

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

Updated to include the response of the Lancaster County Attorney's Office.

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2021-22		FY 2022-23	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	See Below			
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 adopt the Prosecutorial Transparency Act, and it has the severability clause.

Prosecutors are required to collect information listed in the bill, and then to provide this information to the Attorney General.

The bill also requires the Attorney General to develop a set of uniform reporting requirements and procedures to receive the information.

Prosecutors are required to post the information on their website.

The Attorney General estimates costs of \$402,928 in FY22 and \$408,893 in FY23. These estimated costs are for 1 assistant AG, 4 Data Analyst & Paralegal, and benefits.

Because the bill requires the Attorney General to perform additional duties, it is not unreasonable to expect that the AG would have increased costs associated with performing those additional duties. Whether these additional estimated costs are reasonable is unknown at this time, but they do appear high.

Douglas County estimates costs of \$135,032 in FY22 and \$118,333 in FY23. These additional costs are for 2 administrative assistants to collect, compile, and report the information, plus costs related to their case management system.

Sarpy County estimates costs of \$145,000 in FY22, and \$150,120 in FY23. These additional costs are for the salary and benefits for an additional attorney and staff person for an anticipated increase in workload from the provisions of this bill.

The Lancaster County Attorney's Office is estimating costs in FY22 of \$142,665. These estimated costs are \$72,665 for the salary and benefits of a paralegal, plus programming costs of \$70,000. In FY23, they are estimating costs of \$90,665 for the paralegal plus additional programming costs of \$18,000.

Because the bill requires prosecutors to perform additional duties, it is not unreasonable to expect that they would have increased costs associated with performing those additional duties. At this time, there is no basis to disagree with whether or not Douglas, Sarpy, or Lancaster County's estimated additional costs are reasonable.

Omaha is estimating \$3 million per year for three additional staff plus a new computer program to collect and process the information required by the bill. This estimate appears high based on the other responses received.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 151	AM:	AGENCY/POLT. SUB: Nebraska Attorney General (11)
REVIEWED BY: Joe Wilcox	DATE: 01/21/2021	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Attorney General estimate of potential Fiscal Impact to the Agency from LB 151, however, the fiscal note does not include an estimate of the cost to develop and maintain the reporting system required by the bill.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 151	AM:	AGENCY/POLT. SUB: Douglas County
REVIEWED BY: Joe Wilcox	DATE: 01/19/2021	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Douglas County estimate of potential Fiscal Impact to the County from LB 151.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 151	AM:	AGENCY/POLT. SUB: Sarpy County
REVIEWED BY: Joe Wilcox	DATE: 01/14/2021	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Sarpy County estimate of potential Fiscal Impact to the County from LB 151.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 151	AM:	AGENCY/POLT. SUB: Lancaster County
REVIEWED BY: Joe Wilcox	DATE: 02/10/2021	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Lancaster County estimate of potential Fiscal Impact to the County from LB 151.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 151	AM:	AGENCY/POLT. SUB: City of Omaha
REVIEWED BY: Joe Wilcox	DATE: 02/01/2021	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the City of Omaha estimate of potential Fiscal Impact to the City from LB 151.		

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

2021

LB⁽¹⁾ 151

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Attorney General

402-
Prepared by: ⁽³⁾ Corey O'Brien Date Prepared: ⁽⁴⁾ 1-20-21 Phone: ⁽⁵⁾ 402-471-2687

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2021-22</u>		<u>FY 2022-23</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>402,928.</u>	<u> </u>	<u>408,893</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>402,928.</u>	<u> </u>	<u>408,893.</u>	<u> </u>

Explanation of Estimate:

As written, LB 151 requires the Attorney General to establish an entirely new reporting system with multiple data points, promulgate rules, and monitor compliance with the proposed Act with every city attorney and county attorney in Nebraska. Such requirements will necessitate the hiring of additional personnel including 2 data analysts, 2 paralegals, and at least one additional assistant attorney general.

