

PREPARED BY: Mikayla Findlay
 DATE PREPARED: March 27, 2024
 PHONE: 402-471-0062

LB 1288

Revision: 02

Revised to include provisions of AM 2695, AM 3106, and AM 3096

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2024-25		FY 2025-26	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

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

This bill allows recognition of commitment orders, emergency protective custody (EPC), on the basis of mental health and/or sex offences for any person domiciled within Indian country. The Department of Health and Human Services (DHHS) offers estimated rates for one month of EPC services for one individual, \$45,987 for a community-based hospital and \$29,460 at the Lincoln Regional Center

As amended by AM 2695, the bill specifies that the tribe shall make arrangements for payment of the cost of treatment services therefore there would be no additional cost to the state. DHHS notes that if tribal orders are required to be reported in the Electronic Commitment Reporting Application (ECRA) then the system would need to be updated. System updates to ECRA are anticipated to be less than \$5,000 and can be absorbed by the agency.

AM 3106 clarifies that “subject” includes individuals who are members of a tribe or eligible to be a member of a tribe. AM 3106 also removed provisions that provisional discharge may only be authorized with consent of the Indian Health Service or the placing tribe and provisions that discharge would require notice to and consultation with the Indian Health Service or placing tribe. There is no fiscal impact to the provisions in the amendment.

AM 3096 allows the use of tribal enrollment cards as a valid proof of age and identity. There is no fiscal impact to the provisions in the amendment.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 1288	AM: 2695, 3096, 3106	AGENCY/POLT. SUB: Supreme Court	
REVIEWED BY:	Jacob Leaver	DATE: 3/28/2024	PHONE: (402) 471-4173
COMMENTS: No basis to dispute the Supreme Court’s estimate of minimal fiscal impact as a result of LB 1288 AM 2695, 3096, and 3106.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 1288	AM: 2695, 3096, 3106	AGENCY/POLT. SUB: Secretary of State	
REVIEWED BY:	Jacob Leaver	DATE: 3/27/2024	PHONE: (402) 471-4173
COMMENTS: No basis to dispute the Secretary of State’s estimated of no fiscal impact as a result of LB 1288 AM 2695, 3096, and 3106.			

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2024

LB⁽¹⁾ LB1288 AM2695 AM3106 AM3096

FISCAL NOTE

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

Prepared by: ⁽³⁾ Joan Arnold Date Prepared: ⁽⁴⁾ 3/26/2024 Phone: ⁽⁵⁾ 402-471-2384

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2024-25</u>		<u>FY 2025-26</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:

No Fiscal Impact

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2024-25</u>	<u>2025-26</u>
	<u>24-25</u>	<u>25-26</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 4-3-2024

Phone: (5) 471-6719

	<u>FY 2024-2025</u>		<u>FY 2025-2026</u>	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	\$0	\$0	\$0	\$0
CASH FUNDS	\$0	\$0	\$0	\$0
FEDERAL FUNDS	\$0	\$0	\$0	\$0
OTHER FUNDS	\$0	\$0	\$0	\$0
TOTAL FUNDS	\$0	\$0	\$0	\$0

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

Explanation of Estimate:

LB1288 provides for the recognition of tribal commitment orders due to mental health and/or dangerous sex offenses and for the transportation of persons civilly committed under tribal law.

This bill designates any person domiciled within Indian country to be a covered subject concerning mental health involuntary commitment or placement under emergency protective custody. In such a case, where the subject is domiciled within Indian country in Nebraska and is committed for treatment under tribal law, the tribe shall make arrangements for payment of the cost of such treatment services per AM2695.

The cost of a single person committed for 30 days (assuming fiscal year 2024-2025 rates are paid for 7 days of acute care and 23 days of subacute care):

- Community-based hospital
 - \$45,987
- Lincoln Regional Center (LRC)
 - \$29,460
 - Plus, any amount needed to compensate jails due to the prevention of admission of other persons in need of facility services.

The Department of Health and Human Services (DHHS) does not have an estimate for the number of individuals this could affect because emergency protective custody is not currently an option within tribes. Also, there is not an estimate on how long a tribal person would be expected to remain at any hospital since dismissal requires external approval.

If Tribal orders are required to be included in the reporting database, the Electronic Commitment Reporting Application (ECRA) will need to be updated. Changes to the ECRA database to allow for Tribal Court courts/personnel to enter data is estimated at less than \$5,000. DHHS will absorb these costs.

AM3106 does not have a fiscal impact for DHHS.

AM3096 does not have a fiscal impact for DHHS.

MAJOR OBJECTS OF EXPENDITURE

PERSONAL SERVICES:	NUMBER OF POSITIONS		2024-2025	2025-2026
	24-25	25-26	EXPENDITURES	EXPENDITURES
POSITION TITLE			\$0	\$0
Benefits.....			\$0	\$0
Operating.....			\$0	\$0

Travel.....	\$0	\$0
Capital Outlay.....	\$0	\$0
Aid.....	\$0	\$0
Capital Improvements.....	\$0	\$0
TOTAL.....	\$0	\$0

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2024

LB⁽¹⁾ 1288, AM2695, AM3096, & AM3106

FISCAL NOTE

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

Prepared by: ⁽³⁾ Eric Asboe Date Prepared: ⁽⁴⁾ 3/27/2024 Phone: ⁽⁵⁾ 402-326-9215

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2024-25</u>		<u>FY 2025-26</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 education. No additional resources required.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2024-25</u>	<u>2025-26</u>
	<u>24-25</u>	<u>25-26</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____