

FISCAL NOTE
 LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES *

	FY 2002-03		FY 2003-04	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

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

LB 1227 proposes adopting the Interstate Compact for Adult Offender Supervision. The purpose of the compact is to promote public safety, protect the rights of victims by controlling and regulating interstate movement of offenders, provide for tracking, supervision, and rehabilitation of offenders by sending and receiving states, and equitable distribution of costs, benefits and obligations of the compact to the compacting states.

The compact creates the Interstate Commission for Adult Offender Supervision. The membership of the Commission shall consist of commissioners selected and appointed by resident members of a State Council for Interstate Adult Offenders Supervision in each member state. Additional ex officio, nonvoting members shall include individual members of national organizations of governors, legislators, state chief justices, attorneys general, crime victims, and any additional members the Commission may provide for in its bylaws.

The bill provides the Commission shall adopt bylaws governing management and operations; promulgate rules for the compacting states; oversee, supervise and coordinate the interstate movement of offenders; enforce compliance with compact provisions; establish and maintain offices; hire staff, including defining compensation, duties and qualifications needed to carry out the commission's purpose; accept donations and grants; and establish a budget and make expenditures.

The State Council for Interstate Adult Offender Supervision, is responsible for the appointment of the commissioner who will represent Nebraska on the Interstate Commission for Adult Offender Supervision. Each state determines the membership of its own state council but must include at least one representative each from the legislative, judicial, executive branches of government, and victims groups. The state commissioner also serves as the state's compact administrator responsible for the administration and management of offender supervision and transfer under the terms of the compact. In addition to the appointment of the commissioner, the state council shall exercise oversight and advocacy for participation in interstate commission activities and other duties as may be determined by the state.

The fiscal impact is unknown at this time due to the number of variables. First, the bill provides the compact shall become effective and binding upon legislative enactment of the compact into law by no less than thirty-five states. When thirty five states have enacted legislation, "the interstate commission shall pay or provide for the payment of reasonable expenses of its establishment, organization and on going activities. The commission shall levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the interstate commission and its staff which must be in a total amount sufficient to cover the interstate commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the interstate commission taking into consideration the population of the state and the volume of interstate movement of offenders in each compacting state and shall promulgate a rule binding upon all compacting states which governors said assessment."

Probation Administration advises the National Institute of Corrections and the Council of State Governments preliminary estimates are Nebraska would be assessed \$18,000 annually. This fiscal note takes issue with that figure. Since only 25 states have enacted legislation, the Commission is still just a concept. There is no basis, at this time, to determine the annual cost of the commission's operations and since only the commission can determine the method for states' assessment the estimate seems premature. Nebraska's assessment can not be determined at this time.

The second area having an undeterminable fiscal impact is the provision for the State Council for Interstate Adult Offender Supervision. The bill provides general responsibilities for the state council and compact administrator but the actual organizational structure and membership is yet to be determined. Nor is it clear whether the compact administrator needs to be a full time position. The structure is left for the state to decide. Without the additional specifics the fiscal impact is undeterminable

Finally, on page 25 of the green copy under Article XIV, Binding Effect of Compact and Other Laws, "all compacting state laws conflicting with this compact are superceded to the extent of the conflict" and "all lawful actions of the interstate commission including all rules and bylaws promulgated by the interstate commission are binding upon the compacting states". Until the commission is established and the rules and bylaws are approved it is unknown if Nebraska statutes governing the operations and procedures of Nebraska courts, the Department of Probation, the Department of Correctional Services, or the Parole Department may be in conflict with the rules and bylaws of the compact. There could be costs associated with changes in procedures and or operations affecting any one of these agencies.

DEPARTMENT OF ADMINISTRATIVE SERVICES

REVIEWED BY	Rich Robinson	DATE 2/8/02	PHONE 471-2526
COMMENTS			
NEBRASKA COMMISSION ON LAW ENFORCEMENT: No fiscal impact. DEPARTMENT OF CORRECTIONAL SERVICES: No basis to disagree. BOARD OF PAROLE/BOARD OF PARDONS: No fiscal impact. SUPREME COURT: See Ed Birkel's response. SUPREME COURT/PROBATION: Indeterminate fiscal impact.			