

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2015-16		FY 2016-17	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	61,305		61,305	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	61,305		61,305	

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 payment of fees and costs associated with deaths of incarcerated persons and grand juries. Currently, counties pay the juror fees and this bill would have the state pay the juror fees.

This bill would reduce county expenditures and increase state expenditures for such fees.

The Department of Correctional Services (DCS) estimates additional expenditures of \$61,305 per year based on an average of 15 inmate deaths per year. This is based on the assumption that DCS would reimburse the county; however, if the bill is intended to have the claim submitted directly to DCS, then an additional Accounting Clerk II would be needed to process the claims.

The Department of Administrative Services (DAS) estimates no fiscal impact from this bill.

The Nebraska Association of County Officials (NACO) stated that Johnson County, where the Tecumseh State Correctional Institution is located, had expenditures that averaged almost \$13,500 over the last 2 years. Under the provisions of this bill, such costs would be the state's responsibility.

Douglas County estimates a small, but positive, fiscal impact.

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

2015

LB⁽¹⁾ 105

**FISCAL
NOTE**

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

Prepared by: ⁽³⁾ Ann Martinez Date Prepared: ⁽⁴⁾ 01/14/2015 Phone: ⁽⁵⁾ 402-471-4135

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2015-16</u>		<u>FY 2016-17</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

Explanation of Estimate:

LB105 changes the provisions relating to the payment of fees and costs associated with the deaths of incarcerated persons while in a state correctional institution and for cases before a grand jury involving the death of an inmate while in a state correctional institution. LB105 provides that those costs shall be paid by the State of Nebraska.

The bill would have no fiscal impact on the Department of Administrative Services as the bill does not identify any role for the Department in the payment of these costs.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2015-16</u>	<u>2016-17</u>
	<u>15-16</u>	<u>16-17</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.

2015

LB⁽¹⁾ 105

FISCAL NOTE

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

Prepared by: ⁽³⁾ Chris Peters Date Prepared: ⁽⁴⁾ 1/23/2015 Phone: ⁽⁵⁾ (402) 479-5702

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2015-16		FY 2016-17	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>61,305</u>	<u> </u>	<u>61,305</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>61,305</u>	<u> </u>	<u>61,305</u>	<u> </u>

Explanation of Estimate:

LB105 shifts the cost of the following services from the counties to the State of Nebraska (NDCS) when an inmate dies while serving a sentence in a state correctional institution:

- Juror pay when summoned to appear before the coroner (23-1801);
- Cost of examination, test, or autopsy by coroner or coroner's physician (23-1822);
- Juror pay for service in a grand jury (33-138); and
- Witness pay for service before a grand jury (33-139)

For each death of an inmate in NDCS custody, the following costs are estimated:

Juror pay – coroner	\$120
Autopsy	\$2,000
Juror pay – grand jury	\$1,867
Witness pay – grand jury	\$100
Total	\$4,087

With an average of 15 inmate deaths a year (CY2010-2014), the annual cost to NDCS would be \$61,305. It is assumed that initial payment would be made by the county, in part to keep juror and witness information confidential, and the State would reimburse the county upon sufficient request. No additional staff would be needed to process these additional payments.

If it is intended to have the individual jurors and witnesses submit claim to the State, it is expected that one additional Accounting Clerk II would be needed to handle the increase in payables to the individual payees.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2015-16 EXPENDITURES</u>	<u>2016-17 EXPENDITURES</u>
	<u>15-16</u>	<u>16-17</u>		
Benefits.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Operating.....	<u> </u>	<u> </u>	<u>61,305</u>	<u>61,305</u>
Travel.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Capital outlay.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Aid.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Capital improvements.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL.....	<u> </u>	<u> </u>	<u>61,305</u>	<u>61,305</u>

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2015

LB105⁽¹⁾

Change provisions relating to payment of fees and costs associated with deaths of incarcerated persons and grand juries

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ DOUGLAS COUNTY CORRECTIONS, NEBRASKA

Prepared by: ⁽³⁾ MARK FOXALL, DIRECTOR OF CORRECTIONS Date 1/30/15 Phone: ⁽⁵⁾ (402) 599-2316
 Prepared: ⁽⁴⁾

MARCOS SAN MARTIN,
DOUGLAS COUNTY
ADMINISTRATION

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2015-16</u>		<u>FY 2016-17</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

Explanation of Estimate:

COUNTY ANTICIPATES A NEGLIGIBLE, HOWEVER POSITIVE, FISCAL IMPACT. REVISIONS PROVIDE EXCEPTIONS TO VARIOUS COURT/AUTOPSY FEES OR COSTS ASSOCIATED WITH THE DEATH OF AN INMATE.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2015-16 EXPENDITURES</u>	<u>2016-17 EXPENDITURES</u>
	<u>15-16</u>	<u>16-17</u>		
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	<u>N/A</u>	<u>N/A</u>

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

2015

LB⁽¹⁾ 105

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾

Nebraska Association of County Officials (NACO)

Prepared by: ⁽³⁾ Elaine Menzel

Date Prepared: ⁽⁴⁾ 1/13/2015

Phone: ⁽⁵⁾ 402-434-5660

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2015-16</u>		<u>FY 2016-17</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:

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2015-16</u>	<u>2016-17</u>
	<u>15-16</u>	<u>16-17</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

LB 105 would transfer to the State the requirement that counties pay for costs associated with the deaths of incarcerated persons and grand juries. There would be a decrease in costs to counties with state facilities. An example of costs incurred by Johnson County related to the TSCI are as follows:

	<u>FY 2013-14</u>	<u>FY 2012-13</u>
Grand Jury Fees	\$ 1,070.00	\$ 1,1116.94
Witness Fees	\$20.00	-
District Court Filing Fees	\$2,874.00	\$ 3,1555.00
County Court Filing Fees	\$48.00	\$ 34.00
Mileage for Paper Service	\$990.55	\$ 2,000.36
Coroner Test	\$6,854.86	\$ 6,952.17
Misc. Exp.	\$836.23	\$ 899.92
Total.	\$12,693.64	\$14,158.39