

**FISCAL NOTE**

**LEGISLATIVE FISCAL ANALYST ESTIMATE**

Updated on February 11, 2016.

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES</b> (See narrative for political subdivision estimates)				
	<b>FY 2016-17</b>		<b>FY 2017-18</b>	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	191,200		249,950	
CASH FUNDS	10,000		10,000	
FEDERAL FUNDS				
OTHER FUNDS				
<b>TOTAL FUNDS</b>	<b>201,200</b>		<b>259,950</b>	

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

This bill would create a veterans' treatment court pilot project.

The following table shows the Supreme Court's estimated impact, as adjusted by this fiscal note:

ITEMS	FY17	FY18	FY19	FY17	FY18	FY19
	Number of Positions			Expenditures		
Probation Officer	1.50	1.50	1.50	60,953	81,270	81,270
Benefits				35,198	46,930	46,930
Computer programming to monitor data from the veteran's court				10,000	10,000	10,000
Evaluation of the project by an independent entity				0	0	50,000
Court participant evaluations and assessments				5,625	7,500	7,500
Substance abuse & mental health treatment				46,125	61,500	61,500
Supervision tools such as drug testing and alcohol monitoring				31,500	42,000	42,000
Miscellaneous expenses (safety equipment )				3,550	2,250	2,250
Travel				8,250	8,500	8,500
<b>TOTAL</b>	<b>1.50</b>	<b>1.50</b>	<b>1.50</b>	<b>201,200</b>	<b>259,950</b>	<b>309,950</b>
By Fund Source:						
GENERAL FUNDS				191,200	249,950	249,950
CASH FUNDS				10,000	10,000	60,000
<b>TOTAL FUNDS</b>				<b>201,200</b>	<b>259,950</b>	<b>309,950</b>

Adjustments:

- FY17 has been adjusted to 75% of the Supreme Court's estimated costs for most items. This adjustment reflects the effective date of the bill (three calendar months after Sine Die) and also that historically programs do not ramp-up immediately.
- Any salary increases past FY17 will be funded during the next biennial budget process.
- The Supreme Court's fiscal note response includes this item: \$10,000 for computer programming to monitor data from this court. This fiscal note assumes that the Court can use the Supreme Court Automation Cash Fund to pay for this item.
- The Supreme Court included funding for 3 years of Program Evaluation and this fiscal note only includes funding for the last year of the pilot project. Additionally, this fiscal note assumes that the evaluation can be paid for from the Community Corrections Uniform Data Analysis Cash Fund as this cash fund has been used previously for evaluations.
- This fiscal note assumes FY19 costs would be the same as FY18.

The Supreme Court states that the substance abuse & mental health treatment estimate represents a State portion of 25% of the total cost of treatment. The Court assumes that the Federal Veteran’s Administration will fund the remaining 75%. Additionally, the Supreme Court notes that their estimate is for a pilot project only. Full implementation of a veteran’s treatment court could require additional funding. See their response following for additional details.

This bill could reduce the state prison inmate population because it creates another problem solving court program. Problem solving courts can divert persons from prison, thus reducing the prison population. Problem Solving court types include adult, juvenile, and family drug courts, young adult court, and DUI court.

As of December 2015, the state inmate prison population was 157% of design capacity. In December 2014, the inmate prison population was 159% of design capacity. Additionally, the Department of Correctional Services (DCS) contracts with some counties to temporarily house prison inmates. If those inmates are included in the state prison population numbers, then the December 2015 inmate prison population would be 162% of design capacity.

The Department of Correctional Services (DCS) estimates the average cost per offender (All facilities including Parole) at \$28,182 per year. This is the cost of the facilities plus staff. For every inmate, DCS incurs per diem costs. This is the cost for food, medical care, inmate wages, clothing, cleaning supplies, food service supplies, cell and dorm supplies, other supplies, laundry, inmate property, miscellaneous contractual services, and transportation. The FY15 per diem cost for an individual inmate was \$8,712 per year.

The Department of Correctional Services (DCS) states that there are currently 166 veterans incarcerated out a total of 5,430 total (3%). DCS estimates this bill could impact future admissions but they are unable to estimate an impact at this time.

The Crime Commission estimates no fiscal impact from this bill.

