PREPARED BY: DATE PREPARED: PHONE: Doug Nichols January 29, 2020 402-471-0052

LB 1007

Revision: 00

FISCAL NOTE LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT - STATE AGENCIES (See narrative for political subdivision estimates)							
	FY 202	20-21	FY 2021-22				
	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.

This bill would change provisions relating to competency to stand trial and be sentenced.

The Supreme Court estimates a potential, but undetermined, impact on judicial workload. They also estimate a minimal fiscal impact to provide judicial education.

The Attorney General estimates no fiscal impact from this bill.

The Department of Health and Human Services (HHS) estimates that this bill will have no fiscal impact once LB686, 2019, is implemented. LB686 had a General Fund impact to HHS of \$642,914, but it had an operative of July 1, 2021, which was outside the current biennium. Therefore, no appropriation was made to HHS to implement LB686. For their fiscal note on this bill, they are assuming that this amount will be appropriated to them in the next biennium, and therefore, this bill will have no fiscal impact. See the fiscal note to LB686, 2019, Revision 03, for additional details.

Lancaster County states there will be costs to hold a person in the county jail for the following reasons: (1) try to restore competency, and (2) hold for a hearing to see if court agrees with treatment plan. They also estimate that they would need a 0.5 County Attorney at \$47,000 to prepare and handle the increase in hearings.

Lancaster County Department of Corrections cannot estimate a fiscal impact at this time.

The Cities of Imperial and Lincoln, and Sarpy County estimate no fiscal impact from this bill.

ADMIN	IISTRATIVE SERV	ICES STATE BUDGET DIVISION: REVIEW OF A	GENCY & POLT. SUB. RESPONSE		
LB: 1007	AM:	AGENCY/POLT. SUB: Nebraska Attorney	General (011)		
REVIEWED E	BY: Joe Wilcox	DATE: 01/17/2020	PHONE: (402) 471-4178		
COMMENTS: No basis to dispute the Nebraska Attorney General estimate of No Fiscal Impact to the Agency from LB 1007.					

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT, SUB, RESPONSE

LB: 1007 AM: AGENCY/POLT. SUB: Department of Health and Human Services (025)

REVIEWED BY: Joe Wilcox DATE: 01/28/2020 PHONE: (402) 471-4178

COMMENTS: The Department of Health and Human Services (DHHS) fiscal note on LB 1007 makes assumptions about No Fiscal Impact to the Agency from LB 1007, IF the Agency receives funding for provisions of a bill passed in the 2019 Legislative Session – LB 686, which was identified as having a fiscal impact to DHHS in FY 2021-22. DHHS will need to work through the next biennial budget process to receive additional funding for provisions of LB 686 which take effect July 1, 2021 (which is the start of FY 2021-22). Consequently, the fiscal impact of LB 1007 to DHHS is undetermined and unidentified by the Agency.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: 1007 AM: AGENCY/POLT. SUB: Lancaster County

REVIEWED BY: Joe Wilcox DATE: 1/23/2020 PHONE: (402) 471-4178

COMMENTS: No basis to dispute the Lancaster County estimate of potential, but Indeterminate Fiscal impact to the County

from LB 1007.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: 1007 AM: AGENCY/POLT. SUB: Lancaster County Department of Corrections

REVIEWED BY: Joe Wilcox DATE: 1/27/2020 PHONE: (402) 471-4178

COMMENTS: No basis to dispute the Lancaster County Department of Corrections estimate of potential, but Indeterminate Fiscal impact to the County from LB 1007.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT, SUB, RESPONSE

LB: 1007 AM: AGENCY/POLT. SUB: City of Imperial

REVIEWED BY: Joe Wilcox DATE: 01/17/2020 PHONE: (402) 471-4178

COMMENTS: No basis to dispute the City of Imperial estimate of No Fiscal Impact to the City from LB 1007.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: 1007 AM: AGENCY/POLT. SUB: City of Lincoln

REVIEWED BY: Joe Wilcox DATE: 01/23/2020 PHONE: (402) 471-4178

COMMENTS: No basis to dispute the City of Lincoln estimate of No Fiscal Impact to the City from LB 1007.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: 1007 AM: AGENCY/POLT. SUB: Sarpy County

REVIEWED BY: Joe Wilcox DATE: 1/23/2020 PHONE: (402) 471-4178

COMMENTS: No basis to dispute the Sarpy County estimate of No Fiscal impact to the County from LB 1007.

