

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

Updated to include response of Douglas County.

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2019-20		FY 2020-21	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	298,931		306,692	
CASH FUNDS	9,900		1,500	
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	308,831		308,192	

Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.

This bill would increase the number of district court judges in the fourth judicial district (Douglas County) from 16 to 17.

The Supreme Court estimates the cost for this bill at \$308,831 in FY20 and \$308,192 in FY21. See the boxes above for the break-out by fund source. This estimated cost is for a District Court Judge, a Court Reporter, benefits, laptops, and travel related to education.

The Supreme Court shows the salary for the new judge at the salary rate proposed in LB300, which increases judicial salaries by 2% in FY20 and 2% in FY21. The Court Reporter's salary shows a 2% increase in FY21.

Douglas County estimates additional costs of \$2.2 million in FY20 and \$1.2 million in FY21. These estimated costs are for additional staff in the Sheriff's department, a bailiff for the new district court judge, remodeling and tenant displacement costs, additional staff in the offices of the county attorney, public defender, and clerk of the district court, and potential leasing costs due to offices being moved out of the courthouse. See their response attached for additional details not included in this fiscal note.

Certain additional costs can be reasonably expected for a county to incur from the addition of a new district court judge, such as costs for a bailiff and remodeling. However, adding staff in the offices of the county attorney, public defender, and clerk of the district court appears unnecessary.

Presumably, the number of cases will be the same whether a judge is added or not added. Adding a judge should reduce the number of cases per judge. But adding a judge should not increase the total number of cases, all else being equal. Therefore, the caseloads of the staff in the offices of the county attorney, public defender, and clerk of the district court should remain the same. So adding staff in these offices due to the addition of a judge does not appear to be necessary.

There is no basis to disagree with the possible need to add staff in the Sheriff's Department – District Court Security Division. However, the need to add a sergeant when adding two more deputies appears high due to the fact that they currently have one sergeant and fourteen deputies. Perhaps the Sheriff's Department has a policy to add another sergeant when the number of deputies has reached sixteen, but this was not explained in the county's response.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 309	AM:	AGENCY/POLT. SUB: Nebraska Supreme Court (005)
REVIEWED BY: Joe Wilcox	DATE: 02/07/2019	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Supreme Court estimate of Fiscal Impact to the Agency from LB 309, which creates an additional District Court Judge in Douglas County.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 309	AM:	AGENCY/POLT. SUB: Douglas County
REVIEWED BY: Joe Wilcox	DATE: 03/01/2019	PHONE: (402) 471-4178
COMMENTS: While there will undoubtedly be additional cost to Douglas County due to the addition of another District Court Judge in that County, the estimate of potential Fiscal Impact to the County, as represented in the Douglas County fiscal note to LB 309 appears excessive.		

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

2019

LB⁽¹⁾ 309

FISCAL NOTE

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

Prepared by: ⁽³⁾ Eric Asboe Date Prepared: ⁽⁴⁾ 2/6/19 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	<u>298,931</u>	<u> </u>	<u>306,692</u>	<u> </u>
CASH FUNDS	<u>9,900</u>	<u> </u>	<u>1,500</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>308,831</u>	<u> </u>	<u>308,192</u>	<u> </u>

Explanation of Estimate:

LB309 creates an additional district court judge in Douglas County. A Court Reporter is assigned to each district court judge. Operating expenses are related to lease of laptops for the judge and Court Reporter. Travel expenses are related to judicial and employee education.

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>
District Court Judge	<u>1.0</u>	<u>1.0</u>	<u>166,338</u>	<u>169,665</u>
Court Reporter	<u>1.0</u>	<u>1.0</u>	<u>60,705</u>	<u>61,919</u>
Benefits.....			<u>71,638</u>	<u>74,858</u>
Operating.....			<u>5,000</u>	<u> </u>
Travel.....			<u>5,150</u>	<u>1,750</u>
Capital outlay.....			<u> </u>	<u> </u>
Aid.....			<u> </u>	<u> </u>
Capital improvements.....			<u> </u>	<u> </u>
TOTAL.....			<u>308,831</u>	<u>308,192</u>

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

2019

LB309⁽¹⁾ Increase the number of district court judges in Douglas County

FISCAL NOTE

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

Prepared by: ⁽³⁾ MARCOS SAN MARTIN, COUNTY ADMINISTRATION Date Prepared: ⁽⁴⁾ 2/27/19 Phone: ⁽⁵⁾ 402.444.5116

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	<u>\$2.216M+</u>	<u>0</u>	<u>\$1.226M+</u>	<u>0</u>

Explanation of Estimate:

LB309 WILL RESULT IN AN ADDITIONAL DISTRICT COURT JUDGE FOR DOUGLAS COUNTY; THIS WILL CAUSE A SIGNIFICANT ADDITIONAL EXPENSE TO THE COUNTY.

