

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

Updated on February 24, 2020.

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2020-21		FY 2021-22	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	See Below			
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 would change provisions relating to examination of witnesses by telephonic, videoconferencing, and similar methods. It allows for remote testifying relating to examination of witnesses by telephonic, videoconferencing, and similar methods in any civil case.

The Supreme Court estimates a minimal fiscal impact to provide judicial education.

Sarpy County estimates no fiscal impact from this bill, and further notes that the bill could result in a slight cost savings.

The Department of Correctional Services (DCS) estimates the following costs:

	FY2020-21	FY2021-22	FY2020-21	FY2021-22
ITEMS	Number of Positions		Expenditures	
Unit Case Managers	3.00	3.00	124,250	124,250
Benefits			43,488	43,488
Operating			19,154	5,867
Capital Outlay			4,000	0
TOTAL	3.00	3.00	190,892	173,605

The Unit Case Managers will be split between the Omaha and Lincoln facilities (1.0 FTE at each location) and Tecumseh and York (0.5 FTE at each location).

Current law allows a judge, in any case (criminal or civil), with the consent of the parties, to permit any witness who is to be examined by oral examination to appear by telephonic, videoconferencing, or similar methods.

This bill separates out criminal and civil cases. For criminal cases, nothing is changed.

Under the new language, in a civil case, a judge shall permit any witness who is to be examined by oral examination to appear by telephonic, videoconferencing, or similar methods, unless a party objects on grounds of unreliability or unfairness. The objecting party has the burden of proving unreliability or unfairness by a preponderance of the evidence.

DCS states that this bill would increase the number of telephonic and videoconference witness examinations performed, and therefore they would incur additional costs as noted in the above-table.

The change in this bill is adding a provision to object on the grounds of unreliability or unfairness to telephonic and videoconference witness examinations in civil cases instead of current law that requires the consent of the parties.

Telephonic and videoconference witness examinations are already allowed under current law for both criminal and civil cases. It is hard to understand how making this change in civil cases would cause DCS to incur additional costs.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 912	AM:	AGENCY/POLT. SUB: Nebraska Supreme Court (005)
REVIEWED BY: Joe Wilcox	DATE: 1/22/2020	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Supreme Court estimate of "Minimal" Fiscal impact to the Agency from LB 912.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 912	AM:	AGENCY/POLT. SUB: Sarpy County
REVIEWED BY: Joe Wilcox	DATE: 1/16/2020	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Sarpy County estimate of No Fiscal Impact to the County from LB 912.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 912	AM:	AGENCY/POLT. SUB: Nebraska Department of Correctional Services (046)
REVIEWED BY: Joe Wilcox	DATE: 1/23/2020	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Department of Correctional Services (NDCS) estimate of potential Fiscal impact to the Agency from LB 912.		

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

2020

LB⁽¹⁾ 912

FISCAL NOTE

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

Prepared by: ⁽³⁾ Eric Asboe Date Prepared: ⁽⁴⁾ 1/18/20 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:

Minimal fiscal impact to provide judicial education.

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.....	_____	_____	_____	_____

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JAN 16 2020

LEGISLATIVE FISCAL

2020

FISCAL NOTE

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LB⁽¹⁾ 912

State Agency OR Political Subdivision Name: ⁽²⁾ Sarpy County

Prepared by: ⁽³⁾ William E. Conley Date Prepared: ⁽⁴⁾ 1/16/2020 Phone: ⁽⁵⁾ 402-593-5958

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2020-21		FY 2021-22	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate:

NO FISCAL IMPACT.

The biggest impact is on depositions in civil cases. We do not have many civil cases that end up in litigation – however, when we do, the use of telephonic/video depositions could be a slight cost savings.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2020-21 EXPENDITURES	2021-22 EXPENDITURES
	20-21	21-22		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

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

2020

LB⁽¹⁾ 912

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Nebraska Department of Correctional Services

Prepared by: ⁽³⁾ Lisa Stanton Date Prepared: ⁽⁴⁾ 01/22/2020 Phone: ⁽⁵⁾ (402)479-5702

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	<u>190,892</u>	<u> </u>	<u>173,605</u>	<u> </u>
CASH FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
FEDERAL FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
OTHER FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL FUNDS	<u>190,892</u>	<u> </u>	<u>173,605</u>	<u> </u>

Explanation of Estimate:

LB 912 would increase the number of telephonic and videoconference witness examinations performed.

NDCS currently has the telephonic functionality for witness examinations available at all facilities. NDCS has video conference capability at the Lincoln Correctional Center (LCC), Tecumseh State Correctional Institution (TSCI), Nebraska State Penitentiary (NSP), Nebraska Correctional Center for Women (NCCW), Diagnostic and Evaluation Center (DEC), Nebraska Correctional Youth Facility (NCYF) and the Work Ethic Camp (WEC). The cost to install videoconferencing at the Omaha Correctional Center (OCC) is approximately \$4,000. If witness examinations were needed for inmates at the Community Corrections Centers Omaha and Lincoln, inmates would utilize the Omaha Correctional Center and Diagnostic and Evaluation Center.

Depending on the number of witness examinations, a Case Manager would be required to facilitate this process as indicated below:

	<u># FTE</u>	<u>PSL</u>	<u>Total Cost</u>
Omaha Facilities	1.0	\$41,417	\$60,701
Lincoln Facilities	1.0	\$41,417	\$60,701
TSCI	0.5	\$20,708	\$32,745
NCCW	<u>0.5</u>	<u>\$20,708</u>	<u>\$32,745</u>
TOTAL	3.0	\$124,250	\$186,892

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2020-21 EXPENDITURES</u>	<u>2021-22 EXPENDITURES</u>
	<u>20-21</u>	<u>21-22</u>		
Unit Case Manager	<u>3.0</u>	<u>3.0</u>	<u>124,250</u>	<u>124,250</u>
Benefits.....			<u>43,488</u>	<u>43,488</u>
Operating.....			<u>19,154</u>	<u>5,867</u>
Travel.....				
Capital outlay.....			<u>4,000</u>	
Aid.....				
Capital improvements.....				
TOTAL.....			<u>190,892</u>	<u>173,605</u>