LB ⁽¹⁾ 1007			FISCAL NOTE
State Agency OR Political Subdivision Name: (2)	05 Supreme Court	<u> </u>	
Prepared by: (3) Eric Asboe	Date Prepared: (4)	1/29/20 Phone: (5) _1-4138
ESTIMATE PROV	IDED BY STATE AGEN	NCY OR POLITICAL SUBDIV	ISION
	2020-21	FY 20:	
<u>EXPENDITURES</u>	-	EXPENDITURES	<u>REVENUE</u>
GENERAL FUNDS			
CASH FUNDS			
FEDERAL FUNDS			
OTHER FUNDS		-	
TOTAL FUNDS			
	=		
Explanation of Estimate:			
There will be a minimal fiscal impact to p	,		
BREAKDOV	VN BY MAJOR OBJECT	S OF EXPENDITURE	
Personal Services:	UMBER OF POSITIONS	S 2020-21	2021-22
POSITION TITLE	20-21 21-22	EXPENDITURES	EXPENDITURES
Benefits			
Operating			
Travel			
Capital outlay			
Aid			
Capital improvements TOTAL			

LB ⁽¹⁾ 1007	CAL NOTE
State Agency OR Political Subdivision Name: (2) Attorney General	
Prepared by: (3) Corey O'Brien Date Prepared: (4) 1-16-20 Phone: (5) 40	2-471-2687
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	_
TOTAL FUNDS	
Explanation of Estimate:	
2.Ap. and con or 2.5 cm according to	
No Fiscal Impact.	
<u>BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE</u> Personal Services:	
NUMBER OF POSITIONS 2020-21	2021-22
	<u>PENDITURES</u>
D C.	
Benefits	
Operating Travel	
Capital outlay	
Aid	
Capital improvements	
TOTAL	

LB₍₁₎ 1007 FISCAL NOTE 2020

	ESTIMATE PROVI	DED BY STATE AGENCY C	OR POLITICAL SUBDIVISION	
State Agency or Political Sul	odivision Name:(2) Depa	artment of Health and Hu	man Services	
Prepared by: (3) Mike Michalski	Date Prepa	red 1-10-2020	Ph	one: (5) 471-6719
	FY 2020	<u>-2021</u>	FY 2021	-2022
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS			-	
FEDERAL FUNDS			-	
OTHER FUNDS			-	
TOTAL FUNDS			See Below	
Return by date specified or 72 ho	ours prior to public bearing	whichever is earlier		

Return by date specified of 72 hours prior to public hearing, whichever is

Explanation of Estimate:

LB 1007 seeks to change provisions relating to competency to stand trial and competency to be sentenced.

LB686, as passed in 2019, requires that defendants convicted of a felony and who become mentally incompetent after conviction, but before sentencing, be committed to the Department of Health and Human Services if there is a substantial probability that the defendant will become competent within the reasonably foreseeable future. Implementation of this section was delayed until July 1, 2021, and the Department estimated the cost of implementation to be \$642,914 general fund. Since the time frame was beyond the current biennium, no funding was appropriated to the Department. This fiscal note assumes this amount will be appropriated to the Department in the next biennium to implement LB686

Once LB686 is fully implemented, LB 1007 will have no fiscal impact to the Department of Health and Human Services.

MAJOR OBJEC	TS OF EXPENDI	TURE		
PERSONAL SERVICES:				
		POSITIONS		2021-2022
POSITION TITLE	20-21	21-22	EXPENDITURES	EXPENDITURES
Danafita				
Benefits				
Operating		_		
Travel		-		
		_		
Capital Outlay				
Aid		-		
		_		
Capital Improvements				
TOTAL		_		
		=		

TOTAL.....

LB ⁽¹⁾	1007	•					FISCAL NOTE
State Ag	gency OR I	Political Subdivision Name: ⁽²⁾	Lanca	ster County			
Prepare	ed by: (3)	Patrick F. Condon	Date	e Prepared: (4)	1/22/2020	Phone: (5)	402-441-7321
		ESTIMATE PROV	IDED BY	STATE AGEN	ICY OR POLITIC	AL SUBDIVIS	ION
		EV	2000 01			EV 0001	99
		EXPENDITURE	<u>2020-21</u> <u>S</u>	REVENUE	EXPENDIT	<u>FY 2021</u> <u>FURES</u>	REVENUE
GENEF	RAL FUN	DS	_				
CASH I	FUNDS						
FEDER	AL FUNI	DS	_				
ОТНЕ	R FUNDS						
TOTAI	L FUNDS		_				
determine there we plan, ag	ine where ould be co gain I assu	to the County could be sign the defendant should go to ost to the jail. Than you w me they would be held at they to prepare and handle the	o try to res ould need the jail. Co he increase	tore competent to schedule a hest to house the in hearings.	cy as I assume, de earing to see if the ese inmates is born	fendant would e Court agrees n by the county	be held at the jail, so with the treatment
Persona	al Service:		<u>WN BY M.</u>	<u>AJOR OBJECT</u>	S OF EXPENDIT	<u>'URE</u>	
			UMBER (<u>20-21</u>	OF POSITIONS 21-22	S 2020- EXPENDI		2021-22 EXPENDITURES
.5 Dep.	County A	Attorney	.5	5	\$47,000	0.00	\$47,000.00
Benefit	s						
Operati	ng						
Travel.							
Capital	outlay						
Aid							
Capital	improven	nents					

