

PREPARED BY: Doug Nichols
 DATE PREPARED: February 14, 2012
 PHONE: 402-471-0052

LB 1145

Revision: 00

FISCAL NOTE
 LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES *				
	FY 2012-13		FY 2013-14	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	See Below			
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

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

This bill would change and provide provisions and penalties relating to human trafficking and pandering. It would provide for the forfeiture of assets involved in human trafficking. The bill would require the posting of signs, the establishment of a commission, and the training of certain officials regarding human trafficking.

The bill creates a new commission and mandates training. This would appear to create a cost to the state. However, no specific agency is assigned responsibility for operating and paying the expenses of the commission. Additionally, no specific agency is designated to conduct and pay for the training. In the Supreme Court's response below, they note a possible expenditure impact from this training provision. However, the possible impact to the Supreme Court is only for judges and possibly probation officers, not all the other officials listed in Section 8 of the bill.

The proceeds from the forfeitures authorized under this bill are to be sold and disposed of in the manner provided for the disposition of fines, penalties, and license money under the Constitution of Nebraska. The Legislative Fiscal Office (LFO) understands that this would mean these proceeds would accrue to the county where the property was seized to be used for the support of public schools.

The provisions of this bill could impact state and local criminal justice resources (courts, law enforcement, prosecutors, public defenders, probation, jails, etc.). It is unknown how many individuals would violate the provisions of this bill, and therefore, it will have an indeterminate impact on criminal justice expenditures. Additionally, any fines assessed pursuant to convictions will accrue to the county where the violation occurs to be used for the support of public schools.

Specific impacts to the Supreme Court and state agencies are noted below.

The Supreme Court estimates no significant impact on judicial workload. The Court states there may be increased General or Cash Fund expenditures from providing the mandatory training stated in Section 8 [LFO note: only for judges and possibly probation officers, not all the other officials listed in this section]. The Supreme Court further states that the amount would be difficult to determine since Section 8 requires participation from nongovernmental organizations which may provide funding for such training.

The Crime Commission estimates no fiscal impact from this bill and their response follows:

LB 1145 has no fiscal impact on the Crime Commission. The bill creates a new commission. The Crime Commission Executive Director is a member of this commission. The commission is not assigned to any specific state agency for administrative purposes. Section 8 of the bill also requires the state to provide mandatory training on human trafficking for law enforcement agencies, prosecutors, public defenders, judges, and juvenile detention center staff but does not assign the training responsibility to any specific agency.

Continued

The Department of Correctional Services (DCS) states that this bill will have an indeterminable fiscal impact, and their response follows:

Fiscal Impact – Indeterminable. The impact on NDCS related to future admissions is not determinable.

The FY 11 per diem (cost per day of feeding, clothing, housing, medical, etc.) for an individual inmate was \$5,799 per year.

NDCS admitted one inmate in 2011 for pandering. There were no admissions for this offense in 2009 or 2010.

Section 6 of this bill establishes a new Commission, of which the Director of Correctional Services is one of the named members. The Commission has some reporting responsibilities and the bill does not identify which agency will provide administrative, technical or financial support. NDCS has no reason to believe that this will result in additional cost to the agency.

The Department of Roads (Roads) estimates a one-time cash fund cost of \$375 to make the signs required to be posted by this bill. Roads has 25 rest areas in which to post these signs, and they estimate the cost per sign at \$15 each. Roads further notes that installation of the signs would be performed by staff during normal working hours.

The Liquor Control Commission estimates a one-time General Fund expenditure of \$500 to print the required signs.

The Department of Health and Human Services (HHS) states that the juvenile detention center staff and other staff involved in the juvenile justice system and the private contractor workers are to receive training on human trafficking. HHS notes it is difficult to estimate the costs of this training because of where the training sites would be located, the cost of lodging and meals, training materials, and worker time. The cost of the printing and mailing the signs is estimated to be \$1,850.

The Department of Education (NDE) notes a minimal cost for the signs required by this bill.

