

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2019-20		FY 2020-21	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS	7,500		332,500	
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	7,500		332,500	

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 the legal defense of juveniles, and becomes operative on October 15, 2019.

The bill creates the Juvenile Indigent Defense Fund. The Fund is to be administered by the Commission on Public Advocacy. The Fund's revenue source is a \$1 court fee known as the Juvenile Indigent Defense Fee. For informational purposes, in FY18, a \$1 court fee generated \$330,824. By FY21, a \$1 court fee is estimated to generate \$318,000.

Funds from the Juvenile Indigent Defense Fund shall be used to provide grants to counties to help offset the cost of providing legal counsel for indigent juveniles and for the administrative costs of the Commission. A county may apply for a grant under the program beginning October 15, 2020.

The Commission on Public Advocacy estimates a cost of \$7,500 in FY20. This amount includes a one-time cost of \$5,000 to contract with outside legal counsel to draft rules and regulations. In both FY20 and FY21, the Commission estimates expenses of \$2,500 to reimburse commissioners for mileage, lodging, and meals. These estimated costs come from the Juvenile Indigent Defense Fund, a Cash Fund. The Commission shows these estimated costs as General Fund costs in the boxes at the top of their response, but notes in their narrative that no General Funds will be used.

This fiscal note also includes \$330,000 Cash Funds for state aid. This amount would be available as grants to counties to provide legal counsel for indigent juveniles. As noted above, this amount is about what a \$1 court fee generated in FY18.

For purposes of illustration, the following table itemizes the amounts shown in the boxes above:

Item	FY2019-20	FY2020-21
Cost to Draft Rules and Regulations	5,000	-
Reimbursement for Mileage, Lodging, and Meals	2,500	2,500
Grants to Counties Beginning October 15, 2020	-	330,000
Total	7,500	332,500

The Supreme Court states that the bill would require the reprogramming of the judicial branch case management system but states that such costs can be handled within their existing resources.

Because this bill changes provisions regarding a juvenile's right to representation by counsel at county expense, it could have a fiscal impact to some counties. As noted above, a grant program is established that is intended to offset any fiscal impacts to counties created by this bill.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 231	AM:	AGENCY/POLT. SUB: Nebraska Supreme Court (005)
REVIEWED BY: Joe Wilcox	DATE: 02/12/2019	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Supreme Court estimate of Minimal Fiscal impact to the Agency from LB231. The Supreme Court fiscal note identifies that LB 231 also creates an additional \$1.00 Court Fee for County Juvenile Indigent Defense expenses. Currently a \$1 Court Fee generates approximately \$350,000 per year. This revenue and the corresponding expense related to Juvenile Indigent Defense grants is assigned to the Commission on Public Advocacy (Agency 094) in LB 231.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 231	AM:	AGENCY/POLT. SUB: Nebraska Commission on Public Advocacy (094)
REVIEWED BY: Joe Wilcox	DATE: 01/22/2019	PHONE: (402) 471-4178
COMMENTS: The fiscal note for LB 231 by the Nebraska Commission on Public Advocacy estimates certain fiscal impacts for administrative and contractual costs, but also refers to additional funding for unknown costs for legal counsel for juveniles, which would also require further Cash Fund appropriations, not identified in the Agency fiscal note.		

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

2019

LB⁽¹⁾ 231

FISCAL NOTE

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

Prepared by: ⁽³⁾ Eric Asboe Date Prepared: ⁽⁴⁾ 2/12/19 Phone: ⁽⁵⁾ 1-4138

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2019-20</u>		<u>FY 2020-21</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:

LB231 creates an additional \$1.00 court fee for County juvenile indigent defense expenses. Although adjustments must be made to JUSTICE, the Judicial Branch case management system, no additional resources are necessary to implement LB231.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2019-20</u>	<u>2020-21</u>
	<u>19-20</u>	<u>20-21</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.

2019

LB⁽¹⁾ 231

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Nebraska Commission on Public Advocacy

Prepared by: ⁽³⁾ Jeff Pickens Date Prepared: ⁽⁴⁾ 1-22-2019 Phone: ⁽⁵⁾ 402-471-7775

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2019-20</u>		<u>FY 2020-21</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>\$7,500.00</u>	See explanation	<u>\$2,500.00</u>	See explanation
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	<u><u>\$7,500.00</u></u>	<u>_____</u>	<u><u>\$2,500.00</u></u>	<u>_____</u>

Explanation of Estimate:

The Commission on Public Advocacy (Commission) anticipates using existing staff and resources to administer this program. The program creates a Juvenile Indigent Defense Fund that is funded solely by a Juvenile Indigent Defense Fee of \$1.00 that will be assessed as court costs for cases filed in Nebraska's courts. No general funds will be used. Revenue will be determined by the number of cases filed. The program should generate at least \$250,000 in each fiscal year. The program allows the Commission to use funds from the Juvenile Indigent Defense Fund to cover the costs of administering the program. During the first year the program is in operation, the Commission on Public Advocacy will be required to adopt and promulgate rules and regulations as necessary to implement the program. We expect to contract with outside legal counsel to draft the rules and regulations. Expenses for outside legal counsel and public hearings pursuant to the Administrative Procedures Act are estimated to be no more than \$5,000. This will be a one-time expense. The Commission's board of commissioners will meet two or three times a year to carry out its duties pursuant to the program. Annual expenses to reimburse commissioners for mileage, lodging, and meals is estimated to be no more than \$2,500. The remainder of revenue generated by the program will be used to offset the cost of providing legal counsel for indigent juveniles.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2019-20</u>	<u>2020-21</u>
	<u>19-20</u>	<u>20-21</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____