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# LB 760

Revision: 01

# FISCAL NOTE

## LEGISLATIVE FISCAL ANALYST ESTIMATE

Revision reflects AM1586, AM1953 and AM2003

### ESTIMATE OF FISCAL IMPACT – STATE AGENCIES \*

	FY 2003-04		FY 2004-05	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	see below	see below	see below	see below
CASH FUNDS	see below	see below	see below	see below
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	see below	see below	see below	see below

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

The committee amendment AM 1586 incorporates several bills relating to court administration into LB 760. The original bill provides mandatory training to all judges and court staff and makes changes to the Judges Retirement Fund. The amendment adds LB 62, LB 489, LB 699, and LB 808 to the original bill.

LB 760 provides in addition to all other court costs assessed according to law a training and education fee of one dollar be taxed as costs for each case, including appeals, filed in county, juvenile and district courts. The court costs shall also apply to each appeal and original action filed in the Court of Appeals and Supreme Court. The Supreme Court estimates the court cost will apply to approximately 400,000 cases annually with 10% being uncollectible. This would generate \$360,000 annually to support training and education programs for judges and employees of the Supreme Court and the Probation Department. In addition, the bill raises the court fees for the Nebraska Retirement Fund for judges from one to five dollars. The Retirement Board estimates the increase will raise \$1,759,428. The Retirement Board's estimate multiplies the actual fees collected in FY 02 by the four dollars. The increase will used to offset a short fall in the judges retirement fund.

LB 62 changes provisions relating to the Commission on Public Advocacy. The bill provides in addition to all other court costs assessed according to law an indigent defense fee of two dollars and seventy-five cents be taxed as costs for each case, including appeals, filed in county, juvenile and district courts. The court costs shall also apply to each appeal and original action filed in the Court of Appeals and Supreme Court. The Supreme Court advises the court cost will apply to approximately 400,000 cases annually with 10% being uncollectible. Annual receipts would then equal \$990,000. (360,000 cases times \$2.75minus).

The bill provides enough funding from court costs to replace general funds utilized for operating costs. Currently the operating budget is comprised of \$569,184 in general funds and \$211,067 in federal grant and matching funds for two attorneys and a staff position. The federal funding is anticipated to expire and it is questionable whether the funds will be renewed. Sufficient funds will be available from the new court fees to replace the general and federal funds currently utilized for operating expenses.

LB 489 waives the complete record fee for Title IV cases, *in forma pauperis actions*, and cases filed by the county attorney. The Supreme Court advises the change will have no fiscal impact on the state court system.

LB 699 creates the Dispute Resolution Cash Fund to receive a dispute resolution fee of seventy-five cents taxed as costs for each case mentioned in LB 760 and LB 62. The fund will supplement funding to the Office of Dispute Resolution and the State Law Library. The dispute resolution fee will generate \$270,000 annually. (360,000 cases times \$.75)

A portion of the additional court fees generated by LB 760 and LB 699 will reduce the Courts need for General Funds by \$300,000 in FY 04 and \$75,000 in FY 05

LB 808 authorizes the Chief Justice of the Supreme Court to close court on certain days. The Supreme Court estimates the bill will allow the Chief Justice to reduce court hours in county courts with filings of 800 or less by fifty percent. The courts estimate savings from reducing the operating hours in the 14 courts is \$200,000 in FY 2004 and \$250,000 in FY 05. These savings are included in the appropriation to the Supreme Court in LB 407 the mainline budget bill.