Sandy Sostad May 03, 2019 471-0054

LB 570

Revision: 03 FISCAL NOTE LEGISLATIVE FISCAL ANALYST ESTIMATE

Revised on 5/9/19 based upon amendments adopted through 5/2/19.

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)								
	FY 2019-20 FY 2020-21							
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE				
GENERAL FUNDS								
HEALTH CARE CASH FUNDS	\$43,570		\$43,570					
FEDERAL FUNDS	\$43,570		\$43,570					
OTHER FUNDS								
TOTAL FUNDS	\$87,140		\$87,140					

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

LB 570 revises provisions relating to the strategic plan for providing services to persons with disabilities in the most integrated community-based settings pursuant to the Olmstead decision by the Supreme Court. Current law requires the Department of Health and Human Services (HHS) to develop a strategic plan by December 15, 2018. The bill changes the required completion date to December 30, 2019. The bill has an emergency clause so it will go into effect in FY2018-19.

The bill requires HHS to finish the plan, in collaboration with the Department of Correctional Services, the Department of Economic Development, the Department of Labor, the Department of Transportation, the Department of Veterans' Affairs, the State Department of Education, the University of Nebraska and the Equal Opportunity Commission. The agencies, with the assistance of an independent consultant and a previously authorized stakeholder committee which is expanded to twenty plus members, is to analyze and revise the strategic plan and determine whether benchmarks, deadlines, and timeframes are in compliance with the plan. The bill requires a report to the Legislature by December 15, 2021 and every three years thereafter, on the progress of the strategic plan and changes or revisions.

<u>HHS Expenditures</u>: The Nebraska Developmental Disabilities Planning Council earmarked \$127,000 of federal funds to assist HHS in hiring a consultant to help in the development of the strategic plan in the current fiscal year. A consultant was hired and most of Phase I of the strategic plan was completed by December of 2018. The consultant has not yet completed Phase II of the plan which includes engagement with all key stakeholders. HHS requested an estimate from the consultant as to the cost to complete the plan by June 30, 2019. The consultant estimated a cost of \$37,200 in the current fiscal year, FY2018-19, to deliver a final plan. Federal Medicaid funds can be used for 50% of the cost.

HHS will have additional expenditures in FY20, FY21 and through December of FY22 for a consultant to assist with continued analysis and revision of the strategic plan and to report on the progress of the plan to the Legislature by December 15, 2021. The estimated funding needed to retain the consultant over the two and one-half year period is \$87,140 in FY20, \$87,140 in FY21 and \$75,536 in FY22. Federal Medicaid funds can be used for 50% of the cost.

The bill, as amended, provides that cash funds from the Health Care Cash Fund will be used in FY19, FY20, and FY21 to match federal Medicaid funds to carry out the bill. The source of the Health Care Cash Funds are funds appropriated to the Legislative Council in FY18 and FY19 that were not expended by the Legislature during the biennium. These unexpended funds are appropriated to HHS in FY19, FY20 and FY21 for the services of the consultant. Intent language provides for funds from the Health Care to also be used in FY22 to match federal funds to complete the requirements of the bill.

HHS indicates the need for an Administrator II to coordinate all of the initiatives and programs throughout the agency which are impacted by the strategic plan being developed by the agency. The individual will also work with other state agencies and entities outside of HHS that are involved with services provided to persons with disabilities. The estimated fiscal impact for an additional Administrator is \$136,529 (\$68,264 General, \$68,265 Federal) in FY20 and FY21. This fiscal note assumes the provisions of the bill requiring the development, analysis and revision of the strategic plan can be handled with existing staff and the consultant.

<u>Department of Correctional Services (DCS) Expenditures</u>: DCS indicates the need for funds to hire a consultant to implement the bill. This fiscal note assumes the consultant will be hired by HHS. The department also projects the need for an ADA Coordinator to serve as the project manager for DCS. This fiscal note assumes that existing staff of the department can participate on the strategic plan team and any expenses can be handled with existing resources. State Department of Education, Department of Transportation, Department of Economic Development, University of Nebraska, and the Department of Labor: These agencies indicate existing staff and resources can handle any minimal expenses associated with participating on the collaborative planning team. It is assumed the Department of Veterans' Affairs and the Equal Opportunity Commission also have staff and resources available to implement the bill.

<u>Commission for the Deaf and Hard of Hearing, the Commission for the Blind and Visually Impaired and the Public Service Commission:</u> A representative of these entities is added to the stakeholder committee by the bill. The agencies indicate existing staff and resources can handle any minimal expenses associated with participating on the stakeholder committee.