LB ⁽¹⁾ LB 1007			FISCAL NOTE			
State Agency OR Political Subdivision Name: (2)	Lancaster County Department of Corrections					
Prepared by: (3) LT Will McGlothlin	Date Prepared: (4)	1/21/2020 Phone: (5)	4024411919			
ESTIMATE PROV	IDED BY STATE AGEN	ICY OR POLITICAL SUBDIVIS	SION			
FY	2020-21	FY 2021	1-99			
EXPENDITURES		EXPENDITURES	REVENUE			
GENERAL FUNDS						
CASH FUNDS						
FEDERAL FUNDS						
OTHER FUNDS						
TOTAL FUNDS	-					
	=					
Explanation of Estimate:						
BREAKDOV Personal Services:	WN BY MAJOR OBJECT	S OF EXPENDITURE	·			
···	UMBER OF POSITIONS	S 2020-21	2021-22			
POSITION TITLE	<u>20-21</u> <u>21-22</u>	EXPENDITURES	EXPENDITURES			
Benefits		<u> </u>				
Operating						
Travel						
Capital outlay						
Aid						
Capital improvements						
TOTAL						

LB ⁽¹⁾ 1007			FISCAL NOTE
State Agency OR Political Subdivision Name: (2	City of Imperial		. ·
Prepared by: (3) Jo Leyland	Date Prepared: (4)	1/16/2020 Phone: (4	308-882-4368
ESTIMATE PRO	VIDED BY STATE AGEN	ICY OR POLITICAL SUBDIV	ISION
	Y 2020-21	FY 202	
EXPENDITURI	<u>REVENUE</u>	EXPENDITURES	<u>REVENUE</u>
GENERAL FUNDS		<u> </u>	
CASH FUNDS			
FEDERAL FUNDS	<u> </u>	· · · · · · · · · · · · · · · · · · ·	
OTHER FUNDS			
TOTAL FUNDS	_		
Explanation of Estimate: No foreseeable fiscal impact			
		•	
			•
200	NAME OF THE OWNER OWNER OF THE OWNER O		
Personal Services:	OWN BY MAJOR OBJECT	S OF EXPENDITURE	
	NUMBER OF POSITION		2021-22
POSITION TITLE	<u>20-21</u> <u>21-22</u>	EXPENDITURES	EXPENDITURES
		· · · · · · · · · · · · · · · · · · ·	
Benefits	·		
Operating		 	
Travel			
Capital outlay			
Aid			
Capital improvements			

TOTAL.....

LB (1)	1007	,					FISCAL NOTE
State Ag	gency OR P	Political Subdivision Name: (City of	Lincoln			
Prepare	ed by: (3)	James Van Bruggen	Date	Prepared: (4)	1/21/20	Phone: (5)	402-441-8301
		ESTIMATE PRO	VIDED BY	STATE AGEN	NCY OR POLIT	ΓICAL SUBDIVIS	ION
		<u>EXPENDITURI</u>	<u>Y 2020-21</u> ES	REVENUE	EXPEN	<u>FY 2021</u> <u>DITURES</u>	<u>-22</u> <u>REVENUE</u>
GENEI	RAL FUN	DS					
CASH 1	FUNDS						
FEDER	AL FUNI	OS					
OTHE	R FUNDS				-		
	L FUNDS		_				
	ation of E	stimate:					
No Fis	cal Impa	ct					
		RREAKDO	WN RV M	IOR ORIECT	S OF EXPENI	OLT LIKE	
Person	al Services	S:				<u> </u>	
	POSIT	ION TITLE	NUMBER C 20-21	OF POSITIONS 21-22		20-21 DITURES	2021-22 EXPENDITURES
	1 0 011		<u> </u>				<u> </u>
Benefit	s						
Operati	ing						
Travel.							
Capital	outlay						
Aid							
Capital	improven	nents					

TOTAL.....

LB (1)	1007						FISCAL NOTE
State Ag	gency OR Political Su	ıbdivision Name: (2)	Sarpy	/ County			
Prepare	ed by: (3) William	E. Conley	Dat	te Prepared: ⁽⁴⁾	1/23/2020	Phone: (402-593-5958
=	E	STIMATE PROV	IDED BY	Y STATE AGEN	ICY OR POLIT	ICAL SUBDIV	ISION
		<u>FY</u> EXPENDITURES	<u>2020-21</u>	REVENUE	<u>EXPENI</u>	<u>FY 209</u> DITURES	<u>REVENUE</u>
GENEI	RAL FUNDS						
CASH	FUNDS						
FEDEF	RAL FUNDS		_				
OTHE	R FUNDS		_				
TOTA	L FUNDS		_				
Explan	ation of Estimate:		_				
NO FI	SCAL IMPACT.						
		RREAKDOV	VN RV N	IAJOR OBJECT	S OF EXPEND	ITURE	
Person	al Services:					<u>II ORE</u>	
	POSITION TIT		UMBER 20-21	OF POSITIONS <u>21-22</u>		0-21 DITURES	2021-22 EXPENDITURES
	1001110111111		20 21	<u> </u>	BILL BILL	<u> </u>	<u>EMP ENDITONES</u>
Benefit	s						
Operat	ing						
Travel.							
Capital	outlay						
Aid							
Capital	improvements						