

Revised based on amendments adopted through 3-10-20

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2020-21		FY 2021-22	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	\$107,980		\$199,961	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$107,980		\$199,961	

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

This bill requires the court make a placement to a specific Youth Rehabilitation and Treatment Center (YRTC) in Geneva or Kearney or another facility being used as an YRTC and operating pursuant to state law. The bill would allow the court or any interested party to motion for a review hearing of a juvenile placed in the custody of the Office of Juvenile Services (OJS). The court may order early discharge from commitment to extensive supervised probation. A representative of either OJS or the YRTCs must be physically present for court hearing, as well as the juvenile and the juvenile's parent or guardian. Juveniles would also be entitled to an annual review of their commitment. The Office of Juvenile Services would not be allowed to change juveniles' placements except for the need for inpatient or subacute substance abuse or behavioral health residential treatment. Notice of such change shall be provided to the court and interested parties.

The requirement that both a representative of OJS or an YRTC be physically present for hearings will have additional costs. Currently some of the youth attend court hearings through either teleconferencing or by phone. On average, the hearings are two hours away from the YRTC at Kearney. Staff would need to cover for the staff transporting the youth. This would result in overtime. The number of hearings per year is unknown. The department's fiscal note provides an example assuming 120 hearings a year. However this estimate appears to be high based on total admissions which were 101 in FY 20. A more reasonable estimate is 40 to 60 hearings a year. Based on this number, the overtime costs would be \$7,000 in FY 2021 and \$14,000 in FY 2022. A half-time additional attorney and paralegal might be needed. The personnel and operating cost would be \$100,980 in FY 2021 and \$185,961 in FY 2022.

The workload of the courts would increase, but the extent is not known.

The bill as amended contains a modified version of LB 975. The amendment provides civil and criminal immunity to medical professionals and others participating in an investigation of child abuse and neglect. These provisions align state law to federal the Child Abuse Prevention and Treatment Act (CAPTA) and will prevent the loss of approximately \$500,000 in federal funds.

The bill requires that as long as the agency operates either 1) the YRTC- Kearney, it will be used for the treatment of boys or 2) the YRTC – Geneva, it will be used for treatment of girls. An exception is made in the event of an emergency. Currently the YRTC – Kearney has boys and girls residing on the campus. Last August girls from the YRTC – Geneva were moved to the YRTC – Kearney.

The agency announced a new plan on July 15, 2020. In October 2020, under the new plan, the YRTC – Geneva would close. Girls would be placed in a newly renovated 24-bed space at the Hastings Regional Center that was intended to serve boys with high needs who had been committed to the YRTC – Kearney. A state-owned facility in Lincoln at Whitehall will house the boys originally to be served in Hastings. The agency's fiscal note states a new facility with a capacity of 40 would need to be built on the Geneva campus. Since the agency's plan is to close the YRTC – Geneva and would no longer be operating the space as an YRTC, there is no fiscal impact.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE				
LB: 1148	AM: 2637,2666,2810	AGENCY/POLT. SUB: Nebraska Department of Health and Human Services		
REVIEWED BY:	Ann Linneman	DATE:	7-15-20	PHONE: (402) 471-4180
COMMENTS: No basis to disagree with the Nebraska Department of Health and Human Services' estimate of fiscal impact. No construction could occur without following the established statutory process for construction projects, including the preparation and approval of a program statement.				

LB₍₁₎ 1148 AM2637,2666 & 2810 FISCAL NOTE

2020

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

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

Prepared by: (3) Mike Michalski

Date Prepared 7-14-2020

Phone: (5) 471-6719

	<u>FY 2020-2021</u>		<u>FY 2021-2022</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	\$12,268,848		\$537,696	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$12,268,848		\$537,696	

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

Explanation of Estimate: LB 1148 as amended clarifies child advocacy centers' access to information. It also outlines confidentiality provisions related to forensic interviews in child abuse and neglect cases. A defendant's access to recorded interview of child victims or witnesses involving a sex crime is clarified. These provisions would not have a fiscal impact on the Department.

AM2637 adds language naming specifically the YRTC-Kearney and the YRTC-Geneva and any other facility being used as a youth rehabilitation and treatment center operating pursuant to state law. This bill adds language that Courts may set hearings to review a juvenile's treatment plan and to review any change of placement should there be an objection. Also added, during a juvenile's commitment, any party may file a motion for commitment review to bring the case before the court for consideration of the juvenile's progress in treatment at the YRTC and the Court may order an early discharge if determined in the juvenile's best interest. Each juvenile is also entitled to an annual review of their case by the Court's to assess the juvenile's progress in treatment and determine if commitment remains in the juvenile's best interest.

Currently, the YRTC facilities have the authority to release a youth from custody. The Courts would be assuming the juvenile's potential risk to the community before they had completed programming. There is also wording that mandates that the youth and a representative from the facility be physically present at any of the various Court hearings. Currently, youth attend some hearings by teleconference or by phone. This would no longer be sufficient.

Travel time to and from hearings would increase costs for the YTRC's. Given that many of the court hearings would be more than a two hour drive each way from Kearney and that any staff needed to accompany the youth would need to be replaced at the facility most likely incurring overtime for staff, and estimating 120 hearings per year, the cost would be at least \$42,000 per year (120 hearings times 8 hours per hearing times average overtime staff cost).

In addition, the Department would require three FTE Attorney III and one Paralegal II positions to provide legal representation in the additional hearings required by this bill.

Geneva only has the LaFlesche building in operation to accommodate female youth transitioning out of the program. This building could accommodate up to 20 girls. However, the current female population exceeds that number and the female population has been in the 40's within the last year. To bring the rest of the Geneva campus to an operational level will require a physical structure build. Based on construction costs for buildings similar to LaFlesche, DHHS estimates the cost to bring the Geneva facility to full capacity to be \$12,000,000. This would add up to 40 additional beds to the Geneva campus.

AM2666 makes several technical changes to AM2637 and AM2810 deletes language that said a secure detention facility shall not be utilized as a youth rehabilitation and treatment center. Neither of these two amendments would have a fiscal impact to the Department

Because this bill does not have an emergency clause, the Department assumes staff will be hired for only six months of the first fiscal year. The same is true for the amount of overtime incurred in FY21.

MAJOR OBJECTS OF EXPENDITURE				
PERSONAL SERVICES:				
POSITION TITLE	NUMBER OF POSITIONS		2020-2021 EXPENDITURES	2021-2022 EXPENDITURES
	20-21	21-22		
G3113 Attorney III	1.5	3	\$110,807	\$221,614
V31122 Paralegal II	.5	1	\$25,726	\$51,453
<hr/>				
Benefits.....			\$50,381	\$100,761
Operating.....			\$81,934	\$163,868
Travel.....				
Capital Outlay.....				
Aid.....				
Capital Improvements.....			\$12,000,000	
TOTAL.....			\$12,268,848	\$537,696

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

2020

LB⁽¹⁾ 1148

FISCAL NOTE

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

Prepared by: ⁽³⁾ Eric Asboe Date Prepared: ⁽⁴⁾ 2/2/20 Phone: ⁽⁵⁾ 1-4138

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2020-21</u>		<u>FY 2021-22</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:

It is estimated that LB1148 would increase judicial workload. However, the amount of increase and it's impact on judges and court staff cannot reasonably be determined at this time. Judicial branch education would also be required. 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>2020-21</u>	<u>2021-22</u>
	<u>20-21</u>	<u>21-22</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____