

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

Updated for amendments adopted through April 19, 2017.

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2017-18		FY 2018-19	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS			365,352	
CASH FUNDS	165,000			
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	165,000		365,352	

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

This bill would provide for competency determinations in cases pending before county courts. The Committee amendment, AM933, includes the following bills:

- LB145 as amended by AM828
- LB395 as amended by AM846
- LB526 as amended by AM930

Certain provisions of this act become operative on July 1, 2018, and the remainder of the act becomes operative on its effective date.

This fiscal note only includes the estimated impact of AM933. This fiscal note may be updated to include any impact related to AM1082.

The following table shows the estimated impact of this bill:

ITEMS	FY2017-18	FY2018-19	FY2017-18	FY2018-19
	Number of Positions		Expenditures	
Record Clerks	-	6.00	0	186,348
Benefits				173,004
Operating				3,000
Travel				3,000
TOTAL	-	6.00	0	365,352

The above-table modifies the Supreme Court's attached response by not including the two additional County Court Judges and Courtroom Clerks. The Legislative Fiscal Office (LFO) fiscal analyst notes that historically adding more judges requires a separate bill. Therefore, the above-table does not include the additional judges and clerks that are estimated to cost \$519,200 in FY19.

The Supreme Court estimates a one-time Cash Fund impact of \$165,000 in FY18 for judicial branch education and to modify JUSTICE, the judicial branch case management system. No additional revenue is anticipated to offset the increase in expenditures.

Lancaster County estimates it may save \$3-\$4 million a year by not having people sitting out fines in jail. See their response attached for additional details not included in this fiscal note.

Lancaster County Community Corrections estimates additional costs of \$65,339 in FY18 and \$65,724 in FY19. This increase is for staff time associated with the increased use of Community Service in lieu of fines. LFO has been in contact with Lancaster County Community Corrections and it is the understanding of LFO that the two responses of Lancaster County Community Corrections should be combined for the total impact imposed by AM933. Therefore, the amounts noted above have been combined by LFO. Additionally, the amounts LFO used were the detailed amounts listed at the bottom of Lancaster County Community Corrections' responses. See their two responses attached for additional details.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES		
LB: 259	AM: 933	AGENCY/POLT. SUB: Nebraska Supreme Court (05)
REVIEWED BY: Joe Wilcox	DATE: 4/18/2017	PHONE: (402) 471-4178
COMMENTS: No Basis to dispute the Nebraska Supreme Court estimate of potential fiscal impact to the Agency from AM 933 to LB 259. AM 933 incorporates provisions of LB 145, LB 395, and LB 526.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES		
LB: 259	AM: 933	AGENCY/POLT. SUB: Nebraska Department of Motor Vehicles (24)
REVIEWED BY: Joe Wilcox	DATE: 4/19/2017	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Department of Motor Vehicles estimate of indeterminate Fiscal Impact to the Agency from the Judiciary Committee Amendment - AM 933, to LB 259.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES		
LB: 259	AM: 933	AGENCY/POLT. SUB: Lancaster County Public Defender's Office
REVIEWED BY: Joe Wilcox	DATE: 4/18/2017	PHONE: (402) 471-4178
COMMENTS: The Lancaster County Public Defender's Office fiscal Note on AM 933 to LB 259 estimates an undetermined potential cost savings to the County overall from the Bill, as amended. The fiscal note also discounts the potential cost identified by other Lancaster County Departments in response to AM 933 to LB 259 as being insignificant compared to the potential savings.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES		
LB: 259	AM: 933	AGENCY/POLT. SUB: Lancaster County Department of Community Corrections
REVIEWED BY: Joe Wilcox	DATE: 4/18/2017	PHONE: (402) 471-4178
COMMENTS: The Lancaster County Department of Community Corrections fiscal note on AM 933 to LB 259, estimates an additional 10% of staff time will be required to provide the increased pre-trial supervision required by the Amendment. No basis to dispute the County estimate for increased operating costs such as printing and supplies, however, the fiscal note indicates an increase in staff time of 10%, while the figures in the table reflect increases of up to 50% for certain staffing positions. Unless the increased staff time results in paid overtime or additional FTE's, the County estimate related to staffing may not actually translate to increased cost.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES		
LB: 259	AM: 933	AGENCY/POLT. SUB: Lancaster County Department of Community Corrections
REVIEWED BY: Joe Wilcox	DATE: 4/18/2017	PHONE: (402) 471-4178
COMMENTS: The Lancaster County Department of Community Corrections fiscal note on AM 933 to LB 259, estimates an additional 10% of staff time will be required to provide the increased pre-trial supervision required by the Amendment. No basis to dispute the County estimate for increased operating costs such as printing and supplies, however, the narrative in the fiscal note indicates an increase in staff time of 10%, while the figures in the table reflect increases of up to 50% for certain staffing positions. Also, the General Fund amounts in the cost table do not match the Total amount of estimated funds, but there are no other fund types listed with estimated impacts. Finally, unless the increased staff time results in paid overtime or additional FTE's, the County estimate related to staffing may not actually translate to increased cost.		

