

Updated to reflect an additional agency response received
 March 13, 2008.

FISCAL NOTE
 LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES *				
	FY 2008-09		FY 2009-10	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	(14,169)		(17,169)	
CASH FUNDS	13,500		1,000	
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	(669)		(16,169)	

*Does not include any impact on political subdivisions. See narrative for political subdivision estimates.

This bill, as amended, changes various provisions relating to the courts. The specific provisions that have a fiscal impact are noted below. The amended bill has the emergency clause.

The amended bill strikes language stating that a retired judge shall not earn more than one-twentieth of the monthly salary he or she would earn as an active judge. The Nebraska Supreme Court (Court) will now establish the amount for the temporary duty, without any restriction on the amount. The Court notes that this has the potential to increase the per diem rate and this could increase expenditures for retired judges. Since the Court does not know the new per diem amount, the potential increase in expenditures is not known at this time.

The amended bill also expands the jurisdiction of the child support referee to include both the district/juvenile court (current) and the county court (new). Additionally, another section states "The court may by rule or order refer or assign all matters regarding orders issued under subsection (1) of section 42-924 to a referee for findings and recommendations." Currently, one referee works for the Court. This expansion has the potential to increase the workload of the referee. This could result in the need for an additional referee or referees. The expenditure impact per child support referee is \$144,350 per year.

This amended bill would change the Parenting Act and other domestic relations provisions. The Court estimates the following expenditure impact from this provision:

	FY2008-2009	FY2009-2010
ITEMS	Expenditures	
0.5 FTE Administrative Staff	18,453	18,453
Benefits	11,271	11,271
Operating (postage, phone lines, office supplies, etc.)	2,000	2,000
Capital Outlay (desk, computer)	3,000	0
Total	34,724	31,724

An explanation of the Court's estimated expenditure impact follows:

The Court estimates that they will have 100 reviews of private mediators per year, averaging 10 hours per mediator, for a total of 1,000 hours per year. This would require hiring and equipping a part-time administrative staff position, which is noted in the table above.

The Court states that the amended bill will expand court referrals to private mediators. The Office of Dispute Resolution under the State Court Administrator's office would probably create and administer such an approval process for private mediators under the Parenting Act. The Court estimates that there are between 50-150 individuals who may immediately desire to become approved. As the law becomes more known, others may apply. This has happened in other states that have mandatory mediation in parenting cases.

This amended bill will provide for court referral to mediation or other alternative dispute resolution (ADR). The Court estimates that this amended bill will require 100 hours of computer programming changes to the JUSTICE database at \$75 per hour for a total of \$7,500 per year. These changes would allow for the tracking of court referrals to mediation and ADR. This is a one-time cash fund expenditure.

See the response of the Court for more details.

The Crime Commission notes that any funds not distributed to counties under the formula in the County Juvenile Services Aid Program will be distributed on a competitive basis. This change will have no fiscal impact to the commission.

The Department of Health and Human Services (HHS) states that a provision of this amended bill establishes procedures for facilitated conferencing, including pre-hearing conferences and family group conference prior to adjudication for cases under the jurisdiction of the juvenile court. The amended bill does not indicate which agency is responsible for funding these conferences. HHS will have no fiscal impact if they do not have to pay for the conferences. However, if HHS is required to pay for the conferences, then HHS would have a fiscal impact estimated at \$195,000 annually. See the response of HHS dated February 28, 2008, for more details.

HHS notes that the provision stating that they shall not be responsible for reviewing or filing an application to modify child support for individuals incarcerated will reduce their expenditures by \$48,893. HHS was appropriated this amount for FY2008-09 in LB 554A from 2007. HHS shows this reduction as occurring only in FY2008-09, and this is correct from their perspective because LB 554A only appropriated funds for FY2008-09. This fiscal note shows it occurring in both years in the boxes above because this was a reduction to the agency's base budget. LB 1014A will only show this reduction in FY2008-09 because that was the only year HHS was appropriated the funds. See the response of HHS dated March 13, 2008, for more details.

The Department of Education estimates a minimal fiscal impact that can be handled within existing resources from the provision that would generally require a child to attend the same school as s/he did prior to the foster care placement.

A provision of this amended bill will adopt the Legal Education for Public Service Loan Repayment Act. In a bill similar to this provision, the University of Nebraska states they are unable to estimate the fiscal impact of the Dean's time that will be dedicated to this new responsibility. The Commission on Public Advocacy estimates \$6,000 in one-time start-up costs for the Legal Education for Public Service Loan Repayment Board to develop rules and regulations. Ongoing costs are estimated at \$1,000 per year. These costs will come from the Public Advocacy Operations Cash Fund. Application fee revenues are estimated at \$500 per year.

A provision of this amended bill would change domestic assault sentencing and protection order provisions. In a bill similar to this provision, the Crime Commission states that this provision is attempting to meet a special condition created by the reauthorization of the federal Violence Against Women Act (VAWA). States are required to meet this special condition by December 31, 2008, and the penalty for failure to meet it is the loss of federal VAWA funds. In 2007, Nebraska received \$1,043,933 of these funds. The bulk of these funds go for aid to programs that work with victims of crimes and domestic abuse.