

**FISCAL NOTE**  
 LEGISLATIVE FISCAL ANALYST ESTIMATE

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES</b> (See narrative for political subdivision estimates)				
	<b>FY 2020-21</b>		<b>FY 2021-22</b>	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
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.**

This bill requires the court make a placement to a specific Youth Rehabilitation and Treatment Center (YRTC); allows the court to motion for a review hearing of a juvenile placed in the custody of the Office of Juvenile Services (OJS) and also allows any interested party to motion for such a review. The court may order may order early discharge from commitment to extensive supervised probation. A representative of either OJS or a YRTC must be physically present for court hearing, as well as the juvenile and the juvenile’s parent or guardian. Juveniles would also be entitled to an annual review of their commitment. The bill prohibits the use of a secure detention facility for use as a YRTC or an inpatient or subacute residential treatment facility.

The requirement that both a representative of OJS or a YRTC be physically present for hearings will have a costs. Currently some of the youth attend court hearings through either teleconferencing or by phone. On average, the hearings are two hours away from the YRTC at Kearney. Staff would need to cover for the staff transporting the youth. This would result in overtime. The number of hearings per year is unknown. The Department provided an example assuming there would be 120 hearings each year. The cost would \$42,000. It is anticipated under the provisions of this bill that allows both the court and interested parties to motion for a hearing, the number of hearings would increase. Up to two additional attorneys may be needed by the Department.

The Department shows a \$12 million increase to add 40 additional beds to the YRTC at Geneva. There are no requirements in the bill that would require the construction of additional beds.

The workload of the courts would increase but the extent is not known.

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</b>			
LB: 1148 AM:	AGENCY/POLT. SUB: Department of Health and Human Services (DHHS)		
REVIEWED BY: Elton Larson	DATE: 2/4/2020	PHONE: (402) 471-4173	
COMMENTS: No basis to disagree with DHHS analysis and estimate of fiscal impact. No construction could occur without following the established statutory process for construction projects, including the preparation and approval of a program statement.			

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</b>			
LB: 1148	AM:	AGENCY/POLT. SUB: <b>Nebraska Supreme Court (005)</b>	
REVIEWED BY: Joe Wilcox	DATE: 2/04/2020	PHONE: (402) 471-4178	
COMMENTS: No basis to dispute the Nebraska Supreme Court estimate of potential, but Indeterminate Fiscal impact to the Agency from LB 1148.			

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

State Agency or Political Subdivision Name:(2) Department of Health and Human Services

Prepared by: (3) Mike Michalski

Date Prepared 1-27-2020

Phone: (5) 471-6719

	<u>FY 2020-2021</u>		<u>FY 2021-2022</u>	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
<b>GENERAL FUNDS</b>	\$12,310,196		\$310,196	
<b>CASH FUNDS</b>				
<b>FEDERAL FUNDS</b>				
<b>OTHER FUNDS</b>				
<b>TOTAL FUNDS</b>	\$12,310,196		\$310,196	

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

**Explanation of Estimate:**

This bill adds language naming specifically the YRTC-Kearney and the YRTC-Geneva and strikes the reference to "youth rehabilitation and treatment center." This bill adds language that Courts may set hearings to review a juvenile's treatment plan and to review any change of placement should there be an objection. Also added, during a juvenile's commitment, any party may file a motion for commitment review to bring the case before the court for consideration of the juvenile's progress in treatment at the YRTC and the Court may order an early discharge if determined in the juvenile's best interest. Each juvenile is also entitled to an annual review of their case by the Court's to assess the juvenile's progress in treatment and determine if commitment remains in the juvenile's best interest.

Currently, the YRTC facilities have the authority to release a youth from custody. The Courts would be assuming the juvenile's potential risk to the community before they had completed programming. There is also wording that mandates that the youth and a representative from the facility be physically present at any of the various Court hearings. Currently, youth attend some hearings by teleconference or by phone. This would no longer be sufficient.

Travel time to and from hearings would increase costs for the YTRC's. Given that many of the court hearings would be more than a two hour drive each way from Kearney and that any staff needed to accompany the youth would need to be replaced at the facility most likely incurring overtime for staff, and estimating 120 hearings per year, the cost would be at least \$42,000 per year (120 hearings times 8 hours per hearing times average overtime staff cost).

In addition, the Department would require 2 FTE Attorney III positions to provide legal representation in the additional hearings required by this bill.

Geneva only has the LaFlesche building in operation to accommodate female youth transitioning out of the program. This building could accommodate up to 20 girls. However, the current female population exceeds that number and the female population has been in the 40's within the last year. To bring the rest of the Geneva campus to an operational level will require a physical structure build. Based on construction costs for buildings similar to LaFlesche, DHHS estimates the cost to bring the Geneva facility to full capacity to be \$12,000,000. This would add up to 40 additional beds to the Geneva campus.

**MAJOR OBJECTS OF EXPENDITURE**

PERSONAL SERVICES:	POSITION TITLE	NUMBER OF POSITIONS		2020-2021	2021-2022
		20-21	21-22	EXPENDITURES	EXPENDITURES
G3113 Attorney III		2	2	\$147,742	\$147,742
Benefits.....				\$54,517	\$54,517

Operating.....	\$107,937	\$107,937
Travel.....		
Capital Outlay.....		
Aid.....		
Capital Improvements.....	\$12,000,000	
<b>TOTAL.....</b>	<b>\$12,310,196</b>	<b>\$310,196</b>

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**2020**

**LB<sup>(1)</sup> 1148**

**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> 2/2/20 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:**

It is estimated that LB1148 would increase judicial workload. However, the amount of increase and it's impact on judges and court staff cannot reasonably be determined at this time. Judicial branch education would also be required. No additional resources required at this time.

**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>