

March

PREPARED BY: Liz Hruska  
DATE PREPARED: March 14, 2011  
PHONE: 471-0053

LB 515

Revision: 00

# FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES *				
	FY 2011-12		FY 2012-13	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	See Below		See Below	

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

This bill declares that the federal Patient Protection and Affordable Care Act (ACA) is not authorized by the U. S. Constitution. It requires the Legislature to enact any and all legislation necessary to prevent the enforcement of the PACCA. Any official, agent or employee of the U. S. who enforces or attempts to enforce PACCA would be guilty of a Class IV felony. Any state officer or employee that enforces or attempts to enforce PACCA would be guilty of the Class I misdemeanor. Any aggrieved party shall have a private action against any person convicted under the provisions of this bill. The bill has the emergency clause.

ACA is the subject of several lawsuits. Nebraska is part of the case filed in Florida hear by U.S. District Court Judge Roger Vinson. The judge in this case recently ruled the individual mandate in the law is unconstitutional. Even though he included in his ruling that the mandate was inseparable from the rest of the law due to the absence of a severability clause, he recently clarified that he would not require the administration to cease implementation of the ACA. The case is being appealed by the federal government.

The fiscal impact of this bill cannot be determined. It is unknown what the ultimate outcome will be of the court ruling above or other suits that have filed challenging the ACA. Without the benefit of a final court ruling, the state could be subjected to substantial penalties for non-compliance with the provisions of the ACA. Funding already received by the Department of Health and Human Services and the Department of Insurance would also need to be returned to the federal government. Funding that was spent from these funds would need to be paid from State General Funds.

DEPARTMENT OF ADMINISTRATIVE SERVICES

REVIEWED BY	Elton Larson	DATE	1/26/11	PHONE	471-2526
COMMENTS					
DEPARTMENT OF INSURANCE: NFI UNIVERSITY OF NEBRASKA: Concur.					

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

RECEIVED  
 JAN 26 2011  
 LEGISLATIVE

2011

LB<sup>(1)</sup> 515 FISCAL NOTE

State Agency OR Political Subdivision Name: <sup>(2)</sup> Department of Insurance

Prepared by: <sup>(3)</sup> Eric Dunning Date Prepared: <sup>(4)</sup> 01/24/11 Phone: <sup>(5)</sup> 471-4650

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

	FY 2011-2012		FY 2012-2013	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER 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		2011-2012 EXPENDITURES	2012-2013 EXPENDITURES
	11-12	12-13		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

RECEIVED

2011

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

JAN 27 2011

LB<sup>(1)</sup> 515 FISCAL NOTE

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

Prepared by: (3) Michael Justus Date Prepared: (4) January 26, 2011 Phone: (5) 472-2191

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2011-2012		FY 2012-2013	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	(575,000)		(600,000)	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	(575,000)		(600,000)	

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

Explanation of Estimate:

The fiscal note reflects the estimated savings by enactment of the bill for the University's health plan. The effect on revenues for the Medical Center is difficult to determine at this time.

MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2011-2012 EXPENDITURES	2012-2013 EXPENDITURES
	11-12	12-13		
Benefits.....			(575,000)	(600,000)
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....			(575,000)	(600,000)