

**FISCAL NOTE**  
**LEGISLATIVE FISCAL ANALYST ESTIMATE**

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES</b> (See narrative for political subdivision estimates)				
	<b>FY 2017-18</b>		<b>FY 2018-19</b>	
	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 provide for a hearing to determine financial ability to pay fines and costs and traffic citations and provide for community service.

The Supreme Court estimates that this bill could require adding from 2 to 8 additional County Court Judges, ranging from \$392,768 to \$1,571,072 in FY18 to \$383,768 to \$1,535,072 in FY19. The estimate of additional judges is based on a range of cases impacted by this bill, from 16,250 to 65,000. See the Supreme Court’s response attached for additional details.

Adding more judges requires a separate bill. The salary and benefits of judges are paid from state General Funds. Counties are responsible for the costs associated with operating expenses, equipment, and facilities.

The Supreme Court also noted that additional expenditures would be required for the following items:

1. Court staff: 1-3 staff per additional judge (General Funds);
2. Modifications to JUSTICE (Cash Funds);
3. Establishment of oversight procedures for those on community service (combination of General and Cash Funds).

The Supreme Court also notes that no estimate of the fiscal impact on revenue was made at this time.

The Department of Motor Vehicles estimates no fiscal impact from this bill.

Lancaster County estimates no fiscal impact from this bill.

Lancaster County Department of Corrections states that there are too many variables to estimate a fiscal impact, but they believe they would need to add staff because of the requirements of this bill. See their response attached for additional details.

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSES</b>		
<b>LB: 145</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Nebraska Supreme Court (05)</b>
REVIEWED BY: Joe Wilcox	DATE: 3/14/2017	PHONE: <a href="tel:4024714178">(402) 471-4178</a>
COMMENTS: The narrative in the Nebraska Supreme Court Fiscal Note on LB 145 indicates Fiscal Impact cannot be determined, but the note also includes a range of potential costs to the Agency from \$392,768 to \$1,571,072. Given the wide range of potential costs presented by the Supreme Court, there is no basis to dispute the Nebraska Supreme Court estimate of Indeterminate Fiscal Impact to the Agency from LB 145.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES		
<b>LB: 145</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Department of Motor Vehicles</b>
REVIEWED BY: Lee Will	DATE: 1/12/2017	PHONE: <a href="tel:471-4175">471-4175</a>
COMMENTS: I concur with the Department of Motor Vehicles' statement of no fiscal impact.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES		
<b>LB: 145</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Lancaster County</b>
REVIEWED BY: Lee Will	DATE: 1/12/2017	PHONE: <a href="tel:471-4175">471-4175</a>
COMMENTS: I concur with Lancaster County's statement of no fiscal impact.		

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

2017

LB<sup>(1)</sup> 145

FISCAL NOTE

State Agency OR Political Subdivision Name: <sup>(2)</sup> Supreme Court

Prepared by: <sup>(3)</sup> Eric Asboe Date Prepared: <sup>(4)</sup> 3/13/17 Phone: <sup>(5)</sup> 1-4138

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2017-18</u>		<u>FY 2018-19</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	<u>392,768- 1,571,072</u>	_____	<u>383,768- 1,535,072</u>	_____

Explanation of Estimate:

LB145 would significantly increase court and judicial workload in order to determine financial ability to pay and conduct additional hearings. As a result, General and Cash Fund expenditures would increase. Total fiscal impact cannot be determined at this time, however, information is given below regarding how LB145 may affect judicial workload. In addition, information is given below on costs that were not estimated, but would be need to be included to determine the total fiscal impact.

Based on data extracted from JUSTICE, the judicial branch case management system, approximately 65,000 cases, annually, involve parties that either discharged some of their fines and fees by commitment to jail or were granted additional time to pay fines and fees. It is assumed that a percentage of these cases would require some determination of ability to pay. However, since the number of cases requiring determinations and hearings is unknown, the estimated number of judges needed and associated cost is given below for different case assumptions. It is assumed for this fiscal note, that a hearing to determine ability to pay would take a minimum of 15 minutes of judicial time. Only one hearing per case is also assumed although LB145 allows for multiple hearings.