Costs attributable to the OCIO associated with creation and maintenance of such a reporting system are not known at this time.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2021-22</u>	<u>2022-23</u>
	<u>21-22</u>	<u>22-23</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Assistant Attorney General	<u>1.0</u>	<u>1.0</u>	<u>75,000.</u>	<u>76,500.</u>
Data Analyst & Paralegal	<u>4.0</u>	<u>4.0</u>	<u>184,000.</u>	<u>187,680.</u>
Benefits.....			<u>143,928.</u>	<u>144,713.</u>
Operating.....			<u> </u>	<u> </u>
Travel.....			<u> </u>	<u> </u>
Capital outlay.....			<u> </u>	<u> </u>
Aid.....			<u> </u>	<u> </u>
Capital improvements.....			<u> </u>	<u> </u>
TOTAL.....			<u>402,928.</u>	<u>408,893.</u>

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2021

LB⁽¹⁾ 151

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Douglas County, NE

Prepared by: ⁽³⁾ Shakil A. Malik Date Prepared: ⁽⁴⁾ 1/15/2021 Phone: ⁽⁵⁾ 402-444-7040

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2021-22</u>		<u>FY 2022-23</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>135,032</u>	<u> </u>	<u>118,333</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><u>135,032</u></u>	<u><u> </u></u>	<u><u>118,333</u></u>	<u><u> </u></u>

Explanation of Estimate:

This bill adds significant data collection and compilation requirements to over 5,000 cases a year the Douglas County Attorney's Office prosecutes. We estimate two admin assistants will be needed to collect/compile/report this information to the Attorney General's Office. Further, this data will be stored or compiled in either our existing case management system, which will require software modifications by our vendor or in a purpose-built. Either item will require an initial outlay plus annual maintenance, which will increase our operating expenses.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2021-22</u>	<u>2022-23</u>
	<u>21-22</u>	<u>22-23</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Administrative Assistant	<u>2</u>	<u>2</u>	<u>95,680</u>	<u>98,550</u>
Benefits.....			<u>14,352</u>	<u>14,783</u>
Operating.....			<u>25,000</u>	<u>5,000</u>
Travel.....			<u> </u>	<u> </u>
Capital outlay.....			<u> </u>	<u> </u>
Aid.....			<u> </u>	<u> </u>
Capital improvements.....			<u> </u>	<u> </u>
TOTAL.....			<u><u>135,032</u></u>	<u><u>118,333</u></u>

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

2021

LB⁽¹⁾ 151

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Sarpy County

Prepared by: ⁽³⁾ William E. Conley Date Prepared: ⁽⁴⁾ 1/14/2021 Phone: ⁽⁵⁾ 402-593-5958

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2021-22</u>		<u>FY 2022-23</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	\$ 145,000		\$ 150,120	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	<u>\$ 145,000</u>		<u>\$150,120</u>	

Explanation of Estimate:

This proposed bill is opposed by the Sarpy County. Due to the increased workload, Sarpy County would need to, at a minimum, add an additional attorney and support staff position. \$68,000 for the attorney and \$40,000 for the staff person – plus benefits.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2021-22</u>	<u>2022-23</u>
	<u>21-22</u>	<u>22-23</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Attorney	1	1	\$ 68,000	\$70,000
Staff support position	1	1	40,000	\$41,200
Benefits.....35%			37,800	\$38,920
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....	2	2	\$145,000	\$ 150,120

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2021

LB⁽¹⁾ 151

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Lancaster County Attorney's Office

Prepared by: ⁽³⁾ Patrick F. Condon Date Prepared: ⁽⁴⁾ 2/5/2021 Phone: ⁽⁵⁾ (402) 441-7670

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2021-22</u>		<u>FY 2022-23</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	\$142,665.00	0	\$90,665.00	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate:

Fiscal Year 2021-2022 expenditures will include a paralegal I at \$72,665.00 + cost to collect and input data into a searchable data base. Cost to develop the programing approximately \$70,000.00 for a total of \$142,665.00. Fiscal Year 2022-2023 Paralegal cost of \$72,665.00 + cost to refine programing approximately \$18,000.00. This would be for Lancaster County only.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2021-22</u>	<u>2022-23</u>
	<u>21-22</u>	<u>22-23</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Para legal I	1	1	\$72,665.00	\$72,665.00
Benefits.....			Included in above	Included in above
Operating.....			\$70,000.00	\$18,000.00
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				

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

2021

LB⁽¹⁾ 151

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ City of Omaha

Prepared by: ⁽³⁾ Tyler Leimer Date Prepared: ⁽⁴⁾ 2/1/2021 Phone: ⁽⁵⁾ (402) 444-4514

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2021-22</u>		<u>FY 2022-23</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	\$3,000,000		\$3,000,000	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

Explanation of Estimate: LB 151 requires the Prosecutor's Office to hire three support staff positions to process the over 10,000 cases that need data input. It would also require a brand new computer program be constructed to collect and process all the data required by LB 151. Similar bills in other states have required expenses over \$3,000,000 and counting.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2021-22 EXPENDITURES</u>	<u>2022-23 EXPENDITURES</u>
	<u>21-22</u>	<u>22-23</u>		
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				