ESTIMATED / PROJECTED ADDITIONAL COSTS / EXPENDITURES TO DOUGLAS COUNTY:

	<u>2019-2020</u>	<u>2020-2021</u>	<u>EXPLANATION</u>
Sheriff Department	\$329,590	\$331,668	ADDITIONAL STAFF AND EQUIPMENT
District Court Admin.	\$159,500	\$129,500	ADDITIONAL SUPPORT STAFF & COSTS FOR JUDGE
Public Building Comm'n.	\$1.5m	\$500,000	REMODELING AND TENANT DISPLACEMENT COSTS
County Attorney	\$37,500	\$75,000	ADDITIONAL STAFF
Public Defender	\$90,000	\$90,000	ADDITIONAL STAFF
Clerk of the District Court	\$100,000	\$100,000	ADDITIONAL STAFF
Public Properties	UNKNOWN	UNKNOWN	LEASE COSTS DUE TO DISPLACEMENT
TOTAL EST. COST:	<u>\$2.216M+</u>	<u>\$1.226M+</u>	

EXPLANATION:

Sheriff Department Estimate:

Salaries and benefits for an additional three (2) Deputies and (1) Sergeant assigned to the District Court Security Division. Currently, the District Court Division has a total of 18 sworn and civilian employees; 1 Lieutenant, 1 Sergeant, 14 Deputies, 1 Law Enforcement Technician II, and 1 Elevator Operator. All employees are covered under labor agreements negotiated through collective bargaining. Additional benefits for sworn personnel include uniform allowance and shooting pay. Pay and benefits reflect the contractual pay scales and 3.0% pay increase projections made for 2019-2020 fiscal year. The total amount also reflects an equivalent of 35% for general employee benefits for sworn and civilian employees.

The District Court Division is an extremely busy division responsible for servicing sixteen (16) District Courts, six (6) Juvenile Courts, and two (2) District Court Referees. Also, the Division is responsible for answering all calls for assistance within the Hall of Justice and transporting all inmates to and from various locations.

District Court Estimate:

Funds required represent the costs of additional support staff necessary for an additional judge: 1 Bailiff

Public Building Commission Estimate:

An estimate of up to \$2.0M in capital expenditures could be incurred in remodeling costs to design and construct a District Court, chambers and administrative space. Additional significant costs may also accrue depending on the coordination of displacing the current tenants in the Hall of Justice and remodeling other office spaces required for increased staffing in support of the 17th Judge.

County Attorney Estimate:

One additional attorney in the criminal division.

County Public Defender Estimate:

An estimate of \$90,000 in cost to include an additional attorney in the Public Defender's Office and an additional support staff member.

Clerk of the District Court Estimate:

An estimate of \$100,000 in cost to include two additional "Court Clerk Is" staff members.

County Public Properties Estimate:

Displacement of current offices/functions. UNKNOWN costs are associated with the County potentially being forced to lease property externally to house County offices/functions currently located inside the courthouse.

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.....			_____	_____

ADDITIONAL INFO – SHERIFF:

FISCAL YEAR 2019

Salaries and Benefits:

<u>Item</u>	<u>Annual Amount</u>
Deputy (2)	\$145,016
Sergeant (1)	\$88,088
Overtime	\$3,000
Benefits	\$81,586
Total Salary/Benefits	\$317,690

Equipment/Capital Expenditures:

<u>Item</u>	<u>Annual Amount</u>
Handcuffs/restraints	\$900
TASER Guns (3)	\$3000
Personal Protective Equipment	\$2100
Bullet Resistant Vest (5)	\$2300
Total Equipment/Capital Expenditures	\$11,900.00

2019 Total Expenditures **\$329,590**

FISCAL YEAR 2020 (estimated 3%increase)

Salaries and Benefits:

<u>Item</u>	<u>Annual Amount</u>
Deputy (2)	\$153,000.00
Sergeant (1)	\$90,088
Overtime	\$3,500
Benefits	\$85,080
Total Salary/Benefits	\$331,668

2020 Total Expenditures **\$331,668** Sheriff Department Estimate:

ADDITIONAL INFO – DISTRICT COURT ADMIN:

FISCAL YEAR 2019-2020

Salaries and Benefits:

<u>Item</u>	<u>Annual Amount</u>
Bailiff (1)	\$112,000.00
Total Salary/Benefits	\$112,000.00

Equipment/Capital Expenditures:

<u>Item</u>	<u>Annual Amount</u>
Software/Office Supplies	\$10,000
Judges Travel	\$4,000
Professional Dues	\$500
Postage	\$3,000
New chambers/office furnishings	\$10,000
New courtroom and jury room furnishings	\$20,000
Total Equipment/Capital Expenditures	\$47,500.00
19-20 Total Expenditures	\$159,500.00

FISCAL YEAR 2020-2021

Salaries and Benefits:

<u>Item</u>	<u>Annual Amount</u>
Bailiff (1)	\$116,000.00

Equipment/Capital Expenditures:

<u>Item</u>	<u>Annual Amount</u>
Software/Office Supplies	\$10,000
Professional Dues	\$500
Postage	\$3000
Total Equipment/Capital Expenditures	\$13,500.00
20-21 Total Expenditures	\$129,500.00