ADMINISTRATIVE SERVICES-STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES			
LB: 915	AM:	AGENCY/POLT. SUB: Dept. of Corrections	
REVIEWED BY: Elton Larson		DATE: 2/5/16	PHONE: 471-4173
COMMENTS: DCS unable to determine fiscal impact given uncertainties relating to inmate eligibility and timing of the pilot program’s implementation.			

ADMINISTRATIVE SERVICES-STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES			
LB: 915	AM:	AGENCY/POLT. SUB: Crime Commission	
REVIEWED BY: Elton Larson		DATE: 1/21/16	PHONE: 471-4173
COMMENTS: No basis to disagree with Crime Commission estimate of no fiscal impact to agency.			

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

**2016**

**LB<sup>(1)</sup> 915, revised**

**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> 2/9/16

Phone: <sup>(5)</sup> 1-4138

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

	<u>FY 2016-17</u>		<u>FY 2017-18</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
<b>TOTAL FUNDS</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>

**Explanation of Estimate:**

LB915 states intent language regarding creation of a veteran’s treatment court pilot project. Assuming this problem-solving court is created, the estimated General Fund impact is \$313,750 for FY16-17 and \$312,200 for FY17-18. See additional detail in the narrative and figures below.

1. Existing judicial resources would be used
2. Average caseload per FY: 30
3. Probation officers (1.5 FTE) would be hired for supervision of participants
4. Operating expenses for FY16-17 includes:
  - a. 10,000 computer programming to monitor data from this court
  - b. 50,000 evaluation of the project by an independent entity
  - c. 7,500 court participant evaluations and assessments
  - d. 61,500 substance abuse & mental health treatment. Estimate represents State portion only or 25% of the total cost of treatment. It is assumed Federal Veteran’s Administration will fund the remaining 75%.
  - e. 42,000 probation supervision tools such as drug testing and alcohol monitoring. It is assumed not all participants will require such supervision.
  - f. 3,550 miscellaneous expenses, such as safety equipment for probation officers
5. Travel for FY16-17 includes expenses related to training and participant supervision

Note: The estimated fiscal impact is for a pilot project only. Full implementation of a veteran’s treatment court would require additional funding, including additional staff and possibly judicial resources.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2016-17</u>	<u>2017-18</u>
	<u>16-17</u>	<u>17-18</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Probation Officer	1.5	1.5	81,270	83,220
Benefits.....			46,930	47,230
Operating.....			174,550	173,250
Travel.....			11,000	8,500
Capital outlay.....				
Aid.....				
Capital improvements.....				
<b>TOTAL.....</b>			<b>313,750</b>	<b>312,200</b>

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**2016**

**LB<sup>(1)</sup> 915**

**FISCAL NOTE**

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

Nebraska Department of Correctional Services (DCS)

Prepared by: <sup>(3)</sup> Brendon Polt

Date Prepared: <sup>(4)</sup> 2/2/2016

Phone: <sup>(5)</sup> (402) 479-5702

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

	<u>FY 2016-17</u>		<u>FY 2017-18</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
<b>TOTAL FUNDS</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>

**Explanation of Estimate: Indeterminate Fiscal Impact**

According to self-reported data provided by DCS inmates, there are currently 166 veterans incarcerated within the Department out a total of 5,430 total (3%). At this time, DCS is unable to estimate the number of future admissions that would be veterans eligible for participation in the three-year pilot project that would be established under this legislation. This is due to the uncertainty surrounding criteria for eligibility, the number of participants, length of programming, and how long it could take for the courts to begin operation.

The average annual cost of incarceration for an inmate in Nebraska during FY 2015 was \$8,711.67.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2016-17</u>	<u>2017-18</u>
	<u>16-17</u>	<u>17-18</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
<b>TOTAL.....</b>	<b>_____</b>	<b>_____</b>	<b>_____</b>	<b>_____</b>

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**2016**

**LB<sup>(1)</sup> 915**

**FISCAL NOTE**

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

NE Crime Commission

Prepared by: <sup>(3)</sup> Bruce Ayers

Date Prepared: <sup>(4)</sup> 1-19-2016

Phone: <sup>(5)</sup> 402-471-0359

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2016-17</u>		<u>FY 2017-18</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:

LB 915 has no fiscal impact on the Crime Commission.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2016-17</u>	<u>2017-18</u>
	<u>16-17</u>	<u>17-18</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____