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

LB: 570 AM: AGENCY/POLT. SUB: Department of Health and Human Services (DHHS)

REVIEWED BY: Elton Larson DATE: 2/25/2019

COMMENTS: DHHS estimate of fiscal impact to the agency appears reasonable.

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

LB: 570 AM: 470	AGENCY/POLT. SUB: Department of Correction	is (NDOC)					
REVIEWED BY: Elton Larson	DATE: 4/10/2019	PHONE: (402) 471-4173					
COMMENTS: It appears the NDOC estimate of fiscal impact duplicates the fiscal impact of the host agency Department of							
Health and Human Services.							

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

AGENCY/POLT. SUB: Department of Education (DOE)

REVIEWED BY: Elton Larson DATE: 4/10/2019

PHONE: (402) 471-4173

PHONE: (402) 471-4173

COMMENTS: No basis to disagree with DOE estimate of no fiscal impact to the agency.

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

LB: 570 AM:	AGENCY/POLT. SUB: Department of Transportation (NDOT)					
REVIEWED BY: Elton Larson	DATE: 2/25/2019	PHONE: (402) 471-4173				
COMMENTS: No basis to disagree with NDOT estimate of no fiscal impact to the agency.						

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE							
LB: 570 AM: 470 AGENCY/POLT. SUB: Department of Economic Development (DED)							
REVIEWED BY: Elton Larson	DATE: 4/10/2019	PHONE: (402) 471-4173					
COMMENTS: No basis to disagree with DED estimate of minimal fiscal impact to the agency.							

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

LB: 570 AM: 470

AGENCY/POLT. SUB: Department of Labor

REVIEWED BY: Elton Larson

REVIEWED BY: Elton Larson

DATE: 4/10/2019

PHONE: (402) 471-4173

COMMENTS: No basis to disagree with DOL estimate of fiscal impact to the agency.

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

LB: 570 AM: 470

DATE: 4/10/2019

AGENCY/POLT. SUB: Commission for the Deaf and Hard of Hearing

PHONE: (402) 471-4173

COMMENTS: No basis to disagree with estimate of no fiscal impact to the agency.

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION						
State Agency or Political	Subdivision Name:(2) Depa	rtment of Health and Hu	man Services			
Prepared by: (3) Mike Mich	alski Date Prepa	ared 1-24-19	Ph	one: (5) 471-6719		
	<u>FY 2019-</u>	2020	FY 2020-	2021		
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE		
GENERAL FUNDS	\$111,834		\$111,834			
CASH FUNDS						
FEDERAL FUNDS	\$111,835		\$111,835			
OTHER FUNDS						
TOTAL FUNDS	\$223,669		\$223,669			

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

Explanation of Estimate:

LB 570 would change requirements related to the strategic plan developed in response to the US Supreme Court ruling in Olmstead vs. L.C. Requirements would include collaboration with the Division of Developmental Disabilities and other state agencies in the development of the strategic plan, consultation with an independent consultant for ongoing analysis and revision of the strategic plan, and reporting to the legislature on the progress of the strategic plan by December 2021 and every three years thereafter. The bill also extends the deadline for submission of the strategic plan to the Governor and Legislature to June 30, 2019.

The Department of Health and Human Services (DHHS) has been working to develop the strategic plan to meet Olmstead requirements since the original statute was passed in 2016. DHHS is currently working with an independent consultant (Technical Assistance Collaborative, Inc.) under a contract that has been extended through March 31, 2019 and will exhaust allocated funding for this initiative. On December 15, 2018, DHHS submitted a report to the Legislature outlining progress to date and identified barriers to completion of a comprehensive strategic plan.

This bill is an expansion of LB 1033 (2016). To accommodate this expansion, the Department will need to add one FTE Administrator II. Costs for LB 1033 (2016) were funded from federal dollars from the Developmental Disabilities Planning Council. However, this funding would not be available for the requirements in LB 570. In the future, funding would be a Medicaid Administrative expense, and therefore qualify for 50 percent federal funding.

Since this bill would be effective upon the governor's signature, DHHS would also incur costs during FY18-19 (\$18,600 GF) and then again during FY21-22 (\$37,768 GF) for the consultant for this bill. FTE costs would continue.

