

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

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES</b> (See narrative for political subdivision estimates)				
	<b>FY 2021-22</b>		<b>FY 2022-23</b>	
	<b>EXPENDITURES</b>	<b>REVENUE</b>	<b>EXPENDITURES</b>	<b>REVENUE</b>
GENERAL FUNDS				
CASH FUNDS	\$520,000	\$520,000	\$780,000	\$780,000
FEDERAL FUNDS				
OTHER FUNDS				
<b>TOTAL FUNDS</b>	<b>\$520,000</b>	<b>\$520,000</b>	<b>\$780,000</b>	<b>\$780,000</b>

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

This bill would increase the indigent defense court filing fee. The current fee is \$3, and this bill would increase it as follows:  
 \$5: Beginning on the effective date of this act and until June 30, 2022;  
 \$6: July 1, 2022, and until June 30, 2023;  
 \$7: July 1, 2023, and until June 30, 2024;  
 \$8: July 1, 2024, and until June 30, 2025; and  
 \$9: Beginning on July 1, 2025.

In FY20, the \$3 fee brought in approximately \$839 thousand dollars.

The following table summarizes the response of the Commission on Public Advocacy:

ITEMS	FY2021-22	FY2022-23	FY2021-22	FY2022-23
	Number of Positions		Expenditures	
Attorney III	1.00	1.00	90,000	95,000
Benefits			30,000	32,000
Operating			395,000	653,000
Capital Outlay			5,000	0
<b>TOTAL</b>	<b>1.00</b>	<b>1.00</b>	<b>520,000</b>	<b>780,000</b>
Additional Revenue			520,000	780,000

See the agency response attached for additional details.

The Supreme Court estimates a minimal fiscal impact for adjustments to JUSTICE.

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</b>		
<b>LB: 150 Revised</b>	<b>AM:</b>	<b>AGENCY/POLT. SUB: Commission on Public Advocacy (94)</b>
REVIEWED BY: Joe Wilcox	DATE: 01/21/2021	PHONE: (402) 471-4178
COMMENTS: The revised fiscal note simply makes some technical corrections to the format. Do not disagree with the Commission on Public Advocacy estimate of potential Cash Fund Revenues and additional cash fund spending authority for expenditures for the Agency from LB 150. It should be noted the bill continues to increase the Indigent Defense Fee by \$1 each fiscal year through FY 2025 – 26.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 150</b>	<b>AM:</b>	<b>AGENCY/POLT. SUB: Nebraska Supreme Court (05)</b>
REVIEWED BY: Joe Wilcox	DATE: 02/09/2021	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Supreme Court estimate of minor fiscal impact to the Agency from LB 150. The Supreme Court indicates no additional resources would be necessary.		

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

**2021**

**LB<sup>(1)</sup> 150**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> NE Commission on Public Advocacy

Prepared by: <sup>(3)</sup> Jeffery A. Pickens Date Prepared: <sup>(4)</sup> 1-14-2021 Phone: <sup>(5)</sup> 4024717775

**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				
CASH FUNDS	520,000	520,000	780,000	780,000
FEDERAL FUNDS				
OTHER FUNDS				
<b>TOTAL FUNDS</b>	<b>520,000</b>	<b>520,000</b>	<b>780,000</b>	<b>780,000</b>

**Explanation of Estimate:**

Since 2005, the Nebraska Commission on Public Advocacy has been funded by a \$3 indigent defense fee that is taxed as court costs in cases filed in Nebraska's courts. The Commission receives no general funds. Since fiscal year 2008-09, the number of cases filed in Nebraska's courts has decreased every year, and so has the Commission's revenue. The Commission's revenue from the indigent defense fee was \$1,286,956 in fy2008-2009. In fy2019-2020, the Commission's revenue from the fee was only \$839,313. Thus far in fy2020-21, the Commission's revenue from the fee is only \$386,756.22. Since fiscal year 2014-15, revenue has not been sufficient to cover expenses and the Commission had to draw from its cash fund. Without additional revenue, the cash fund balance could be depleted in less than two years.

The Commission provides legal services for indigent criminal defendants charged with murder and other serious violent felony offenses at no charge to the counties that use the Commission's services. The Commission is operating at maximum caseload and is forced to decline court appointments in most cases that do not include a murder charge.

Based upon the revenue the Commission has received from the indigent defense fee since fy2008-09, the Commission estimates a \$2 increase in the indigent defense fee should produce approximately \$520,000 in additional revenue in fy2021-22. A \$3 increase should produce approximately \$780,000 in additional revenue in fy2022-23.

The increased revenue will be used to cover expenses and hire an additional lawyer. With an additional lawyer, the Commission will be able to accept more court appointments and provide additional property tax relief to counties that are required to provide legal services to indigent criminal defendants.

**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 III	1	1	90,000	95,000

<b>Benefits</b> .....	<u>30,000</u>	<u>32,000</u>
<b>Operating</b> .....	<u>395,000</u>	<u>653,000</u>
<b>Travel</b> .....		
<b>Capital outlay</b> .....	<u>5,000</u>	<u>0</u>
<b>Aid</b> .....		
<b>Capital improvements</b> .....		
<b>TOTAL</b> .....	<u>520,000</u>	<u>780,000</u>

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**2021**

**LB<sup>(1)</sup> 150**

**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> 2/7/2021 Phone: <sup>(5)</sup> 402-326-9215

**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	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

**Explanation of Estimate:**

LB150 increases the current \$3.00 indigent defense fee over a period of 5 years to \$9.00 per court case. Although adjustments will need to be made annually to JUSTICE, the Judicial Branch case management system, no additional resources are necessary to implement LB150.

**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>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____