

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2021-22		FY 2022-23	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS	\$7,500	\$200,000	\$2,500	\$300,000
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$7,500	\$200,000	\$2,500	\$300,000

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

This bill would provide grants for juvenile indigent legal defense, and it becomes operative on October 15, 2021.

The bill creates the Juvenile Indigent Defense Fund. The Fund is to be administered by the Commission on Public Advocacy, and is only be used to provide legal services to juveniles, provide resources to assist counties in providing for legal counsel for indigent juveniles, and to pay the costs of administering the Juvenile Indigent Defense Grant Program.

The Fund's revenue source is a \$1 court fee known as the Juvenile Indigent Defense Fee, and is estimated to bring in about \$300,000 annually. Because the bill has an operative date of October 15, 2021, the fee will only be in effect for 8 months in FY2021-22 and is estimated to generate \$200,000.

A county may apply for a grant under the program beginning October 15, 2022. Counties receiving grants are required to report annually to the commission regarding juveniles served under this bill.

The commission shall submit an annual report to the Legislature concerning the distribution and use of funds from grants provided under the program.

The Commission on Public Advocacy estimates a cost of \$7,500 in FY2021-22. This amount includes a one-time cost of \$5,000 to contract with outside legal counsel to draft rules and regulations, and to hold hearings required by the Administrative Procedures Act. In both FY2021-22 and FY2022-23, the Commission estimates expenses of \$2,500 to reimburse commissioners for mileage, lodging, and meals. These estimated costs come from the Juvenile Indigent Defense Fund, a Cash Fund.

Because this bill changes provisions regarding a juvenile's right to representation by counsel at county expense, it could have a fiscal impact to some counties. As noted above, a grant program is established that is intended to offset any fiscal impacts to counties created by this bill.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 308	AM:	AGENCY/POLT. SUB: Commission on Public Advocacy (94)
REVIEWED BY: Joe Wilcox	DATE: 01/21/2021	PHONE: (402) 471-4178
COMMENTS: Do not disagree with the Commission on Public Advocacy estimate of potential Cash Fund impact on the Agency relative to operating expenses associated with the provisions of LB 308. The Agency did identify a \$1 Indigent Defense Fee created by LB 308 could generate approximately \$300,000 per year in Cash Fund Revenues for the new program, however, the fiscal note does not identify as expenditures, any amounts relative to aid for providing grants with this funding, which is the purpose of the bill.		

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

2021

LB⁽¹⁾ 308

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Nebraska Commission on Public Advocacy

Prepared by: ⁽³⁾ Jeff Pickens Date Prepared: ⁽⁴⁾ 1-20-21 Phone: ⁽⁵⁾ 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	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	_____	_____	_____	_____

Explanation of Estimate:

The Nebraska Commission on Public Advocacy (Commission) anticipates using existing staff and resources to administer this program. The program creates a juvenile indigent defense fund that is funded solely by a juvenile indigent defense fee of \$1.00 that will be assessed as court costs for cases filed in Nebraska's courts. No general funds will be used. Revenue will be determined by the number of cases filed. Based upon estimates provided by the Nebraska Judicial Branch's Court Administrator, the program should generate approximately \$300,000. The program allows the Commission to use funds from the juvenile indigent defense fund to pay the costs of administering the program. During fiscal year 2021-22, the Commission will be required to promulgate rules and regulations as necessary to implement the program. The Commission expects to contract with outside counsel to draft rule and regulations. Expenses for outside counsel and public hearings pursuant to the Administrative Procedures Act are estimated to be no more than \$5,000. This will be a one-time expense. The Commission's board of commissioners will meet two or three times per year to carry out its duties under the program. Annual expenses to reimburse commissioners for mileage, lodging, and meals are estimated to be no more than \$2,500. The remainder of the revenue generated by the program will be used to offset the cost of providing legal counsel for indigent juveniles.

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.....

