

Nov 4

PREPARED BY: Phil Hovis
DATE PREPARED: February 14, 2012
PHONE: 471-0057

LB 536

Revision: 02

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

Revised based upon amendments adopted through 2/3/2012

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES *				
	FY 2012-13		FY 2013-14	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS		See below		See below
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	See below	See below	See below	See below

*Does not include any impact on political subdivisions. See narrative for political subdivision estimates.

LB536 would adopt the Nebraska Uniform Real Property Transfer on Death Act. Among its provisions, the bill also would amend Sec. 76-902 so as to include transfer on death deeds or revocations of transfer on death deeds as well as certified or authenticated death certificates pertaining to transfer on death deeds among those instruments currently exempt from the documentary stamp tax. Insofar that it appears transfer on death deeds would largely, if not exclusively, be utilized in lieu of means of real estate transfer that are already exempt from documentary stamp tax under current law (e.g. exemptions currently provided under subsections (15) and (18) of Sec. 76-902); the impact of LB536, if any, upon documentary stamp tax revenue would apparently be minimal.

The Department of Revenue indicates that costs associated with implementation of changes in certain reporting requirements as provided in LB536 would be minimal.

The Department of Health and Human Services indicates that real estate transfers by means of transfer on death deeds, as authorized by LB536, will affect asset detection for purposes of pursuing Medicaid liabilities. The Department indicates that provisions of the bill represent implications for increased workload in terms of asset detection in pursuing Medicaid liabilities as well as prospects for reductions in recovery of Medicaid liabilities, as assets of Medicaid recipients may be undetected under the authorized procedures for transfer of death deeds. The Department indicates, however, that the extent of such potential impacts is indeterminate given the uncertainty with respect to the extent to which transfer on death deeds may be utilized in the future under authority of LB536. We have no basis to dispute the inconclusiveness of any related impacts of the bill with respect to the Department of Health and Human Services.

DEPARTMENT OF ADMINISTRATIVE SERVICES

REVIEWED BY	Joe Wilcox	DATE	2/14/12	PHONE	471-2526
COMMENTS					
DEPT. OF REVENUE – No basis to dispute agency analysis, however, the Department does not attempt to quantify the potential revenue loss from the new exemptions to the Documentary Stamp Tax relative to this amendment. The Department did provide original Documentary Stamp Tax estimates in their original fiscal note on LB 536 issued in January 2011.					
HHS – No basis to dispute agency analysis.					
DEPT. OF ECONOMIC DEVELOPMENT – No basis to dispute agency analysis.					
LANCASTER COUNTY – No basis to dispute county analysis.					

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

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

LEGISLATIVE FISCAL

Prepared by: (3) Willard Bouwens

Date Prepared:(4) 2-8-12

Phone: (5) 471-8072

FY 2012-2013

FY 2013-2014

	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:

AM1668 has no fiscal impact. LB0536 is a new process, and there is no way to estimate how many Medicaid recipients will avail themselves of this option. It is possible social service staff may need to be added at a later date if enough Medicaid recipients use the transfer on death deed so that appropriate real estate recoveries occur, and there is a potential loss of revenue because assets would escape detection.

MAJOR OBJECTS OF EXPENDITURE

PERSONAL SERVICES:

POSITION TITLE	NUMBER OF POSITIONS		2012-2013 EXPENDITURES	2013-2014 EXPENDITURES
	12-13	13-14		
Benefits.....				
Operating.....				
Travel.....				
Capital Outlay.....				
Aid.....				
Capital Improvements.....				
TOTAL.....			See Above	See Above

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2012

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

LB⁽¹⁾ 536 FISCAL NOTE
AM1668

LEGISLATIVE FISCAL

State Agency OR Political Subdivision Name: ⁽²⁾ Economic Development

Prepared by: ⁽³⁾ Gary Hamer Date Prepared: ⁽⁴⁾ 1/31/12 Phone: ⁽⁵⁾ 1-4388

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2012-2013		FY 2013-2014	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

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

No Fiscal Impact

MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2012-2013 EXPENDITURES	2013-2014 EXPENDITURES
	12-13	13-14		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

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LEGISLATIVE FISCAL

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536
LB⁽¹⁾ (AM FISCAL NOTE
1668)

State Agency OR Political Subdivision Name: ⁽²⁾ Lancaster County Assessor/Register of Deeds

Prepared by: ⁽³⁾ Scott Gaines Date Prepared: ⁽⁴⁾ 1/31/12 Phone: ⁽⁵⁾ 441-6580

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2012-2013		FY 2013-2014	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

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

No material fiscal impact to Lancaster County.

MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2012-2013	2013-2014
	12-13	13-14	EXPENDITURES	EXPENDITURES
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____