DEPARTMENT OF ADMINISTRATIVE SERVICES

REVIEWED BY	Joe Wilcox	DATE 1/30/12	PHONE 471-2526
<p>COMMENTS</p> <p>DEPARTMENT OF CORRECTIONAL SERVICES: No disagreement with agency analysis respective to NDCS.</p> <p>NEBRASKA DEPARTMENT OF EDUCATION: Concur with basic cost assumption by the Department of Education relative to LB 1145, Section 5, however, the department does not provide an estimate of such cost.</p> <p>DEPARTMENT OF HEALTH AND HUMAN SERVICES: No basis to dispute DHHS analysis, although it is unclear whether their estimate of \$1,850 for printing and mailing posters is considered a one-time cost or an on-going annual cost.</p> <p>COMMISSION OF LAW ENFORCEMENT AND CRIMINAL JUSTICE: Concur with agency analysis respective to the Crime Commission.</p> <p>NEBRASKA LIQUOR CONTROL COMMISSION: No basis to dispute agency analysis with respect to Section 5 of LB 1145, relative to the Liquor Control Commission.</p> <p>NEBRASKA DEPARTMENT OF ROADS: No basis to dispute agency analysis with respect to the Department of Roads.</p> <p>SUPREME COURT: Section 8 of LB 1145 requires training but does not specify who would provide the training or incur the cost. No basis to dispute agency analysis relative to the Supreme Court.</p>			

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

LB⁽¹⁾ 1145 FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Department of Correctional Services

Prepared by: ⁽³⁾ Christina Peters Date Prepared: ⁽⁴⁾ 1/27/2012 Phone: ⁽⁵⁾ 402-479-5702

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2012-2013</u>		<u>FY 2013-2014</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>Indeterminable</u>	<u> </u>	<u> </u>	<u> </u>
CASH FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
FEDERAL FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
OTHER FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>

Return by date specified or 72 hours prior to public hearing, whichever is earlier.
Explanation of Estimate:

Fiscal Impact – Indeterminable.

The impact on NDCS related to future admissions is not determinable.

The FY 11 per diem (cost per day of feeding, clothing, housing, medical, etc.) for an individual inmate was \$5,799 per year.

NDCS admitted one inmate in 2011 for pandering. There were no admissions for this offense in 2009 or 2010.

Section 6 of this bill establishes a new Commission, of which the Director of Correctional Services is one of the named members. The Commission has some reporting responsibilities and the bill does not identify which agency will provide administrative, technical or financial support. NDCS has no reason to believe that this will result in additional cost to the agency.

MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2012-2013</u>	<u>2013-2014</u>
	<u>12-13</u>	<u>13-14</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
<u>Benefits.....</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>Operating.....</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>Travel.....</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>Capital outlay.....</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>Aid.....</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>Capital improvements.....</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>TOTAL.....</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

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

LB⁽¹⁾ 1145 FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Nebraska Department of Education

Prepared by: ⁽³⁾ Russ Inbody Date Prepared: ⁽⁴⁾ January 23, 2012 Phone: ⁽⁵⁾ (402) 471-4320

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2012-2013</u>		<u>FY 2013-2014</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>

Return by date specified or 72 hours prior to public hearing, whichever is earlier.
Explanation of Estimate:

There does appear to have a minimal fiscal impact to NDE in the costs of posters or notices that would be required to be provide to school districts so that the school districts could post in accordance with section 5 of the bill.

MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2012-2013 EXPENDITURES</u>	<u>2013-2014 EXPENDITURES</u>
	<u>12-13</u>	<u>13-14</u>		
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

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ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

State Agency or Political Subdivision Name:(2) Department of Health and Human Services

Prepared by: (3) Willard Bouwens

Date Prepared:(4) 2-14-12

Phone: (5) 471-8072

	FY 2012-2013		FY 2013-2014	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	See Below		See Below	

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate:

The juvenile detention center staff and other staff who are involved in the juvenile justice system and possible Private Contractor workers are to receive training on Human Trafficking. It is difficult to estimate the costs to Department of Health and Human Services Children and Family Division, because of where the training sites would be, and the cost of lodging and meals, training materials, and worker time. The estimated cost to the Division of Public Health Licensure Unit of \$1,850 would be for printing and mailing of posters.

