

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

Updated for the 2020 Session. Includes any amendments adopted to-date.

| ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates) | | | | |
|---|---------------------|----------------|---------------------|----------------|
| | FY 2020-21 | | FY 2021-22 | |
| | EXPENDITURES | REVENUE | EXPENDITURES | REVENUE |
| GENERAL FUNDS | | | | |
| CASH FUNDS | 7,500 | | 332,500 | 330,000 |
| FEDERAL FUNDS | | | | |
| OTHER FUNDS | | | | |
| TOTAL FUNDS | 7,500 | | 332,500 | 330,000 |

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. Since this is a carry-over bill, past practice has been that the operative date will be changed to “October 15, 2020” by an E&R amendment.

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. Since this is a carry-over bill, past practice has been that the date of “October 15, 2020” will be changed to “October 15, 2021” by an E&R amendment.

The Commission on Public Advocacy states that they will use existing staff and resources to administer this program. The Commission estimates that the \$1 fee should generate at least \$250,000 per fiscal year, which is lower than what LFO is estimating.

The Commission on Public Advocacy estimates a cost of \$7,500 in FY21. This amount includes a one-time cost of \$5,000 to contract with outside legal counsel to draft rules and regulations and to hold public hearings.

In both FY21 and FY22, the Commission estimates expenses of \$2,500 to reimburse commissioners for mileage, lodging, and meals for the two to three times they will meet per year.

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 they note 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 | FY2020-21 | FY2021-22 |
|---|--------------|----------------|
| Cost to Draft Rules and Regulations | 5,000 | 0 |
| Reimbursement for Mileage, Lodging, and Meals | 2,500 | 2,500 |
| Grants to Counties Beginning October 15, 2021 | 0 | 330,000 |
| Total | 7,500 | 332,500 |

The Supreme Court states that the bill would require the modification to JUSTICE but no additional resources are necessary.

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.

The Nebraska Association of County Officials (NACO) states that the overall fiscal impact of this bill to counties is unknown.

| 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: 12/03/2019 | PHONE: (402) 471-4178 |
| COMMENTS: The fiscal note for LB 231 by the Nebraska Commission on Public Advocacy estimates certain impacts for administrative and contractual costs, but does not provide an estimate for the grants in aid to be provided to Counties. However, the agency does note the revenue from the funding source (which is a \$1 Court Fee), could be \$250,000 per year. No basis to disagree with the overall Agency estimates, although the potential revenue from the \$1 Court Fee, and thus available for grants to Counties, could be closer to \$300,000 annually. | | |

| ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE | | |
|---|------------------|--|
| LB: 231 | AM: | AGENCY/POLT. SUB: Nebraska Association of County Officials (NACO) |
| REVIEWED BY: Joe Wilcox | DATE: 12/03/2019 | PHONE: (402) 471-4178 |
| COMMENTS: No basis to dispute the Nebraska Association of County Officials (NACO) estimate of unknown and indeterminate fiscal impact to Nebraska Counties from LB 231. | | |

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

2020

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⁾ 11-26-2019 Phone: ⁽⁵⁾ 402-471-7775

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 | <u>\$7,500.00</u> | <u>See explanation</u> | <u>\$2,500.00</u> | <u>See explanation</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>\$7,500.00</u> | <u> </u> | <u>\$2,500.00</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>2020-21 EXPENDITURES</u> | <u>2021-22 EXPENDITURES</u> |
|---------------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|
| | <u>20-21</u> | <u>21-22</u> | | |
| Benefits..... | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Operating..... | <u> </u> | <u> </u> | <u> </u> | <u> </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> </u> | <u> </u> |

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2020

LB⁽¹⁾ 231

FISCAL NOTE

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

Prepared by: ⁽³⁾ Eric Asboe Date Prepared: ⁽⁴⁾ 12/11/19 Phone: ⁽⁵⁾ 1-4138

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:

LB231 creates an additional \$1.00 court fee for County juvenile indigent defense expenses. Although modifications would 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>2020-21</u> | <u>2021-22</u> |
|---------------------------|----------------------------|--------------|---------------------|---------------------|
| | <u>20-21</u> | <u>21-22</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.

2020

LB⁽¹⁾ 231

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Nebraska Association of County Officials (NACO)

Prepared by: ⁽³⁾ Elaine Menzel Date Prepared: ⁽⁴⁾ 11/21/2019 Phone: ⁽⁵⁾ (402) 434.5660

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:

The overall fiscal impact of LB 231 to counties is unknown.

LB 231 creates the Juvenile Indigent Defense Fund (the Fund). Depending on whether the Legislature provides funding for the Fund, a county may be able to receive grants from the Fund if it demonstrates to the Public Advocacy Commission that, after the operative date of this act, the county's per capita juvenile court costs have increased during the past fiscal year, as compared to such county's per capita juvenile court costs for the preceding three fiscal years. A county would need to show costs increases were due to the passage of the legislation to be eligible to receive grant funds.

Currently, counsel must be appointed in counties with populations greater than 150,000. LB 231 would apply such provisions to all counties. Appointment must occur for juveniles when a petition is filled alleging jurisdiction of a juvenile pursuant to (1), (2), (3) (b) or (4) of Neb. Rev. Stat. § 43-247, and the matter leading to such filing has not already been resolved through a juvenile pretrial diversion program.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

| <u>POSITION TITLE</u> | <u>NUMBER OF POSITIONS</u> | | <u>2020-21</u> | <u>2021-22</u> |
|---------------------------|----------------------------|--------------|---------------------|---------------------|
| | <u>20-21</u> | <u>21-22</u> | <u>EXPENDITURES</u> | <u>EXPENDITURES</u> |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| Benefits..... | _____ | _____ | _____ | _____ |
| Operating..... | _____ | _____ | _____ | _____ |
| Travel..... | _____ | _____ | _____ | _____ |
| Capital outlay..... | _____ | _____ | _____ | _____ |
| Aid..... | _____ | _____ | _____ | _____ |
| Capital improvements..... | _____ | _____ | _____ | _____ |
| TOTAL..... | _____ | _____ | _____ | _____ |