

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2023-24		FY 2024-25	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	See Below		See Below	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	See Below		See Below	

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

LB 50 seeks to change provisions regarding problem solving courts, set asides, and restitution, to define terms, restate legislative intent regarding appropriations, and create pilot programs relating to courts, probation, and parole. It also aims to terminate the Committee on Justice Reinvestment Oversight, provide duties for courts, the probation administrator, Board of Parole, Division of Parole Supervision and State Court Administrator, and change provisions relating to parole and provide for streamline parole contracts.

Revenue:

The Nebraska Commission on Public Advocacy is solely funded by \$3 Indigent Defense fee which is taxed as costs to most cases filed in Nebraska’s state courts. If individuals in problem solving courts are not required to pay the Indigent Defense Fee, the Commission will lose revenue. Diversion, STOP classes, and problem-solving courts have caused fewer cases to be filed, and because fewer cases are filed in the courts the Commission’s annual revenue is down approximately \$500,000 compared to FY 2008-2009.

Section 7 of this bill states that the amount a defendant pays towards fines, costs and restitution are only applied to the restitution obligation until it is satisfied in full. This will cause the Commission to lose revenue it receives through the payments of the Indigent Defense Fee. The amount of revenue lost is unknown at this time.

Expenditures:

The Nebraska Department of Corrections Services states that LB 50 could reduce the number of persons in prison but the amount of the impact is indeterminable. The FY22 per diem cost was \$28.38 per inmate, or \$10,358.63 per year.

The Board of Parole established a pilot residential PREP program for parolees who commit technical violations. The current cost are as follows:

1. Rent for house = \$68,000 per year
2. Utilities cost (electric, gas, water/sewer, internet) = Estimated \$9,600 per year
3. Operational costs = \$100,000 per year
4. Clinical Program Contracts = \$75,000 per year
5. Long-term (one-time costs)
 - a. Furniture (beds, dressers, tables, chairs, sofas) = \$20,000
 - b. Training cost = \$84,000 (\$14,000 x 6 parole officers)

The Board of Parole requested ongoing funding related to the PREP program in its agency budget request for the upcoming biennium. LB 50 section 1 requires problem solving courts to report recidivism and underserved judicial districts.

The Supreme Court estimates a General Fund cost of \$150,000 for Fiscal year 2024 and 2025. The Telehealth pilot program would have an estimated General Fund cost of \$85,000 in Fiscal year 2024 and \$81,500 in Fiscal year 2025. The Assistant Probation Officer (APO) pilot would have an estimated cost of \$1,612,150 in Fiscal year 2024 and \$1,639,675 in Fiscal year 2025. Incentives in section 6 would have a cost of \$338,650 in Fiscal year 2024.

Section 7 of this bill requires the Supreme Court to determine restitution. The agency states it will need clarification as it can have conflict with other statutes. There will be IT expenses for the agency that they estimate to cost \$20,000 in Fiscal year 2024.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 50	AM:	AGENCY/POLT. SUB: Nebraska Department of Correctional Services (046)
REVIEWED BY: Joe Wilcox	DATE: 01/24/2023	PHONE: (402) 471-4178
COMMENTS: No basis to disagree with the Nebraska Department of Correctional Services (NDCS) estimate of Potential, but Indeterminate Fiscal Impact to the Agency from LB 50.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 50 Revised	AM:	AGENCY/POLT. SUB: Nebraska Commission on Public Advocacy (094)
REVIEWED BY: Joe Wilcox	DATE: 01/18/2023	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Commission on Public Advocacy estimate of potential, but Indeterminate Cash Fund Revenue impact to the Agency from LB 50.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 50	AM:	AGENCY/POLT. SUB: Nebraska Board of Parole (015)
REVIEWED BY: Joe Wilcox	DATE: 01/17/2023	PHONE: (402) 471-4178
COMMENTS: Do not disagree with the Nebraska Board of Parole estimate of potential fiscal impact to the Agency from LB 50. The Board of Parole is currently establishing a pilot residential program for parolees who commit technical violations. The agency is utilizing re-appropriations to fund the pilot in FY 2022-23. To continue the pilot, the agency would need additional appropriations and PSL established in their base.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 50	AM:	AGENCY/POLT. SUB: Nebraska State Patrol (064)
REVIEWED BY: Joe Wilcox	DATE: 01/13/2023	PHONE: (402) 471-4178
COMMENTS: Concur with the Nebraska State Patrol estimate of No Fiscal Impact to the Agency from LB 50.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 50	AM:	AGENCY/POLT. SUB: Nebraska Supreme Court (005)
REVIEWED BY: Joe Wilcox	DATE: 01/30/2023	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Supreme Court estimate of Potential Fiscal Impact to the Courts and Probation from LB 50.		

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

2023

LB⁽¹⁾ 50

FISCAL NOTE

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

Prepared by: ⁽³⁾ Lisa Stanton Date Prepared: ⁽⁴⁾ 01/18/2023 Phone: ⁽⁵⁾ (402)479-5702

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2023-24</u>		<u>FY 2024-25</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:

LB50 changes criminal justice provisions including set-asides, restitution, and parole; creates pilot programs; and terminates an oversight committee. The bill could reduce the number of persons in prison. The specific amount of impact is indeterminable.

As of December 2022, the average daily prison population (ADP) was 147% of design capacity. The FY22 per diem cost was \$28.38 for each inmate, or \$10,358.63 per year.

