Manager II	\$ 29,244	80	9	\$ 21,056	\$ 7,369	\$ 5,622	\$ 34,047	\$ 30,706	9	\$ 22,108	\$ 7,738	\$ 5,903	\$ 35,749	
Health Licensing Coord	\$ 19,239	80	4	\$ 6,156	\$ 2,155	\$ 1,644	\$ 9,955	\$ 20,201	4	\$ 6,464	\$ 2,263	\$ 1,726	\$ 10,453	
Admin Specialist	\$ 18,443	80	6	\$ 8,853	\$ 3,098	\$ 2,364	\$ 14,315	\$ 19,365	6	\$ 9,295	\$ 3,253	\$ 2,482	\$ 15,030	
				\$ 36,065	\$ 12,623	\$ 9,629	\$ 58,317			\$ 37,868	\$ 13,254	\$ 10,111	\$ 61,232	

Child and Family Services (CFS). If CFS were unable to obtain the necessary information from non-profit organizations to meet federal requirements for background checks and personnel information, federal funds would potentially be at risk. The CFS Supplemental Nutrition Assistance Program (SNAP) Employment & Training (E&T) partners are paid with federal funds, and data is required to be submitted to CFS to obtain federal funding.

The SNAP E&T partners are funded with 50% federal funds and the partner is responsible for the other 50%. SNAP E&T passes the federal funds to the partners for allowable costs. If we are not able to provide the 50% federal funds to the partners, they potentially would not be able to maintain the program. The department would then have to either replace

the lost federal funds with general funds to pass to the current partners or provide the service internally. We currently do not have internal E&T staff serving the same areas the partners are in. Therefore, if the partners lost their ability to provide services, we would need internal E&T staff (workforce coordinators) to be able to continue the services. The SNAP E&T federal funds are \$1,132,886 in FY23.

Developmental Disabilities (DD). The inability to obtain such records from non-profit providers could prevent DD from completing reporting requirements for federal funding of the Home and Community-Based Service (HCBS) waivers. This could result in an indeterminable loss of federal funds.

Behavioral Health (BH). The inability to obtain such records from non-profit providers could prevent BH from completing reporting requirements for federal funding. This could result in an indeterminable loss of federal funds.

MAJOR OBJECTS OF EXPENDITURE

PERSONAL SERVICES:	NUMBER OF POSITIONS		2023-2024	2024-2025
	POSITION TITLE	23-24	24-25	EXPENDITURES
Benefits.....				
Operating.....				
Travel.....				
Capital Outlay.....				
Aid.....				
Capital Improvements.....				
TOTAL.....				

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2023

LB⁽¹⁾ 297

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ 05 Supreme Court

Prepared by: ⁽³⁾ Eric Asboe Date Prepared: ⁽⁴⁾ 2/13/2023 Phone: ⁽⁵⁾ 402-326-9215

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2023-24</u>		<u>FY 2024-25</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate:

Minimal fiscal impact to provide judicial and court staff education. Although there could be potential confidentiality issues that arise that may require new processes, no additional resources required at this time.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023-24</u>	<u>2024-25</u>
	<u>23-24</u>	<u>24-25</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

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

2023

LB ⁽¹⁾ 0297 **Adopt the Personal Privacy Protection Act**

FISCAL NOTE

State Agency OR Political Subdivision Name:⁽²⁾ University of Nebraska System

Prepared by:⁽³⁾ Chris Kabourek Date Prepared:⁽⁴⁾ 01/23/2023 Phone:⁽⁵⁾ (402) 472-7102

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2023 - 24		FY 2024 - 25	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
CASH FUNDS	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
FEDERAL FUNDS	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
OTHER FUNDS	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
TOTAL FUNDS	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>

Explanation of Estimate:

LB 297 would have an undetermined fiscal impact associated with: (1) review of current data sharing agreements to confirm compliance; (2) education and training of any staff who make public information disclosures in order to confirm that they are trained to recognize this type of information, including employees who review public records requests, post web content, provide information to the media, etc.; and (3) added litigation expense in the event a disclosure of this type of information is requested.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023 - 24 EXPENDITURES</u>	<u>2024 - 25 EXPENDITURES</u>
	<u>23 - 24</u>	<u>24 - 25</u>		
	<u>0</u>	<u>0</u>		
	<u>0</u>	<u>0</u>		
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				