

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2018-19		FY 2019-20	
	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 883 allows the Attorney General to request the appointment of independent counsel to appear for and investigate and prosecute certain actions. The independent counsel shall be independent of and not act under the authority or direction of the Attorney General.

The Attorney General estimates the need to hire 1.0 FTE to address the bill's provisions.

Under the bill's provisions, the Attorney General may request the appointment of independent counsel "(I)n the case of a state official or employee who is suspected of committing a crime or when the Attorney General has an actual or perceived personal or ethical conflict in the prosecution of an alleged crime". The likelihood of such a situation arising every year is small. Even if such a situation arises, the Attorney General is not *required* to request independent counsel. Depending on the situation, independent counsel may not be necessary. Thus, the estimate of \$137,142 being added to the agency's base budget appears unreasonable.

However, if/when such a case arises that independent counsel is needed, provision for addressing the associated expenditure needs to be made. The Attorney General correctly identifies that, depending on the scope of the case, the costs could easily be far greater than the estimate they provided. There is simply no way to accurately identify the potential costs.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 883	AM:	AGENCY/POLT. SUB: Nebraska Attorney General (011)	
REVIEWED BY: Joe Wilcox	DATE: 01/23/2018	PHONE: (402) 471-4178	
COMMENTS: No basis to dispute the Nebraska Attorney General estimate of potential Fiscal Impact to the Agency from LB883, except to note the costs are potential only to the extent that utilizing outside counsel is required and that the costs identified in the fiscal note reflect estimated costs of outside counsel, not additional FTE to the Attorney General.			

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2018

LB⁽¹⁾ 883

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Attorney General

Prepared by: ⁽³⁾ Corey O'Brien Date Prepared: ⁽⁴⁾ 1-22-18 Phone: ⁽⁵⁾ 471-2687

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2018-19		FY 2019-20	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	<u>134,839.</u>	<u> </u>	<u>137,142.</u>	<u> </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>134,839.</u>	<u> </u>	<u>137,142.</u>	<u> </u>

Explanation of Estimate:

Under LB 883, all costs associated with the recusal of the attorney general's office are to be borne by the Department of Justice's budget. In a typical case where the Attorney General's Office would be recused and a special prosecutor appointed, these costs would include an hourly fee assessed by the special prosecutor, ranging between \$75 and \$125 an hour. Additionally, there will undoubtedly be costs associated with travel, lodging, dining and supplies. Then because of the type of cases ordinarily requiring the services of a special prosecutor, there is a realistic probability that the special prosecutor will need to acquire the services of an investigator and/or expert witness(es). These costs could be quite substantial and could easily double or treble the potential liabilities estimated in this fiscal note.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2018-19	2019-20
	18-19	19-20	EXPENDITURES	EXPENDITURES
Senior Assistant Attorney General	<u>1.0</u>	<u>1.0</u>	<u>100,000.</u>	<u>102,000.</u>
Benefits.....			<u>34,839.</u>	<u>35,142.</u>
Operating.....			<u> </u>	<u> </u>
Travel.....			<u> </u>	<u> </u>
Capital outlay.....			<u> </u>	<u> </u>
Aid.....			<u> </u>	<u> </u>
Capital improvements.....			<u> </u>	<u> </u>
TOTAL.....			<u>134,839.</u>	<u>137,142.</u>