# LB 636

## Revision: 00 FISCAL NOTE LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)							
	FY 202	FY 2021-22 FY 20					
	EXPENDITURES	EXPENDITURES REVENUE		REVENUE			
GENERAL FUNDS	See Below	(\$1.9 to \$2 million)		(\$1.9 to \$2 million)			
CASH FUNDS	\$25,000		0				
FEDERAL FUNDS							
OTHER FUNDS							
TOTAL FUNDS	\$25,000	(\$1.9 to \$2 million)	0	(\$1.9 to \$2 million)			

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

This bill would eliminate cash bail bonds, appearance bonds, and related provisions.

The Supreme Court estimates a one-time cost of \$25,000 to modify their case management system (JUSTICE). They show it as a General Fund cost, but this fiscal note shows it as cash funds.

Historically, JUSTICE expenditures have come from the Court Automation Cash Fund. The Court stated that the balance has been decreasing so any expenditures that would historically come from the cash fund will now be shown as General Funds on the Court's fiscal note responses. The FY20 balance in the Court Automation Cash Fund was just under \$817,000, down from \$1.3 million in FY19.

The Supreme Court also estimates a General Fund revenue reduction of \$1.9 to \$2 million per year for the portion of cash bonds from county courts that are deposited into the General Fund.

An undetermined judicial workload increase is also estimated by the Court, as well as an fiscal impact on Court education that is estimated not to be significant.

The Supreme Court is also assuming that Probation will not be one of the entities required to supervise persons under the provisions of this bill, but rather it would be counties that would provide such supervision. If that is not the case and Probation is required to provide supervision, this could increase General Fund expenditures, and the Court may need to revise their fiscal note.

See the Supreme Court's response attached for additional details not included in this fiscal note.

The Department of Motor Vehicles estimates significant staff time to comply with this bill but they will absorb any additional costs.

The State Patrol estimates no fiscal impact.

The Lancaster County Department of Corrections cannot estimate a fiscal impact from this bill.

Lancaster County Community Corrections estimates costs of \$76,089 in FY22, and \$82,595 in FY23 for an additional Case Manager and related expenses. They also note that additional staff may be required if the number of persons requiring supervision increases.

The Lancaster County Public Defender estimates an expenditure reduction of \$1.3 million because of a reduction in jail staff due to a lower jail population. On their fiscal note, they show this as a revenue increase rather than an expenditure reduction.

The City of Lincoln estimates no fiscal impact from this bill.

The City of Omaha estimates an indeterminate impact.

## ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: 636	AM:	AGENCY/POLT. SUB: Nebraska Supreme Court (05)				
REVIEWED	REVIEWED BY: Joe Wilcox         DATE: 03/02/2021         PHONE: (402) 471-4178		PHONE: (402) 471-4178			
COMMENTS: No basis to dispute the Nebraska Supreme Court estimate of potential Fiscal Impact to the Agency and potential loss in General Fund Revenue from LB 636.						

### ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: 636	AGENCY/POLT. SUB: Nebraska Department of Motor Vehicles (24)				
REVIEWED BY: Joe Wilcox		DATE: 01/26/2021	PHONE: (402) 471-4178		
COMMENTS: No basis to dispute the Nebraska Department of Motor Vehicles (DMV) estimate of No Fiscal Impact to the Agency from LB 636. Any additional costs will be absorbed within existing Agency resources.					

## ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: 636 AM: AGENCY/POLT. SUB: Lancaster County Department of Corrections					
REVIEWED	BY: Joe Wilcox	DATE: 01/25/2021	PHONE: (402) 471-4178		
COMMENTS: No basis to dispute the Lancaster County Department of Corrections estimate of potential, but Indetermina Fiscal Impact to the County from LB 636.					

# ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE LB: 636 AM: AGENCY/POLT. SUB: Lancaster County Public Defender REVIEWED BY: Joe Wilcox DATE: 03/01/2021 PHONE: (402) 471-4178 COMMENTS: No basis to dispute the Lancaster County Public Defender estimate of potential Savings to the County from LB 636, with the exception of a technical point - the fiscal note describes cost savings, but the figures in the table reflect revenues. It appears it should be reflected as cost reductions.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE					
LB: 636	AM:	AGENCY/POLT. SUB: Lancaster County			
REVIEWED	REVIEWED BY: Joe Wilcox         DATE: 01/27/2021         PHONE: (402) 471-4178				
COMMENTS: No basis to dispute the Lancaster County estimate of potential Fiscal Impact to the County from LB 636.					

## ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: 636	AM:	AGENCY/POLT. SUB: City of Lincoln			
REVIEWED	BY: Joe Wilcox	DATE: 02/03/2021	PHONE: (402) 471-4178		
COMMENTS: No basis to dispute the City of Lincoln estimate of No Fiscal Impact to the City from LB 636.					

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE						
LB: 636	AM:	AGENCY/POLT. SUB: City of Omaha				
REVIEWED	BY: Joe Wilcox	DATE: 01/26/2021	PHONE: (402) 471-4178			
COMMENTS: No basis to dispute the City of Omaha estimate of potential, but Indeterminate Fiscal Impact to the City from LB 636.						

<b>LB</b> <sup>(1)</sup> 636				FISCAL NOTE			
State Agency OR Pol	litical Subdivision Name: (2)	05 Supreme Court					
Prepared by: (3)	Eric Asboe	Date Prepared: <sup>(4)</sup>	2/28/2021 Phone: (5)	402-326-9215			
	ESTIMATE PROVID	ED BY STATE AGENO	<u>CY OR POLITICAL SUBDIVISIO</u>	DN			
	FY 2	021-22	FY 2022	9-23			
	<b>EXPENDITURES</b>	REVENUE	EXPENDITURES	REVENUE			
GENERAL FUNDS	S See Below	See Below		See Below			
CASH FUNDS							
FEDERAL FUNDS							
OTHER FUNDS							
TOTAL FUNDS							

**Explanation of Estimate:** 

LB636 is estimated to have the following impact:

1. JUSTICE, the Judicial Branch case management system, will require modifications. Estimate: \$25,000 one-time General Funds.

1. General Fund revenue will decrease. Currently a portion of cash bond funds, from county court, is deposited in the General Fund. Estimate: \$1.9-2.0 million per fiscal year, based on the last three fiscal years

2. Supreme Court rules must be developed. No additional resources required.

3. Judicial workload will increase due to the use of assessments and additional requirements. No estimate of the impact can be determined at this time.

4. Considerable judicial, court and probation staff education will be required. Some fiscal impact, but not significant. No additional resources required.

Note:

1. Although the court is listed as an entity that can supervise, for this fiscal note, it is assumed that Probation would not take on this role, but rather a county organization. If Probation is required to supervise, General Fund expenditures would increase. A revised fiscal note would need to be developed.

2. It is estimated that the impact on Juvenile Probation would not be significant since conditional release is already used for youth in several counties. No additional resources required.

<u>BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE</u>							
Personal Services:							
NUMBER OF POSITIONS 2021-22 2022-23							
POSITION TITLE	21-22	22-23	EXPENDITURES	EXPENDITURES			
Benefits							
Operating							
Travel							
C:							
Capital outlay							
Aid							
Capital improvements							
TOTAL							

<b>LB</b> <sup>(1)</sup> 636				FISCAL NOTE	
State Agency OR Political Subdivision Name: <sup>(2)</sup>	Department of Motor Vehicles				
Prepared by: <sup>(3)</sup> Bart Moore	Date Prepared: <sup>(4)</sup>	January 26, 2021	Phone: (5)	402-471-3902	
ESTIMATE PROVID	DED BY STATE AGENO	CY OR POLITICAL S	UBDIVISIO	PN	
EV	2021-22		FY 2022	09	
EXPENDITURES		EXPENDITU		<u>REVENUE</u>	
GENERAL FUNDS					
CASH FUNDS					
FEDERAL FUNDS					
OTHER FUNDS					
TOTAL FUNDS					

**Explanation of Estimate:** 

This legislation will require significant staff time in various divisions within the department that will need to be absorbed within existing appropriations.