MAJOR OBJECTS OF EXPENDITURE						
PERSONAL SERVICES:						
	NUMBER O	F POSITIONS	2019-2020	2020-2021		
POSITION TITLE	19-20	20-21	EXPENDITURES	EXPENDITURES		
	1	1	\$77,790	\$77,790		
Benefits			\$25,173	\$25,173		
Operating			\$120,706	\$120,706		
			\$120,700	φ120,700		
Travel						
Capital Outlay						
Aid						
Capital Improvements						
TOTAL			\$223,669	\$223 669		
			ΨΖΖΟ,000	<i>\\\</i> 220,000		

LB ⁽¹⁾ 570 AM	470			FISCAL NOTE		
State Agency OR Politica	l Subdivision Name: ⁽²⁾	Nebraska Department of Correctional Services				
Prepared by: ⁽³⁾ Sara Sump		Date Prepared: ⁽⁴⁾	Phone: ⁽⁵⁾	402.479.5702		
	ESTIMATE PROVI	DED BY STATE AGENC	Y OR POLITICAL SUBDIVIS	ION		
	FY	2019-20	FY 2020-	-21		
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE		
GENERAL FUNDS	\$346,054		\$76,054			
CASH FUNDS						
FEDERAL FUNDS						
OTHER FUNDS						
TOTAL FUNDS	\$346,054	0	\$76,054	0		

Explanation of Estimate:

NDCS has reviewed the bill as amended and believes the original fiscal note is still appropriate.

NDCS estimates requiring \$270,000 to hire a consultant in conjunction with the other agencies listed, to expand and complete a strategic plan as outlined in LB 570. Due to the size of NDCS, we anticipate a larger portion of the expense being billed. NDCS is also requesting an ADA Coordinator FTE to serve as the project manager for NDCS.

BREAKE	OWN BY MA.	JOR OBJECTS O	F EXPENDITURE	
Personal Services:				
	NUMBER OF	F POSITIONS	2019-20	2020-21
POSITION TITLE	<u>19-20</u>	<u>20-21</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
ADA Coordinator (AAIII)	1	1	\$53,138	\$53,138
Benefits			\$18,598	\$18,598
Operating			\$4,318	\$4,318
Travel				
Capital outlay				
Aid				
Capital improvements				
TOTAL			\$76,054	\$76,054

LB ⁽¹⁾ 570 AM 4	170				FISCAL NOTE
State Agency OR Political	Subdivision Name: ⁽²⁾	Education			
Prepared by: ⁽³⁾ Lindy	Foley	Date Prepared: ⁽⁴⁾	March 20, 2019	Phone: (5)	402-430-1689
	ESTIMATE PROVI	DED BY STATE AGEN	ICY OR POLITICAL	SUBDIVIS	ION
	FV	2019-20		FY 2020	-01
	EXPENDITURES	<u>REVENUE</u>	EXPENDITU		<u>REVENUE</u>
GENERAL FUNDS					
CASH FUNDS					
FEDERAL FUNDS					
OTHER FUNDS					
TOTAL FUNDS					

Explanation of Estimate:

LB 570 AM 470 would require the NDE (specifically including the Commissioner of Education, VR and Assistive Technology Partnership-ATP) to assist in the review and development of a strategic plan to implement the Olmstead decision in Nebraska. The Olmstead decision requires provision of services to individuals with disabilities occur in the most integrated, community based settings including employment of individuals with disabilities. The independent consultant mentioned in the Bill is already in place and has been conducting research specific to the plan development. The representatives from NDE-VR and ATP are current staff and the Olmstead advisory committee meeting location requires no board/lodging and minimal personal mileage for committee representatives. Therefore, minimal to no NDE fiscal impact is estimated.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE							
Personal Services:							
	NUMBER OF	POSITIONS	2019-20	2020-21			
POSITION TITLE	19-20	20-21	EXPENDITURES	EXPENDITURES			
Benefits							
Operating							
Travel							
Capital outlay							
Aid							
Capital improvements							
TOTAL							

01/08/2019

LB ⁽¹⁾ 570				FISCAL NOTE
State Agency OR 1	Political Subdivision Name: ⁽²⁾	Nebraska Departn	nent of Transportation	
Prepared by: (3)	Becky Fleming	Date Prepared: ⁽⁴⁾	2/11/19 Phone: (5	402-479-4692
	ESTIMATE PROVI	<u>DED BY STATE AGEN</u>	NCY OR POLITICAL SUBDIVI	SION
	<u>FY s</u> EXPENDITURES	2019-20 <u>REVENUE</u>	<u>FY 202</u> <u>EXPENDITURES</u>	<u>0-21</u> <u>REVENUE</u>
GENERAL FUN	DS		<u> </u>	
CASH FUNDS				
FEDERAL FUN	DS			
OTHER FUNDS				
TOTAL FUNDS	,			

Explanation of Estimate:

LB 570 changes provisions relating to an advisory committee and a strategic plan for services for persons with disabilities. The bill adds to the advisory committee several state agencies including the Dept. of Transportation (NDOT). A decisionmaker representative from NDOT will participate to assist in the review and development of the strategic plan for providing services to qualified persons with disabilities.