Assuming that the programming needs identified by NDCS while a parolee was previously in the department's custody would fulfill the program identification requirements of Section 13 of LB 50, NDCS estimates no fiscal impact as a result of that section of the bill.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023-24 EXPENDITURES</u>	<u>2024-25 EXPENDITURES</u>
	<u>23-24</u>	<u>24-25</u>		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

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2023

LB⁽¹⁾ 50 Amended; NE Commission on Public Advocacy

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ NE Commission on Public Advocacy

Prepared by: ⁽³⁾ Jeffery A. Pickens Date Prepared: ⁽⁴⁾ 1-17-2023 Phone: ⁽⁵⁾ 402-471-7775

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2023-24</u>		<u>FY 2024-25</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	see explanation	_____	see explanation
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	_____	_____	_____	_____

Explanation of Estimate:

The Commission on Public Advocacy is solely funded by a \$3 Indigent Defense Fee taxed as costs to most cases filed in Nebraska's state courts. If the participants in problem solving courts are not required to pay the Indigent Defense Fee, the Commission will lose revenue that it would have received if the cases had been filed in the courts in the traditional manner. The Commission has no way of knowing how many people will participate in problem solving courts that do not require payment of the Indigent Defense Fee. Case filings have declined every year since FY2008-09. Diversion, STOP classes, and problem solving courts are believed to be part of the reason why fewer cases are filed in the courts. Because fewer cases are filed in the courts, the Commission's revenue is down approximately \$500,000 compared to FY2008-09.

Regarding section 7 of LB 50, if funds a defendant pays toward fines, costs, and restitution are only applied to the restitution obligation until it is satisfied in full, the Commission may lose revenue it receives through payments of the Indigent Defense Fee. The Commission is unable to predict how much revenue it will lose, if any, if this section is enacted.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023-24</u>	<u>2024-25</u>
	<u>23-24</u>	<u>24-25</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.

2023

LB⁽¹⁾ 50

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Nebraska Board of Parole

Prepared by: ⁽³⁾ Rosalyn Cotton Date Prepared: ⁽⁴⁾ 1/12/2023 Phone: ⁽⁵⁾ 402.479.5731

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2023-24</u>		<u>FY 2024-25</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	\$845,193		\$765,722	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	<u>\$845,193</u>		<u>\$765,722</u>	

Explanation of Estimate:

LB 50 provides for a residential housing program for parolees who commit technical violations.

Residential Housing Program:

The Board of Parole/ Division of Parole Supervisions has established a pilot residential PREP program for parolees who commit technical violations or otherwise need a reset in the community and can continue to be supervised safely in the community.

Current rent for the house= \$68,000 per year.

Estimated Utilities costs (Including electric, gas, water/sewer, internet)=\$9600.00/year

Operational costs (including household supplies, pantry staples, security system)=\$100,00/year

Clinical program contracts= \$75,000/year

Long-term one-time costs (Included in 2023-24 expenditures only):

Furniture (beds, dressers, tables, chairs, sofas): \$20,000

Training cost for six parole officers: \$84,000

*It should be noted that increased capacity will not necessarily increase costs related to staffing and clinical program contracts.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023-24</u>	<u>2024-25</u>
	<u>23-24</u>	<u>24-25</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Administrative Assistant	1	1	\$36,700	\$38,535
Parole Officer	6	6	\$328,324	\$344,740
Supervisor	2	2	\$123,569	\$129,847
Benefits.....			Included in above	Included in above
Operating.....			\$356,600	252,600
Travel.....			0	0

Capital outlay.....	<u>0</u>	<u>0</u>
Aid.....	<u>0</u>	<u>0</u>
Capital improvements.....	<u>0</u>	<u>0</u>
TOTAL	<u>\$845,193</u>	<u>\$765,722</u>

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

2023

LB⁽¹⁾ 50

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Nebraska State Patrol

Prepared by: ⁽³⁾ Carol Aversman Date Prepared: ⁽⁴⁾ 01-09-2023 Phone: ⁽⁵⁾ 402-471-4545

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2023-24</u>		<u>FY 2024-25</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:

NO FISCAL IMPACT.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023-24</u>	<u>2024-25</u>
	<u>23-24</u>	<u>24-25</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

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2023

LB⁽¹⁾ 50

FISCAL NOTE

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

Prepared by: ⁽³⁾ Eric Asboe Date Prepared: ⁽⁴⁾ 1/29/2023 Phone: ⁽⁵⁾ 402-326-9215

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2023-24</u>		<u>FY 2024-25</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:

Preliminary estimates and comments are below for LB50 sections and IT costs that impact the Judicial Branch.

Section 1: Problem-solving courts. As of 2023, the intent of at least one problem-solving court in each judicial district has been met. However, subsection (6) requires a report regarding recidivism and underserved judicial districts. Estimated General Fund impact: FY24 \$150,000, FY25 \$150,000.

Section 2: Telehealth pilot. A portion of this pilot has an unknown fiscal impact. Physical space and some technology is a county responsibility. However, Judicial Branch IT support and some equipment will be needed to conduct the pilot and provide the required report. Estimated General Fund impact: FY24 \$85,000, FY25 \$81,500.

Section 3: Set aside and advisement language. Minimal fiscal impact to develop standardized language, procedures for probation officers and forms. See IT expenses below.

Section 5: Assistant Probation Officer (APO) pilot. Estimated General Fund impact: FY24 \$1,612,150 FY25 \$1,639,675

Section 6: Incentives. Estimated General Fund impact: FY24 \$338,650

Section 7: Restitution. Clarification is needed since this provision may conflict with other statutes. See IT expenses below.

IT expenses. Modifications will need to be made to JUSTICE, the Judicial Branch case management system, as a result of several projects listed above. Total estimated General Fund impact: FY24 \$20,000.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023-24</u>	<u>2024-25</u>
	<u>23-24</u>	<u>24-25</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....				
Operating.....				