The bill requires the Director to promulgate a rule and regulation on a subject matter that is not currently within the purview of the role and responsibility of the Department. Section 37 of the bill amends 60-1307, which outlines provisions for officers of the Nebraska State Patrol relating to the enforcement of commercial carriers.

<u>BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE</u>							
Personal Services:							
	NUMBER OF	POSITIONS	2021-22	2022-23			
POSITION TITLE	<u>21-22</u>	<u>22-23</u>	<b>EXPENDITURES</b>	<b>EXPENDITURES</b>			
	·	·					
Benefits							
Operating							
Travel							
Capital outlay							
Aid							
Capital improvements							
TOTAL							

LB <sup>(1)</sup> 636				<b>FISCAL NOTE</b>
State Agency OR Politic	al Subdivision Name: <sup>(2)</sup>	Nebraska State Pa	atrol	
Prepared by: <sup>(3)</sup> Carol Aversman		Date Prepared: <sup>(4)</sup>	2/27/2021	Phone: (5)
	ESTIMATE PROVID	DED BY STATE AGENC	Y OR POLITICAL S	UBDIVISION
	<u>FY s</u> EXPENDITURES	2021-22 <u>REVENUE</u>	<u>EXPENDITU</u>	<u>FY 2022-23</u> RES <u>REVENUE</u>
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				
Explanation of Estima	te:			
No Fiscal Impact.				

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE							
Personal Services:							
	NUMBER OF	POSITIONS	2021-22	2022-23			
POSITION TITLE	21-22	22-23	<b>EXPENDITURES</b>	<b>EXPENDITURES</b>			
Benefits							
Operating							
Travel							
Capital outlay							
Aid							
/ <b>Mu</b>							
Capital improvements							
TOTAL							

LB <sup>(1)</sup> LB6	36			FISCAL NOTE
State Agency OR	Political Subdivision Name: <sup>(2)</sup>	Lancaster C	ounty Community	Corrections
Prepared by: <sup>(3)</sup>		Date Prepared: <sup>(4)</sup>	Phone: <sup>(5)</sup>	
	ESTIMATE PROV	IDED BY STATE AGEN	NCY OR POLITICAL SUBDIVIS	SION
	<u>FY</u> EXPENDITURES	<u>2021-22</u> 5 REVENUE	<u>FY 2029</u> EXPENDITURES	2-23 REVENUE
GENERAL FUN		<u>0.00</u>	\$82,595	0.00
CASH FUNDS				
FEDERAL FUN				
OTHER FUND				
TOTAL FUNDS		F		

**Explanation of Estimate:** 

It is anticipated Pretrial Supervision will be requested on a number of individuals released from custody under 636. To accommodate these needs of the court I will need to hire an additional case manager. One case manager can supervise approximately 25-30 individuals. If numbers exceed this limit additional staff may be required.

	NUMBER OF F	OSITIONS	2021-22	2022-23
POSITION TITLE	21-22	22-23	<b>EXPENDITURES</b>	EXPENDITURES
Case Manager	1	1-2	\$42,565	\$44,096- \$88,192
Benefits			\$18,149	\$24,624- \$49,248
Operating			\$15,375	\$13,875- \$27,750
Travel				
Capital outlay				
Aid				
Capital improvements				
TOTAL	• • •		\$76,809	\$82,595- \$165,190

## 2021

<b>LB</b> <sup>(1)</sup> 636					FISCAL NOTE
State Agency OR Politica	al Subdivision Name: <sup>(2)</sup>	Lancaster County	Public Defender		
Prepared by: <sup>(3)</sup> Joe	Nigro	Date Prepared: <sup>(4)</sup>	2/23/21	Phone: (5)	(402)441-7631
	ESTIMATE PROVID	DED BY STATE AGEN(	<u>CY OR POLITICAL S</u>	UBDIVISIC	DN
	FY	2021-22		FY 2022	-93
	EXPENDITURES	<u>REVENUE</u>	<b>EXPENDITU</b>		REVENUE
GENERAL FUNDS		\$1,324,936			\$1,324,936
CASH FUNDS					
FEDERAL FUNDS					
OTHER FUNDS					
TOTAL FUNDS		\$1,324,936			\$1,324,936