No fiscal impact is anticipated to the Department.

BREAKI	DOWN BY MA.	JOR OBJECTS O	F EXPENDITURE	
Personal Services:				
	NUMBER OI	POSITIONS	2019-20	2020-21
POSITION TITLE	<u>19-20</u>	<u>20-21</u>	EXPENDITURES	EXPENDITURES
				. <u> </u>
Benefits				
Operating				
Travel				
Capital outlay				
Aid				
Capital improvements				
TOTAL				

LB ⁽¹⁾ 570 AN	Л470			FISCAL NOTE			
State Agency OR Poli	tical Subdivision Name: ⁽²⁾	Nebraska Department of Economic Development					
Prepared by: ⁽³⁾ _D	ave Rippe	Date Prepared: ⁽⁴⁾	3/21/2019 Phone:	(5) 471-3777			
	ESTIMATE PROVID	ED BY STATE AGEN	CY OR POLITICAL SUBDI	VISION			
	FY 9	2019-20	FY 2	2020-21			
	EXPENDITURES	<u>REVENUE</u>	EXPENDITURES	REVENUE			
GENERAL FUNDS							
CASH FUNDS							
FEDERAL FUNDS							
OTHER FUNDS							
TOTAL FUNDS							

Explanation of Estimate:

It is estimated that there will be minimal cost to the Department to implement LB 570 as amended by AM470.

Personal Services:				
	NUMBER O	F POSITIONS	2019-20	2020-21
POSITION TITLE	<u>19-20</u>	<u>20-21</u>	EXPENDITURES	EXPENDITURES
Benefits				
Operating				
Travel				
Capital outlay				
Aid				
Capital improvements				
TOTAL				

LB ⁽¹⁾ 570 AM 1480			FISCAL NOTE			
State Agency OR Political Subdivision Name: ⁽²⁾	University of Nebraska					
Prepared by: ⁽³⁾ Michael Justus	Date Prepared: ⁽⁴⁾	May 3, 2019 Phone: (5)	402-472-7109			
ESTIMATE PROV	IDED BY STATE AGEN	NCY OR POLITICAL SUBDIVIS	SION			
<u>FY</u> EXPENDITURES	<u>2019-20</u> <u>REVENUE</u>	<u>FY 2020</u> EXPENDITURES	-21 <u>REVENUE</u>			
GENERAL FUNDS						
CASH FUNDS						
FEDERAL FUNDS						
OTHER FUNDS						
TOTAL FUNDS						
Explanation of Estimate:						
There is no fiscal impact to the Universit	y from this AM.					

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Personal Services: N POSITION TITLE	UMBER OF (NOT <u>19-20</u>	,	2019-20	2020.21
	(NOT	FTE)	2019-20	2020 21
POSITION TITLE	•	,	2019-20	2020 21
POSITION TITLE	<u>19-20</u>			2020-21
		<u>20-21</u>	EXPENDITURES	EXPENDITURES
-		·		
-		·		
-				
-				
Benefits				
Operating				
Travel				
Capital outlay				
Aid				
Capital improvements				
TOTAL				

LB ⁽¹⁾ 570,	AM470				FISCAL NOTE
State Agency OR I	Political Subdivision Name: ⁽²⁾	Nebraska Departn	nent of Labor		
Prepared by: ⁽³⁾	Katie Thurber	Date Prepared: ⁽⁴⁾	2/20/2019	Phone: (5)	402-471-9912
	ESTIMATE PROVI	DED BY STATE AGEN	NCY OR POLITICAL	SUBDIVIS	ION
	FV	2019-20		FY 2020	-01
	EXPENDITURES		EXPENDITU		<u>REVENUE</u>
GENERAL FUN	DS		,		
CASH FUNDS					
FEDERAL FUNI	DS				
TRUST FUNDS					
TOTAL FUNDS					

Explanation of Estimate:

LB 570 requires the Nebraska Department of Labor to assist in the development of a comprehensive strategic plan for providing services to qualified persons with disabilities in the most integrated community-based settings. NDOL anticipates increased time attending meetings. NDOL can absorb the cost of attending additional meetings.

