

**FISCAL NOTE**  
**LEGISLATIVE FISCAL ANALYST ESTIMATE**

Updated for amendments adopted through March 10, 2020.

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)</b>				
	<b>FY 2020-21</b>		<b>FY 2021-22</b>	
	<b>EXPENDITURES</b>	<b>REVENUE</b>	<b>EXPENDITURES</b>	<b>REVENUE</b>
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, as amended by AM2620, makes a change to LB912 and adds the provisions of LB's 271, 1027, 868, and 869.

Summary of Bills:

LB912 would change provisions relating to examination of witnesses by telephonic, videoconferencing, and similar methods.

LB271 would provide that joint & several liability remains to liable parties even if one of the parties settles or is released by the claimant.

LB1027 creates a new judicial process to expedite certain civil actions.

LB868 would change provisions relating to mediators under the Parenting Act.

LB869 proposes adopting a uniform method for addressing deposition and discovery subpoenas for out of state civil lawsuits.

See the Judiciary Committee Statement for a detailed explanation of what provisions of these bills are contained in AM2620.

AM2620 was divided into AM2831 and AM2832. AM2831 contains the provision of LB271, and AM2832 contains the provisions of LB's 912, 1027, 868, and 869. AM2832 was adopted and AM2831 failed.

Except for the provisions of LB912 (following), any fiscal impact from AM2832 is not estimated to be significant.

The Supreme Court states that the bill, as amended by AM2620 (now AM2831 and AM2832), will require additional expenditures related to implementation, but no additional funds are being requested. The bill may also impact judicial and court staff workload.

The Workers' Compensation Court estimates no fiscal impact from this bill, as amended by AM2620 (now AM2831 and AM2832).

The provisions of LB912 contained in AM2832 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.

AM2832 provides a standard of "for good cause shown" when a judge may permit telephonic or videoconferencing testimony. It provides the conditions of good cause that the court may consider. The amendment also adds language to provide that the party requesting the telephonic or videoconferencing testimony shall provide and pay for the accommodations required.

CONTINUED ON PAGE 2

The Department of Correctional Services (DCS) has not responded to AM2620 (now AM2831 and AM2832), but for the introduced copy of LB912, DCS estimated 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 AM2832 that contains the amended provisions of LB912, unless an objection is sustained, in any civil case, a judge shall, for good cause shown, permit any witness who is to be examined by oral examination to appear by telephonic, videoconferencing, or similar methods. Unless the court orders otherwise for good cause shown, all costs of testimony taken by telephone, videoconferencing, or similar methods shall be provided and paid by the requesting party and may not be charged to any other party. It provides the conditions of good cause that the court may consider.

A party may object 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.

If DCS responds to AM2620 (now AM2831 and AM2832), then this fiscal note will be updated.

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</b>		
<b>LB: 912</b>	<b>AM: 2620</b>	<b>AGENCY/POLT. SUB: Nebraska Supreme Court (005)</b>
REVIEWED BY: Joe Wilcox	DATE: 3/10/2020	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Supreme Court estimate of potential, but undetermined Fiscal impact to the Agency from LB 912, as amended by the Judiciary Committee Amendment - AM 2620, which adds in the provisions of Four other bills – LB 271, LB 868, LB 869, and LB 1027.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 912</b>	<b>AM: 2620</b>	AGENCY/POLT. SUB: <b>Nebraska Workers Compensation Court (037)</b>
REVIEWED BY: Joe Wilcox	DATE: 3/04/2020	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Workers Compensation Court estimate of No Fiscal impact to the Agency from LB 912, as amended by the Judiciary Committee Amendment - AM 2620, which adds in the provisions of Four other bills – LB 271, LB 868, LB 869, and LB 1027.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 912</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Nebraska Department of Correctional Services (046)</b>
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<sup>(1)</sup> 912, AM2620**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> 05 Supreme Court

Prepared by: <sup>(3)</sup> Eric Asboe Date Prepared: <sup>(4)</sup> 3/9/20 Phone: <sup>(5)</sup> 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	_____	_____	_____	_____
<b>TOTAL FUNDS</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>

**Explanation of Estimate:**

LB912, as amended by AM2620, will require a substantial increase in judicial branch education as well as changes in forms, rules and processes. Although there will be expenditures related to implementation, no additional resources are required. Based on information available at this time, general statements can be made that LB912, as amended, may also affect judicial and court staff workload. No revenue estimate is made regarding the fee stated in Section 9 since it is not required.

**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.....	_____	_____	_____	_____
<b>TOTAL.....</b>	<b>_____</b>	<b>_____</b>	<b>_____</b>	<b>_____</b>

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

**2020**

**LB<sup>(1)</sup> 912, AM2620**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Nebraska Workers' Compensation Court

Prepared by: <sup>(3)</sup> Jill Gradwohl Schroeder Date Prepared: <sup>(4)</sup> March 4, 2020 Phone: <sup>(5)</sup> 402.471.3602

**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:

LB **912, AM2620** is not expected to have a fiscal impact upon the operations of the Nebraska Workers' Compensation Court.

**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>		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

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

**2020**

**LB<sup>(1)</sup> 912**

**FISCAL NOTE**

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

Prepared by: <sup>(3)</sup> Lisa Stanton Date Prepared: <sup>(4)</sup> 01/22/2020 Phone: <sup>(5)</sup> (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>173,605</u>	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
<b>TOTAL FUNDS</b>	<b><u>190,892</u></b>		<b><u>173,605</u></b>	

**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>
<b>TOTAL</b>	<b>3.0</b>	<b>\$124,250</b>	<b>\$186,892</b>

**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.....				
<b>TOTAL.....</b>			<b><u>190,892</u></b>	<b><u>173,605</u></b>