

**FISCAL NOTE**  
 LEGISLATIVE FISCAL ANALYST ESTIMATE

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES</b> (See narrative for political subdivision estimates)				
	<b>FY 2022-23</b>		<b>FY 2023-24</b>	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
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.

LB 1184 requires the Attorney General or a member of his or her staff to defend civil or criminal actions brought against the Superintendent of Law Enforcement and Public Safety or any subordinate officer or employee of the Nebraska State Patrol. Individuals may also be defended by a private practice attorney of their choosing. Reasonable attorney’s fees and costs shall be paid pursuant to section 81-8,239.05.

LB 1184 specifies that agency counsel may advise, but shall not represent, individual officers or employees of the patrol whose actions or omissions are the subject of inquiry by a grand jury or prosecutor.

The Department of Administrative Services notes that the bill’s provisions allowing for State Patrol employees to utilize their own private practice attorneys could cost up to \$300,000 per year. This estimate is based on the number of 2021 cases, an assumed cost of \$300 per hour for attorney’s fees, and 40 hours of work. This will potentially impact the State’s Self-Insured Indemnification Fund. The amount of impact is indeterminate due to the speculative nature of future cases, costs, and time.

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</b>			
<b>LB: 1184</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Nebraska Attorney General (11)</b>	
REVIEWED BY: Joe Wilcox	DATE: 01/20/2022	PHONE: (402) 471-4178	
COMMENTS: No basis to disagree with the Nebraska Attorney General estimate of No Fiscal Impact to the Agency from LB 1184.			

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</b>			
<b>LB: 1184</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Department of Administrative Services – Risk Management Division (65)</b>	
REVIEWED BY: Joe Wilcox	DATE: 02/07/2022	PHONE: (402) 471-4178	
COMMENTS: No basis to dispute the Department of Administrative Services (DAS) Risk management Division estimate of potential, but Indeterminate Fiscal Impact to the Agency from LB 1184.			

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</b>			
<b>LB: 1184</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Nebraska State Patrol (64)</b>	
REVIEWED BY: Joe Wilcox	DATE: 02/01/2022	PHONE: (402) 471-4178	
COMMENTS: No basis to dispute the Nebraska State Patrol estimate of No Fiscal Impact to the Agency from LB 1184.			

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

**2022**

**LB<sup>(1)</sup> 1184**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Attorney General

Prepared by: <sup>(3)</sup> Josh Shasserre Date Prepared: <sup>(4)</sup> 1-20-22 Phone: <sup>(5)</sup> 402-471-2687

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2022-23</u>		<u>FY 2023-24</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:

No Fiscal Impact.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2022-23</u>	<u>2023-24</u>
	<u>22-23</u>	<u>23-24</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.

**2022**

**LB<sup>(1)</sup> 1184**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Dept of Administrative Services (DAS) – Risk Management Division

Prepared by: <sup>(3)</sup> Allen Simpson Date Prepared: <sup>(4)</sup> 01/28/2022 Phone: <sup>(5)</sup> (402)471-4436

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

	<u>FY 2022-23</u>		<u>FY 2023-24</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	<u>See Below</u>	<u>_____</u>	<u>See Below</u>	<u>_____</u>

**Explanation of Estimate:**

LB 1184 allows a member of the Nebraska State Patrol (NSP) to be defended by a private attorney of his or her choosing. NSP agency legal counsel would not be able to represent the individual officer or employee of the NSP whose actions or omissions are the subject of inquiry by a grand jury or prosecutor.

In 2021 NSP had 5 custody deaths and at least 3 others where employees were called as witnesses for the Grand Jury proceeding. The going rate for an attorney in the Omaha area is around \$300 per hour with a Grand Jury requiring about 40 hours of representation for a total cost of \$12,000 per Grand Jury per officer or employee.

On average NSP has five employees called to a Grand Jury proceeding per in-custody death. With this bill each NSP employee is authorized their own private practicing attorney. If the rates above were used for the 5 custody deaths in 2021 the total impact would be \$300,000 (5 employees x 5 Grand Jury proceedings x 40 hours x \$300 an hour).

This bill will create an impact to the State's Self-Insured Indemnification Fund; however, the exact fiscal impact is unknown at this time.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2022-23</u>	<u>2023-24</u>
	<u>22-23</u>	<u>23-24</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.

**2022**

**LB<sup>(1)</sup> 1184**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Nebraska State Patrol

Prepared by: <sup>(3)</sup> Carol Aversman Date Prepared: <sup>(4)</sup> 1/24/22 Phone: <sup>(5)</sup> 402-471-4545

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2022-23</u>		<u>FY 2023-24</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>2022-23</u>	<u>2023-24</u>
	<u>22-23</u>	<u>23-24</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____