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

2017

LB⁽¹⁾ 259, AM933

FISCAL NOTE

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

Prepared by: ⁽³⁾ Eric Asboe Date Prepared: ⁽⁴⁾ 4/13/17 Phone: ⁽⁵⁾ 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			884,552	
CASH FUNDS	165,000			
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	<u>165,000</u>		<u>884,552</u>	

Explanation of Estimate:

LB259, as amended by AM933, incorporates portions of LB145, 395 and 526 and is estimated to increase court and judicial workload. As a result, General and Cash Fund expenditures will increase. Several provisions of LB259, as amended, relate to fines and fees received by the General Fund and several Supreme Court Cash Funds. No estimate of the impact on revenue was made at this time. Although there is a potential for a reduction in revenue, there are some indications that any reduction may not be significant. This fiscal note does not address the impact on political subdivisions.

FY17-18 Fiscal Impact:

\$165,000 one-time Cash Fund expenditures for judicial branch education and to modify JUSTICE, the judicial branch case management system. No additional revenue is anticipated to offset the increase in expenditures.

FY18-19 Fiscal Impact:

1. Approximately 65,000 cases, annually, involve discharge of fines and fees by commitment to jail or additional time to pay fines and fees.
2. Based on one day in March, 2017, there were approximately 11,750 active warrants for failure to pay.
3. Judicial workload statistics show that Douglas and Lancaster county courts are in need of additional judicial resources.

Based on this information, at a minimum, it is estimated that 2 additional judges and 8 additional court staff would be required as a result of an anticipated increase in hearings and associated court activity related to determinations of ability to pay. Additional financial resources may become necessary in the future if the number of hearings and activity related to financial ability to pay, bond supervision and community service are greater than estimated at this time.

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>		
County Court Judge		2.0		309,554
Courtroom Clerk (2) Record Clerk (6)		8.0		252,502
Benefits.....				300,696
Operating.....			165,000	8,800
Travel.....				13,000

Capital outlay.....	_____	_____
Aid.....	_____	_____
Capital improvements.....	_____	_____
TOTAL.....	<u>165,000</u>	<u>884,552</u>

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2017

LB⁽¹⁾ 259 AM 933

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Motor Vehicles

Prepared by: ⁽³⁾ Bart Moore Date Prepared: ⁽⁴⁾ April 17, 2017 Phone: ⁽⁵⁾ (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:

Sec 13 in AM 933 may result in fewer driver's licenses being suspended which may reduce the amount of revenue collected by the Department when driver's reinstate their license. The amount is indeterminable 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>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
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⁽¹⁾ 259 AM 933

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Lancaster County Community Corrections

Prepared by: ⁽³⁾ Kim Etherton Date Prepared: ⁽⁴⁾ 4/17/17 Phone: ⁽⁵⁾ 402-441-3603

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2017-18		FY 2018-19	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	\$22,622.00	0.00	23,306.00	0.00
CASH FUNDS	0	0.00	0	0.00
FEDERAL FUNDS	0	0.00	0	0.00
OTHER FUNDS	0	0.00	0	0.00
TOTAL FUNDS	22,626.00	0.00	23,306.00	0.00

Explanation of Estimate:

This bill suggests there will be an increase in the use of pretrial supervision. Costs associated with a 10% increase are indicated. The increase in staff time associated with LB 145 AM 828 are included in that fiscal note (as they apply to both these bills/amendments).

