

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

Updated to include the response of the Supreme Court for AM1209, and for amendments adopted through May 10, 2021.

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)</b>				
	<b>FY 2021-22</b>		<b>FY 2022-23</b>	
	<b>EXPENDITURES</b>	<b>REVENUE</b>	<b>EXPENDITURES</b>	<b>REVENUE</b>
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, as amended, would change provisions relating to truancy, juvenile courts, the Community-based Juvenile Services Aid Program, the Commission Grant Program, and compulsory education.

The Supreme Court estimates that this bill could result in a General Fund expenditure reduction in Juvenile Probation for truancy-only cases. The Court is showing total service expenditures for truancy-only cases as follows: FY18 = \$2,708,769, FY19 = \$3,084,936, and FY20 = \$3,589,768.

The average length of time for a truancy case is one year, but they can last several years. If this bill becomes law, current truancy cases would still be ongoing, there just would not be any new cases. The full impact of any reduction probably would not show up until FY24. Therefore, this bill could result in a General Fund expenditure reduction in Juvenile Probation for truancy-only cases of almost \$3.6 million starting in FY24. See the Supreme Court’s AM1209 response attached for additional details.

AM1209 makes several changes to the Community-based Juvenile Services Aid Program, including adding a Director of Absenteeism Prevention and Intervention Programs on July 1, 2023 (FY24). The Crime Commission estimates the salary and benefits for the director position at \$79,488.

AM1209 also states that it is the intent of the Legislature to appropriate \$8.5 million to the Community-based Juvenile Services Aid Program starting in FY24. The current amount in the statute is \$5 million, but the actual appropriation is \$5,798,000. Therefore, the aid increase would be \$2,702,000.

In their response to AM264, which also increased aid to \$8.5 million, the Crime Commission stated that they may need to request an additional employee beginning in FY24. In the introduced copy of this bill, the Crime Commission noted that the additional employee (Federal Aid Administrator II) would assist in managing the payments and financially monitoring the additional aid funds. The salary and benefits is estimated at \$77,549 in FY23.

It is estimated that the net impact to the General Fund from this amended bill starting in FY24 is as follows:

	<b>AM1209</b>	<b>FY24</b>
Reduction for Service Expenditures for Truancy Only Cases		(3,589,768)
Community-based Juvenile Services Aid Increase		2,702,000
Salary and Benefits - Director of Absenteeism Prevention and Intervention Programs		79,488
Salary and Benefits - Federal Aid Administrator II		77,549
Net Impact to the General Fund		(730,731)

FY24 is not in the 2021-2023 biennium so the savings to the General Fund are not shown in the boxes at the top of this fiscal note. The General Fund savings will be reflected in the following biennium on the “General Fund Financial Status”.

The following responses were received to the introduced copy of LB568. Since AM1209 made changes to the Community-based Juvenile Services Aid Program, these responses should not be impacted by the adoption of AM1209: The Department of Education, the Department of Correctional Services, and the Department of Health and Human Services estimate no fiscal impact.

Although AM264 does not impact Lancaster County, they have sent in an updated fiscal note response due to an increase in the number of youth with truancy referrals.

In their original response, Lancaster County estimated a cost of \$175,000 in FY22 and \$177,879 in FY23 for one additional juvenile diversion caseworker and for additional services for juveniles impacted, which at the time was 75. In their updated response, they note that the number of youth with truancy referrals is 250, an increase of 175 from their initial fiscal note response. These youth are currently supervised by Juvenile Probation under the Supreme Court.

Lancaster County now estimates total additional costs of over \$1.8 million in FY22 and FY23.

Lancaster County estimates that they will need four additional juvenile diversion caseworkers, up from one in their initial fiscal note response. The salaries and benefits for these additional caseworkers is \$311,808 in FY22 and \$324,378 in FY23.

Additionally, Lancaster County estimates additional services for juveniles at an estimated cost of \$1.5 million. The reason for this significant cost increase from the original estimate of about \$97,000 is that Lancaster County determined that some youth are being served in residential treatment settings. These out-of-home services are significantly more expensive than other services, such as in-home and/or community-based services.

