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PREPARED BY: Doug Nichols  
DATE PREPARED: January 25, 2011  
PHONE: 471-0052

**LB 310**

Revision: 00

# FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES *				
	FY 2011-12		FY 2012-13	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

\*Does not include any impact on political subdivisions. See narrative for political subdivision estimates.

This bill would change provisions relating to protection orders.

The Supreme Court estimates no fiscal impact. Their response follows:

LB 310 could have an impact on judicial caseload from an increase in protection orders, but any increase is not expected to be significant. It is assumed that the expense of any attorney appointed by the court for indigent petitioners would be an expense of the county in which the attorney is appointed.

**IMPACT ON POLITICAL SUBDIVISIONS:** Lancaster County states the following regarding this bill: Attorney fees for appointed attorneys. The 4 year average of requested Protection Orders in Lancaster County is 746 cases. Lancaster County did not have any figures for the percentage of these cases where the petitioner is indigent, which triggers appointment of counsel under this bill, so they estimated 25% would be indigent and this would be 186.5 cases per year. Attorney will need to interview clients, prepare documents, do investigations, and legal research. Lancaster County estimates 5 hours average attorney time per case for a total of 932.5 attorney hours per year. At an average rate of \$75 per hour, Lancaster County estimates \$69,937 per year for attorney fees.

The Douglas County District Court estimates the following fiscal impact from this bill:

Total Protection Orders Per Year	3,500
Domestic Violence Protection Orders Per Year	2,500
Percent where respondent has an attorney	35%
Number of cases where respondent has an attorney	875
Estimated cost per case	\$ 200
Total estimated cost per year	\$ 175,000

The Douglas County District Court Clerk estimates this bill will increase the Clerk's expenditures by \$2,300 per year. The Clerk states that 50% of all protection orders are handled by the County Court. As a result, the Clerk's Office will need to prepare all of their cases for the mandatory hearings that will result because of the Domestic Protection Orders increase. They anticipate 70% of protection orders will be domestic, and it will take staff 15 minutes per case to pull and prepare for the hearings. The Clerk calculated an average wage of \$14 per hour plus 30% in benefits divided by the ¼ hour the staff will need to prepare the cases and this works out to approximately \$4.50 per case. The Clerk estimated 1,155 cases for an estimated amount of \$5,200, and then reduced this amount by the percent of county court cases that already are Domestic Protection Orders to arrive at the estimated cost of the additional workload of \$2,300 per year.

DEPARTMENT OF ADMINISTRATIVE SERVICES

REVIEWED BY	DATE	PHONE
Joe Wilcox	1/25/11	471-2526
COMMENTS DOUGLAS COUNTY DISTRICT COURT AND DISTRICT COURT CLERK – No basis to dispute Douglas County analyses. LANCASTER COUNTY – No basis to dispute analysis.		

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JAN 25 2011

LEGISLATIVE COUNSEL

2011

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

LB<sup>(1)</sup> 310 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> 1/24/11 Phone: <sup>(5)</sup> 1-4138

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2011-2012		FY 2012-2013	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate:

LB 310 could have an impact on judicial caseload from an increase in protection orders, but any increase is not expected to be significant. It is assumed that the expense of any attorney appointed by the court for indigent petitioners would be an expense of the county in which the attorney is appointed.

MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2011-2012 EXPENDITURES	2012-2013 EXPENDITURES
	11-12	12-13		
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				

JAN 25 2011

LEGISLATIVE FISCAL

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LB<sup>(1)</sup> 310 FISCAL NOTE

District Court  
Douglas County

State Agency OR Political Subdivision Name: <sup>(2)</sup> Douglas County - NE

Prepared by: <sup>(3)</sup> Doug Johnson

Date Prepared: <sup>(4)</sup> 1-19-2011

Phone: <sup>(5)</sup> 444-7171

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2011-2012		FY 2012-2013	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	\$ 175,000	0	\$ 175,000	0
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate:

3500 Protection Orders Per Year

2500 Domestic Violence

35% Respondent will have attorney

2500 cases

x 35% = 875

875 Cases x \$200 per case

\$ 175,000  
Per Year

( \$200 per case  
estimated )

MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2011-2012 EXPENDITURES	2012-2013 EXPENDITURES
	11-12	12-13		
Benefits .....				
Operating .....				
Travel .....				
Capital outlay .....				
Aid .....				
Capital improvements .....				
TOTAL .....				