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2017-18	2018-19
	17-18	18-19	EXPENDITURES	EXPENDITURES
Comm. Corrections Coordinator	.5	.5	5,051.00	5,178.00
Comm. Corrections Field Officer	.5	.5	3,190.00	3,270.00
Comm. Corrections Clerk II	.5	.5	2,446.00	2,519.00
Comm. Corrections Screening Specialist	.10	.10	7,768.00	7,962.00
Comm. Corrections Case Manager	.10	.10	7,938.00	8,137.00
Benefits.....				
Operating.....			1,500.00	1,650.00
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....			27,893.00	27,066.00

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

2017

LB⁽¹⁾ 259 AM 933

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Lancaster County Community Corrections

Prepared by: ⁽³⁾ Kim Etherton Date Prepared: ⁽⁴⁾ 4/17/17 Phone: ⁽⁵⁾ 402-441-3603

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	\$22,622.00	0.00	23,306.00	0.00
CASH FUNDS	0	0.00	0	0.00
FEDERAL FUNDS	0	0.00	0	0.00
OTHER FUNDS	0	0.00	0	0.00
TOTAL FUNDS	37,446.00	0.00	38,658.00	0.00

Explanation of Estimate:

Pretrial Supervision is currently being administered and utilized in Lancaster County; this bill suggests there could be an increase in the use of pretrial supervision. Pretrial Supervision involves a number of personnel within the department. Costs associated with a 10% increase are indicated below. Operating costs include drug and alcohol testing, electronic monitoring, printing and photocopying. It is noted in the bill that the judge could order Mental Health and or Substance Abuse services.

The increase in staff time associated the use of Community Service in lieu of fines or as a sentence are included in a fiscal note for **LB145/AM828**, as they apply to both these bills/amendments.

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>
Comm. Corrections Coordinator	.5	.5	5,051.00	5,178.00
Comm. Corrections Field Officer	.5	.5	3,190.00	3,270.00
Comm. Corrections Clerk II	.5	.5	2,446.00	2,519.00
Comm. Corrections Screening Specialist	.10	.10	7,768.00	7,962.00
Comm. Corrections Case Manager	.10	.10	7,938.00	8,137.00
Substance Abuse Services (Matrix Treatment Program)	.10	.10	7,553.00	7,742.00
Benefits.....				
Operating.....			3,500.00	3,850.00
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....			37,446.00	38,658.00

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2017

LB⁽¹⁾ 259 AM 933

FISCAL NOTE

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

Prepared by: ⁽³⁾ Joe Nigro Date Prepared: ⁽⁴⁾ April 14, 2017 Phone: ⁽⁵⁾ (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>
TOTAL FUNDS	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>

Explanation of Estimate: This amendment will potentially save Lancaster County millions of dollars. People served 55,961 days sitting out fines in the Lancaster County Jail in fiscal year 2014-2015. The Jail puts the cost of housing someone at \$100 a day. This means Lancaster County spent almost \$5.6 million housing people sitting out fines in one year. It is likely that few of these people would have been found to have the ability to pay. Releasing people from custody to do community service or discharging the fines due to someone's inability to pay, will save the County money. Some of these people were also in custody on other matters, but even accounting for this, Lancaster County might save \$3 or \$4 million a year if this amendment was adopted and the bill is passed. Increasing the rate at which people can sit out fines from \$90 to \$150 a day will also save the County money, because it will reduce the number of days required to sit out fines. This is important due to the cost of housing someone in the jail at \$100 a day. Lancaster County has averaged about 4,000 people a year who were unable to post bond while their case was pending. It can take many months for some cases to be resolved. If judges follow the language in the amendment to consider a person's financial ability to pay in setting bond and if judges increase the use of pre-trial release programs, it will result in a substantial reduction in the jail population. This could potentially save hundreds of thousands, if not millions of dollars. This amendment will cause the County to expend some funds for legal representation and for supervision of people on pre-trial release and people performing community service. These costs are difficult to estimate at this time, but they should not be significant, and they will be dwarfed by the savings to the County from other provisions in this amendment.

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>		
	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Benefits.....			<u>0</u>	<u>0</u>
Operating.....			<u>0</u>	<u>0</u>
Travel.....			<u>0</u>	<u>0</u>
Capital outlay.....			<u>0</u>	<u>0</u>
Aid.....			<u>0</u>	<u>0</u>
Capital improvements.....			<u>0</u>	<u>0</u>
TOTAL.....			<u><u>0</u></u>	<u><u>0</u></u>