Although there is no basis to disagree with this estimate, the Supreme Court is estimating that any savings to Juvenile Probation probably would not show up until FY24. Therefore, any additional costs to Lancaster County would probably not show up until FY24.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 568</b>	<b>AM: 1209</b>	AGENCY/POLT. SUB: <b>Nebraska Supreme Court (05)</b>
REVIEWED BY: Joe Wilcox	DATE: 05/14/2021	PHONE: (402) 471-4178
COMMENTS: Do not disagree with the Nebraska Supreme Court estimate that AM 1209 to LB 568 would not change the Court estimate of potential fiscal impact to the Agency.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 568</b>	<b>AM: 264</b>	AGENCY/POLT. SUB: <b>Nebraska Commission on Law Enforcement and Criminal Justice (78)</b>
REVIEWED BY: Joe Wilcox	DATE: 03/22/2021	PHONE: (402) 471-4178
COMMENTS: No disagreement with the Nebraska Commission on Law Enforcement and Criminal Justice (Crime Commission) estimate of No Fiscal Impact to the Agency in the 2021 – 2023 biennium from LB 568, as amended by Judiciary Committee Amendment – AM 264, as the Committee Amendment does not change the annual appropriation to the Community-Based Juvenile Services Program until FY 2023-24. At that time, the annual appropriation is increased to \$8,500,000 per year.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 568</b>	<b>AM: 1209</b>	AGENCY/POLT. SUB: <b>Nebraska Commission on Law Enforcement and Criminal Justice (78)</b>
REVIEWED BY: Joe Wilcox	DATE: 05/10/2021	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Commission on Law Enforcement and Criminal Justice (Crime Commission) estimate of potential Fiscal Impact to the Agency LB 568, as amended by AM 1209. The Amendment changes the Aid appropriation for Community-Based Juvenile Services Aid to \$8,500,000 per fiscal year, beginning July 1, 2023 (FY 2023-24). The Amendment also creates the new position within the Agency of <b>Director of Absenteeism Prevention and Intervention Programs</b> beginning July 1, 2023 (FY 2023-24).		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

**LB: 568**      **AM: 264**      AGENCY/POLT. SUB: **Lancaster County**

REVIEWED BY: Joe Wilcox

DATE: 04/21/2021

PHONE: (402) 471-4178

COMMENTS: No basis to dispute the Lancaster County estimate of potential fiscal impact to the County from LB 568, however, the revised fiscal note by Lancaster County is significantly higher than the original estimates and appears to be in response to the Judiciary Committee Amendment – AM 264 to LB 568, and the Committee Amendment merely changes the level of intended funding and timing, not the underlying provisions of the bill generating the fiscal impact estimates.

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

**2021**

**LB<sup>(1)</sup> 568, AM1209**

**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> 5/12/2021 Phone: <sup>(5)</sup> 402-326-9215

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

	<u>FY 2021-22</u>		<u>FY 2022-23</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	See Below		See Below	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

**Explanation of Estimate:**

2021-2023 Biennium Impact

As stated in prior fiscal notes, General Fund expenditures for services in Juvenile Probation will decrease gradually as a result of cases for only truancy, or excessive absenteeism, no longer being filed in court. Since the length of probation supervision can vary, it is estimated that the full impact of any expenditure decrease would not be evident until FY24. Total service expenditures were in FY18 \$2,708,769, FY19 \$3,084,936 and FY20 \$3,589,768.