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LEGISLATIVE FISCAL

2011

LB<sup>(1)</sup> 310 FISCAL NOTE

State Agency OR Political Subdivision Name: <sup>(2)</sup> Douglas County District Court Clerk

Prepared by: <sup>(3)</sup> John Friend Date Prepared: <sup>(4)</sup> 1-20-11 Phone: <sup>(5)</sup> \_\_\_\_\_

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2011-2012		FY 2012-2013	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	<u>2,300</u>	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	_____	_____	_____	_____

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate:

John Friend, District Court Clerk estimates an increase in expenditures if LB 310 passes to be \$2,300. For more information, please see attached e-mail.

MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2011-2012 EXPENDITURES	2012-2013 EXPENDITURES
	11-12	12-13		
Benefits .....	_____	_____	_____	_____
Operating .....	_____	_____	_____	_____
Travel .....	_____	_____	_____	_____
Capital outlay .....	_____	_____	_____	_____
Aid .....	_____	_____	_____	_____
Capital improvements .....	_____	_____	_____	_____
TOTAL .....	_____	_____	_____	_____

**Kubat, Richard (DC Commissioners)**

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**From:** Esch, Daniel A (DC Clerk)  
**Sent:** Wednesday, January 19, 2011 4:18 PM  
**To:** Kubat, Richard (DC Commissioners)  
**Subject:** FW: Fiscal Note for LB 310 Requested

Another Friend response.

Dan

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**From:** Friend, John M (CDC)  
**Sent:** Wednesday, January 19, 2011 4:17 PM  
**To:** Esch, Daniel A (DC Clerk)  
**Subject:** RE: Fiscal Note for LB 310 Requested

Dan, the Clerk of the District Court's office will spend more staff time for the additional hearings that will be required for all of the extra Domestic P O's that will result if the law is enacted as written.

50% of all protection orders are handled by County Court. As a result, we need to prepare all of their cases for the mandatory hearings that will result because of all the Domestic Protection Order increase.

I anticipate that 70% of Protection orders will be domestic if the law passes. If 70% of the County Court PO's are domestic, it will take staff 15 min per case to pull and prepare for hearings. In calculating the avg. wage of 14 per hour plus 30% in benefits divided by the ¼ hour they will need prepare the cases it calculates to as much as \$4.50 per case. \$4.50 per case X 1155 cases = \$5200. Since approx 30% of the County court cases are already Domestic Protection Orders the actual cost of the additional work would be approx. **\$2300.**

John Friend  
Clerk of the District Court  
444-7658

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**From:** Esch, Daniel A (DC Clerk)  
**Sent:** Wednesday, January 19, 2011 10:41 AM  
**To:** Johnson, Douglas (DC Court); Friend, John M (CDC); Douglas, Leslie (County Court)  
**Cc:** Riley, Thomas (DC Public Defender); Kleine, Donald W. (DC Atty Criminal); Beadle, Brenda D. (DC Atty Criminal); Carlson, Diane M (DC Atty Civ)  
**Subject:** Fiscal Note for LB 310 Requested

Today our office received a request for a fiscal note on LB 310 from the Legislative Fiscal Analyst. This bill may affect your office/department, so please review and complete a fiscal note if needed.

The introduced copy of the bill can be viewed at this link:  
<http://www.nebraskalegislature.gov/FloorDocs/Current/PDF/Intro/LB310.pdf>. Attached is the Fiscal Note form. The hearing date is Wednesday, January 26<sup>th</sup>, so the fiscal note is due 72 hours before that. Three copies of the fiscal note need to be returned to:

Legislative Fiscal Office  
P.O. Box 94604  
Lincoln, NE 68509-4604

The Legislative Fiscal Office can be contacted at (402) 471-2263.

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JAN 24 2011

LB<sup>(1)</sup> 310 FISCAL NOTE

LEGISLATIVE FISCAL

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

Prepared by: <sup>(3)</sup> Dennis R. Keefe Date Prepared: <sup>(4)</sup> January 20, 2011 Phone: <sup>(5)</sup> 441-7631

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2011-2012		FY 2012-2013	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	\$69,937		\$69,937	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$69,937		\$69,937	

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate: Attorney Fees for appointed attorneys. The 4 year average of requested Protection Orders in Lancaster County is 746 cases. There are no good figures for the percentage of this number where the respondent has an attorney and there is an indigent petitioner, which triggers appointment of counsel under this bill, so we have assumed 25 % of the cases or 186.5 cases per year. Attorneys will need to interview clients, prepare documents, do investigations and legal research. WE estimate 5 hours average attorney time per case for a total of 932.5 attorney hours per year. At an average rate of \$75 per hour, Lancaster County would have to spend \$69,937 per year for attorney fees. This mandate would affect all counties and it does not appear that the state is intending to reimburse the counties for these expenses.

MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2011-2012	2012-2013
	11-12	12-13	EXPENDITURES	EXPENDITURES
Benefits.....				
Operating.....	\$69,937			
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....	\$69,937			