The majority of the costs will be associated with implementing any NDOL requirements under the strategic plan. That cost is indeterminable at this time.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE					
Personal Services:					
POSITION TITLE	NUMBER O <u>19-20</u>	F POSITIONS <u>20-21</u>	2019-20 <u>EXPENDITURES</u>	2020-21 <u>EXPENDITURES</u>	
Benefits					
Operating					
Travel					
Capital outlay					
Aid					
Capital improvements					
TOTAL					

LB ⁽¹⁾ 570 AN	Л470				FISCAL NOTE
State Agency OR Poli	tical Subdivision Name: ⁽²⁾	Nebraska Commis	sion for the Deaf	and Hard	of Hearing
Prepared by: ⁽³⁾ S	tephanie DeGroot	Date Prepared: ⁽⁴⁾	04/03/2019	Phone: (5)	402-471-3593
	ESTIMATE PROVI	DED BY STATE AGEN	NCY OR POLITICAL	SUBDIVIS	ION
	<u>FY 2</u> EXPENDITURES	2019-20 <u>REVENUE</u>	<u>EXPENDITU</u>	<u>FY 2020-</u> RES	- <u>21</u> <u>REVENUE</u>
GENERAL FUNDS					
CASH FUNDS			<u> </u>		
FEDERAL FUNDS					
OTHER FUNDS					
TOTAL FUNDS	\$0	\$0	\$0		\$0
Explanation of Estir	nate:				

No fiscal impact.

BREAK	DOWN BY MA.	OR OBJECTS O	F EXPENDITURE	
Personal Services:				
	NUMBER OF	F POSITIONS	2019-20	2020-21
POSITION TITLE	<u>19-20</u>	<u>20-21</u>	EXPENDITURES	EXPENDITURES
Benefits	- <u> </u>			
Operating				
Travel				
Capital outlay				
Aid				
Capital improvements				
TOTAL			\$0	\$0

LB ⁽¹⁾ 570 Å	AM470			FISCAL NOTE			
State Agency OR P	olitical Subdivision Name: ⁽²⁾	Nebraska Commission for the Blind and Visually Impaired					
Prepared by: (3)	Kathy J. Carroll	Date Prepared: ⁽⁴⁾	03/19/2019 P	hone: ⁽⁵⁾ 402-471-8106			
	ESTIMATE PROVI	DED BY STATE AGEN	ICY OR POLITICAL SU	JBDIVISION			
	<u>FY :</u> EXPENDITURES	<u>2019-20</u> <u>REVENUE</u>	EXPENDITURE	FY 2020-21 S <u>REVENUE</u>			
GENERAL FUNI	DS						
CASH FUNDS							
FEDERAL FUNE	DS						
OTHER FUNDS							
TOTAL FUNDS							
Explanation of Es	stimate:						
No Fiscal Impact							

BREAKI	DOWN BY MA	JOR OBJECTS O	FEXPENDITURE	
Personal Services:				
POSITION TITLE	NUMBER OI <u>19-20</u>	F POSITIONS <u>20-21</u>	2019-20 <u>EXPENDITURES</u>	2020-21 <u>EXPENDITURES</u>
Benefits				
Operating	•••			
Travel				
Capital outlay				
Aid Capital improvements				
TOTAL				

LB ⁽¹⁾ 570,	AM1480			FISCAL NOTE	
State Agency OR Political Subdivision Name: ⁽²⁾		Public Service Commission			
Prepared by: (3)	Suzanne Hinzman	Date Prepared: ⁽⁴⁾	05/03/2019 Pl	hone: ⁽⁵⁾ 402-471-0240	
	ESTIMATE PROVI	DED BY STATE AGEN	CY OR POLITICAL SU	JBDIVISION	
	<u>FY s</u> EXPENDITURES	<u>2019-20</u> <u>REVENUE</u>	<u>I</u> EXPENDITURE	<u>FY 2020-21</u> PENDITURES REVENUE	
GENERAL FUNI CASH FUNDS FEDERAL FUNI OTHER FUNDS	DS				
TOTAL FUNDS 0		0	0	0	

Explanation of Estimate:

This bill has no fiscal impact for the Public Service Commission.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE							
Personal Services:							
	NUMBER OF POSITIONS		2019-20	2020-21			
POSITION TITLE	<u>19-20</u>	<u>20-21</u>	EXPENDITURES	EXPENDITURES			
Benefits							
		,					
Operating							
Travel							
Capital outlay							
Aid							
Capital improvements							
TOTAL			0	0			