2023-2025 Biennium Impact

Intent language in LB568, as amended, increases Community-based Juvenile Services aid by \$3.5 million, starting in FY24. It was stated in General File legislative debate that the additional funds are to come from a reduction in the appropriation for Juvenile Probation. There is the potential that services in Juvenile Probation may need to be reduced if, due to increases in the population of juveniles on probation or the cost and usage of other services, the FY24 base appropriation, minus the reduction, is not sufficient. A more specific estimate of the fiscal and operational impact can be made during the 2021-2023 biennium. Note: the Juvenile Probation base appropriation has been reduced by \$8.5 million for the 2021-2023 biennium.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2021-22</u>	<u>2022-23</u>
	<u>21-22</u>	<u>22-23</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				

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

**2021**

**LB<sup>(1)</sup> 568 as amended by AM264**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> NE Commission on Law Enforcement and Criminal Justice  
(Crime Commission)

Prepared by: <sup>(3)</sup> Bruce Ayers Date Prepared: <sup>(4)</sup> 3-19-2021 Phone: <sup>(5)</sup> 402-471-0359

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

	<u>FY 2021-22</u>		<u>FY 2022-23</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

LB 568, as amended by AM264, has no fiscal impact on the Crime Commission. If the intent of the Legislature is to increase funding for the Community-Based Juvenile Program beginning in FY 23-24, we may need to request an additional FTE at that time.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2021-22</u>	<u>2022-23</u>
	<u>21-22</u>	<u>22-23</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Federal Aid Administrator II	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

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

**2021**

**LB<sup>(1)</sup> 568 as amended by AM1209**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> NE Commission On Law Enf and Criminal Justice (Crime Commission)

Prepared by: <sup>(3)</sup> Bruce Ayers Date Prepared: <sup>(4)</sup> 5-7-2021 Phone: <sup>(5)</sup> 402-471-0359

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

	<u>FY 2021-22</u>		<u>FY 2022-23</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: The following sections of AM 1209 affect the Crime Commission but they fall outside the scope of FY 2021-2023. (1) Page 7 of the amendment increases the Community-based Juvenile Services Aid appropriation to 8,500,000 beginning July 1, 2023. This is an increase of 2,702,000 over the current appropriation of 5,798,000.

(2) Page 10 of the amendment creates a new position within the Crime Commission (Director of Absenteeism Prevention and Intervention Programs) effective July 1, 2023. We estimate the cost of this position in FY 2023-24 to be 45,494 salary and 33,994 benefits for a total of 79,488. We assumed family insurance for the health costs.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2021-22</u>	<u>2022-23</u>
	<u>21-22</u>	<u>22-23</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.

**2021**

**LB<sup>(1)</sup> 568 AM 264**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Lancaster County

Prepared by: <sup>(3)</sup> Sara Hoyle Date Prepared: <sup>(4)</sup> 04/19/21 Phone: <sup>(5)</sup> (402) 441-6868

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

	<u>FY 2021-22</u>		<u>FY 2022-23</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>1,811,808</u>	<u>                    </u>	<u>1,824,378</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>
<b>TOTAL FUNDS</b>	<u><b>1,811,808</b></u>	<u><b>                    </b></u>	<u><b>1,824,378</b></u>	<u><b>                    </b></u>

**Explanation of Estimate:**

The number of youth with truancy referrals is 250 for the current school year (Note, this is an increase of 175 since the initial fiscal note). It is now estimated four additional full-time juvenile diversion caseworkers will be needed to supervise this population on juvenile diversion. The operations budget increased significantly as it was also determined some youth currently on probation are being served in residential treatment settings. In addition, community partners and community based therapeutic options will be needed to support the service provisions identified in the youth's individualized plan.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2021-22</u>	<u>2022-23</u>
	<u>21-22</u>	<u>22-23</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
<u>Diversion Caseworker</u>	<u>4</u>	<u>4</u>	<u>209,504</u>	<u>222,074</u>
<u>Benefits.....</u>			<u>102,304</u>	<u>102,304</u>
<u>Operating.....</u>			<u>1,500,000</u>	<u>1,500,000</u>
<u>Travel.....</u>			<u>                    </u>	<u>                    </u>
<u>Capital outlay.....</u>			<u>                    </u>	<u>                    </u>
<u>Aid.....</u>			<u>                    </u>	<u>                    </u>
<u>Capital improvements.....</u>			<u>                    </u>	<u>                    </u>
<b><u>TOTAL.....</u></b>			<u><b>1,811,808</b></u>	<u><b>1,824,378</b></u>