

PREPARED BY: Bill Biven, Jr.
 DATE PREPARED: January 25, 2022
 PHONE: 402-471-0054

LB 831

Revision: 00

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2022-23		FY 2023-24	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	See Below	(\$101,175)	See Below	(\$101,175)
CASH FUNDS		(\$67,450)		(\$67,450)
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	See Below	(\$168,625)	See Below	(\$168,625)

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

LB831 amends several sections, creates the Criminal Justice System Diversion Act, & creates a conditional release program for pregnant & postpartum women.

REVENUE:

The Nebraska Department of Motor Vehicles (DMV) estimates a reduction in both their General Fund & Cash Fund revenues due to the changes to §60.498.02 that changes to allow diversion instead of drivers' license reinstatement and the fees involved with that reinstatement.

EXPENDITURES:

Lancaster County Community Corrections (LCCC) estimates the need to add an additional FTE to handle the additional case load. For FY2022-23, the FTE would have \$2,500 in capital outlay, \$21,600 in capital improvements, and \$97,390 in operating expenses. For FY2023-24, the FTE would have \$21,600 in capital improvements, and operating expenses will be increased by 1.87% to \$99,208.

The Nebraska Department of Correctional Services (DCS) will need to develop, test, and implement new screens and fields within their inmate database system with an estimated cost of \$20,800 for FY2022-23. DCS will also need to escort and transport the eligible women and they do not have any way to estimate those costs or the number of women that would be eligible for this program at this time.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 831	AM:	AGENCY/POLT. SUB: Nebraska Department of Correctional Services (46)
REVIEWED BY: Joe Wilcox	DATE: 01/20/2022	PHONE: (402) 471-4178
COMMENTS: No basis to disagree with the Nebraska Department of Correctional Services (NDCS) estimate of potential Fiscal Impact to the Agency from LB 831.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 831	AM:	AGENCY/POLT. SUB: Nebraska Department of Motor Vehicles (24)
REVIEWED BY: Joe Wilcox	DATE: 01/13/2022	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Department of Motor Vehicles estimate of potential Revenue impact to the State and the Agency from LB 831.		

CONTINUED

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 831	AM:	AGENCY/POLT. SUB: Lancaster County Community Corrections
REVIEWED BY: Joe Wilcox	DATE: 01/13/2022	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Lancaster County Community Corrections estimate of potential fiscal impact to the County from LB 831.		

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

2022

LB⁽¹⁾ 831

FISCAL NOTE

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

Prepared by: ⁽³⁾ Lisa Stanton Date Prepared: ⁽⁴⁾ 01/12/2022 Phone: ⁽⁵⁾ (402)479-5702

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	\$20,800			
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	<u>\$20,800</u>			

Explanation of Estimate:

LB 831 provides for conditional release of pregnant and postpartum inmates to participate in community-based prenatal or postnatal programming and to promote maternal bonding.

NDCS has no way to estimate the number of women that would be eligible for conditional release, particularly those who gave birth within twelve months of the date of commitment. There will be costs associated with the transportation and staff escort of the women to the programming that are dependent on the distance from the facility and the length of time away. The specific amount of those costs is indeterminable.

NDCS would utilize a new screen in the inmate database system to track inmate participation as well as document requests and approvals/denials.

NDCS estimates the cost of creating this screen and fields within the inmate database system (development, testing and implementation) to allow for entry of this information to be \$20,800.

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.....			\$20,800	
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....			<u>\$20,800</u>	

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2022

LB⁽¹⁾ 831

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Department of Motor Vehicles

Prepared by: ⁽³⁾ Bart Moore Date Prepared: ⁽⁴⁾ January 7, 2022 Phone: ⁽⁵⁾ 402-471-3902

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	_____	(101,175)	_____	(101,175)
CASH FUNDS	_____	(67,450)	_____	(67,450)
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	<u>_____</u>	<u>(168,625)</u>	<u>_____</u>	<u>(168,625)</u>

Explanation of Estimate:

LB831 would allow a person who is arrested for driving under the influence (DUI) to enter into a diversion program approved by the county or city attorney’s in the state of Nebraska. NRS 60-498.02 (4)(a) allows for the corresponding administrative license revocation to be dismissed and the license immediately reinstated without payment of the reinstatement fee if the prosecutor does not file the DUI. The DMV estimates that there will be approximately 25 percent of the total number of ALR’s filed annually that will be subject to dismissal based on LB831. In 2021, there was a total of 5398 ALR’s filed, 25 percent of that total is 1349. NRS 60-499.01 sets reinstatement fees at \$125 with \$75 remitted to the General Fund and \$50 remitted to the DMV Cash Fund. The DMV Cash Fund would see a reduction in \$67,450 in annual revenue. The General Fund would see an annual reduction in revenue of \$101,175. These are strictly estimates as historically the state of Nebraska has never had a diversion program for DUI’s.

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.....	_____	_____	_____	_____

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2022

LB⁽¹⁾ 831

FISCAL NOTE

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

Prepared by: ⁽³⁾ Eric Asboe Date Prepared: ⁽⁴⁾ 1/25/2022 Phone: ⁽⁵⁾ 402-326-9215

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:

Although LB831 could involve the participation of Probation staff, at this time, no additional resources are required.

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.....	_____	_____	_____	_____

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2022

LB⁽¹⁾ 831

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Lancaster County Community Corrections

Prepared by: ⁽³⁾ Kim Etherton Date Prepared: ⁽⁴⁾ 01/12/2022 Phone: ⁽⁵⁾ 402-441-3603

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	<u>121,490</u>	<u>0.00</u>	<u>120,808</u>	<u>0.00</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>
TOTAL FUNDS	<u>121,490</u>	<u>0.00</u>	<u>120,808</u>	<u>0.00</u>

Explanation of Estimate:

Estimates based on:

Position: One case manager to supervise a case load of 25-30.

Salary

Benefits (FICA, Pension, Health, Dental and Life Insurance)

Operating: Drug testing administration and supplies

IT and VOIP

Capital Outlay:

Computer and monitor

Capital Improvements:

Rent for additional office space

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>
Case Worker	<u>1</u>	<u>1</u>	<u>42,962</u>	<u>44,509</u>
Benefits.....			<u>24,428</u>	<u>24,699</u>
Operating.....			<u>30,000</u>	<u>30,000</u>
Travel.....			<u> </u>	<u> </u>
Capital outlay.....			<u>2,500.00</u>	<u>0.00</u>
Aid.....			<u> </u>	<u> </u>
Capital improvements.....			<u>21,600</u>	<u>21,600</u>
TOTAL.....			<u>121,490</u>	<u>120,808</u>