**Explanation of Estimate:** 

Two years ago, Lancaster County Corrections estimated savings of \$662,468 if the jail population was reduced by 100 inmates from a similar bill. This was a conservative estimate based upon a reduction in jail staff. This bill could reduce the jail population in Lancaster County by 200 inmates, doubling the projected savings from the earlier estimate. This is still a conservative estimate, as the jail population could be reduced by 360 inmates if the passage of this bill is as successful as the elimination of money bond has been in the District of Columbia. It costs \$110 a day to house someone in the jail. There will be increased costs to counties to provide pretrial supervision, but the research is clear that this is much less expensive than the costs of incarceration. Lancaster County's Department of Community Corrections addressed these costs in a separate fiscal note. There will be other savings with fewer bond review hearings, fewer trips to jail for attorneys, and the time involved for all of this for court personnel, jail staff, and attorneys. Reducing the number of people incarcerated will provide substantial savings to counties.

<u>BREAKI</u>	DOWN BY MAJ	OR OBJECTS O	<u>F EXPENDITURE</u>	
Personal Services:				
	NUMBER OF	POSITIONS	2021-22	2022-23
POSITION TITLE	21-22	22-23	<b>EXPENDITURES</b>	<b>EXPENDITURES</b>
	<u> </u>			
Benefits				
Operating				
Travel	••			
Capital outlay				
Aid				
Capital improvements				
TOTAL				

LB <sup>(1)</sup> 636				FISCAL NOTE
State Agency OR P	olitical Subdivision Name: <sup>(2)</sup>	City of Lincoln		
Prepared by: <sup>(3)</sup>	James Van Bruggen	Date Prepared: <sup>(4)</sup>	2/2/21 Phone: <sup>(5)</sup>	402-441-8301
	ESTIMATE PROVID	DED BY STATE AGEN(	CY OR POLITICAL SUBDIVISI	ON
	FY	2021-22	FY 2022	2-23
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNI	DS			
CASH FUNDS				
FEDERAL FUND	DS			
OTHER FUNDS				
TOTAL FUNDS				
Explanation of Es	timate:			

No fiscal impact.

BREAKI	OOWN BY MA.	<b>IOR OBJECTS O</b>	F EXPENDITURE	
Personal Services:				
POSITION TITLE	NUMBER OI <u>21-22</u>	F POSITIONS <u>22-23</u>	2021-22 <u>EXPENDITURES</u>	2022-23 <u>EXPENDITURES</u>
Benefits				
Operating				
Travel				
Capital outlay				
Capital improvements				
TOTAL				

LB <sup>(1)</sup> 636				<b>FISCAL NOTE</b>
State Agency OR P	olitical Subdivision Name: (2)	City of Omaha		
Prepared by: <sup>(3)</sup>	Tyler Leimer	Date Prepared: <sup>(4)</sup>	1/26/2021 Phone: (	5) (402) 444-4514
	ESTIMATE PROVID	DED BY STATE AGENO	CY OR POLITICAL SUBDIVIS	ION
	<u>FY</u> EXPENDITURES	<u>2021-22</u> <u>REVENUE</u>	<u>FY 209</u> <u>EXPENDITURES</u>	<u>22-23</u> <u>REVENUE</u>
GENERAL FUNI	DS			
CASH FUNDS				
FEDERAL FUND	DS			
OTHER FUNDS				
TOTAL FUNDS				

## **Explanation of Estimate:**

The fiscal impact of LB 636 is very hard to determine on a monetary level. The City would see initial costs go down as it pays less for incarceration. This cost could potentially be negated by extra time being spent on City prosecutors and law enforcement working more man hours in the long run.

## BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

		OR OBJETE O	I DHI BRDITCHE	
Personal Services:				
POSITION TITLE	NUMBER OF <u>21-22</u>	F POSITIONS <u>22-23</u>	2021-22 <u>EXPENDITURES</u>	2022-23 <u>EXPENDITURES</u>
Benefits				
Denents				
Operating				
Travel				
Capital outlay				
Aid				
Capital improvements				
TOTAL				