<u>Cases</u>	<u>Additional County Court Judges Required/Est.</u>	<u>FY17-18 Cost/Est.</u>	<u>FY18-19 Cost</u>
65,000	8	/\$1,571,072	/\$1,535,072
48,750	6	/\$1,178,304	/\$1,151,304
32,500	4	/\$ 785,536	/\$ 767,536
16,250	2	/\$ 392,768	/\$ 383,768

The expenditures listed above do not include the following expenses:

1. Court staff. It is estimated that 1-3 staff per additional judge would be required.
2. Modifications to JUSTICE
3. Establishment of oversight procedures for those on community service.

Note: No estimate of the fiscal impact on revenue was made at this time.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2017-18</u>	<u>2018-19</u>
	<u>17-18</u>	<u>18-19</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____

<b>Benefits</b> .....				
<b>Operating</b> .....				
<b>Travel</b> .....				
<b>Capital outlay</b> .....				
<b>Aid</b> .....				
<b>Capital improvements</b> .....				
<b>TOTAL</b> .....				

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

**2017**

**LB<sup>(1)</sup> 145**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Motor Vehicles

Prepared by: <sup>(3)</sup> Bart Moore Date Prepared: <sup>(4)</sup> \_\_\_\_\_ Phone: <sup>(5)</sup> (402)471-3902

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

	<u>FY 2017-18</u>		<u>FY 2018-19</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:

No Fiscal Impact

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2017-18</u>	<u>2018-19</u>
	<u>17-18</u>	<u>18-19</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	<u>0</u>	<u>0</u>

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

**2017**

**LB<sup>(1)</sup> 145**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Lancaster County

Prepared by: <sup>(3)</sup> Joe Nigro Date Prepared: <sup>(4)</sup> January 11, 2017 Phone: <sup>(5)</sup> (402)441-7631

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

	<u>FY 2017-18</u>		<u>FY 2018-19</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
CASH FUNDS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
FEDERAL FUNDS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
OTHER FUNDS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>TOTAL FUNDS</b>	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>

Explanation of Estimate: I estimate no increase in expenditures by Lancaster County caused by this legislation. If anything, this legislation should save money for Lancaster County by reducing the number of people incarcerated in the jail sitting out fines.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2017-18 EXPENDITURES</u>	<u>2018-19 EXPENDITURES</u>
	<u>17-18</u>	<u>18-19</u>		
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
<b>TOTAL.....</b>				

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

**2017**

**LB<sup>(1)</sup> 145**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Lancaster County Department of Corrections

Prepared by: <sup>(3)</sup> LT Will McGlothlin Date Prepared: <sup>(4)</sup> 1/12/17 Phone: <sup>(5)</sup> 4024411919

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

	<u>FY 2017-18</u>		<u>FY 2018-19</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:**

During fiscal year 2014-2015, a total of 2,823 inmates owed fines. These inmates served a total of 55,961 days in our jail. Of this total number, 2,293 inmates paid no money towards their imposed fine, but "served" fines by receiving \$90 credit toward the fine for each day served. These inmates were in custody a total of 46,337 days. The average stay for inmates in this group was 20.21 days in custody. The remaining 530 inmates (23.11% of the total number owing fines) either paid all or a portion of the fine, and received \$90 per day credit for any remaining balance. These 530 inmates served 9,624 total days, and averaged 18.16 days in custody. Based on the language in this proposed legislation (factoring \$150 dollars a day) the total number of days would be reduced by approximately 40% or 22,384 days. This reduces the average number of days served in custody to approximately 10.44 days. There are, however, too many variables to formulate the overall fiscal impact to the Department. Identified variables are: 1) The Court's interpretation of the legislation. We fear that the judges may increase their fine amounts or move away from fines and start giving time sentences. 2) We have no good way of predicting how many would be found by the courts to not have the ability to pay fines.

We believe we would need to add staff to our community corrections department to monitor possible increases to community service sentences. We also believe that we would need to hire addition staff to conduct screenings in preparation for the hearings to determine ability to pay.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2017-18</u>	<u>2018-19</u>
	<u>17-18</u>	<u>18-19</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____

**TOTAL**.....

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