MAJOR OBJECTS OF EXPENDITURE

PERSONAL SERVICES:	POSITION TITLE	NUMBER OF POSITIONS		2012-2013	2013-2014
		12-13	13-14	EXPENDITURES	EXPENDITURES
Benefits.....					
Operating.....					
Travel.....					
Capital Outlay.....					
Aid.....					
Capital Improvements.....					
TOTAL.....				See Above	See Above

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LB⁽¹⁾ 1145 FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Commission on Law Enforcement and Criminal Justice

Prepared by: ⁽³⁾ Bruce Ayers Date Prepared: ⁽⁴⁾ 1-26-2012 Phone: ⁽⁵⁾ 471-0359

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2012-2013		FY 2013-2014	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate: LB 1145 has no fiscal impact on the Crime Commission. The bill creates a new commission. The Crime Commission Executive Director is a member of this commission. The commission is not assigned to any specific state agency for administrative purposes. Section 8 of the bill also requires the state to provide mandatory training on human trafficking for law enforcement agencies, prosecutors, public defenders, judges, and juvenile detention center staff but does not assign the training responsibility to any specific agency.

MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2012-2013	2013-2014
	12-13	13-14	EXPENDITURES	EXPENDITURES
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

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LB⁽¹⁾ 1145 FISCAL NOTE

LEGISLATIVE FISCAL

State Agency OR Political Subdivision Name: (2)

Nebraska Liquor Control Commission

Prepared by: (3) Jerry Van Ackeren

Date Prepared: (4) 1/23/2012

Phone: (5) 1-4892

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2012-2013		FY 2013-2014	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	500	0	500	0
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	500	0	500	0

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate:

The estimate links to approximate cost to print posters.

MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2012-2013	2013-2014
	12-13	13-14	EXPENDITURES	EXPENDITURES
			0	0
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....			0	0

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LB⁽¹⁾ 1145 FISCAL NOTE

LEGISLATIVE FISCAL

State Agency OR Political Subdivision Name: (2)

NEBRASKA DEPARTMENT OF ROADS

Prepared by: (3) Marilyn Hayes

Date Prepared: (4) 1-27-2012

Phone: (5) 402-479-4692

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2012-2013		FY 2013-2014	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS			375	
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS			375	

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate:

LB 1145 changes provisions and penalties relating to human trafficking and pandering. This LB requires that a poster or sign be posted, at every highway rest stop and other public places; to provide the details and phone number for the National Human Trafficking Resource Center Hotline.

These posters or signs are to be in a conspicuous place near the entrance of the premises or where such items are customarily posted; be printed in English and Spanish as well as any additional languages mandated in the county; and shall be no smaller than 8 1/2 by 11 inches in size.

The Department of Roads has 25 rest areas and the estimated cost to make an 8 1/2 x 11 poster is approximately \$15 each, for a total estimated cost of \$375. Installation of posters would be performed by the department staff during normal working hours.

Fiscal impact to Department of Roads would be approximately \$375.

MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2012-2013 EXPENDITURES	2013-2014 EXPENDITURES
	12-13	13-14		
Benefits.....				
Operating.....				375
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				375

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LB⁽¹⁾ 1145 FISCAL NOTE

State Agency OR Political Subdivision Name: (2) Supreme Court

Prepared by: (3) Eric Asboe Date Prepared: (4) 2/8/12 Phone: (5) 1-4138

LEGISLATIVE FISCAL

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2012-2013		FY 2013-2014	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate:

No significant impact on judicial workload. There may be increased General or Cash Fund expenditures from providing the mandatory training stated in Section 8. However, the amount would be difficult to determine since Section 8 requires participation from nongovernmental organizations which may provide funding for such training.

MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2012-2013 EXPENDITURES	2013-2014 EXPENDITURES
	12-13	13-14		
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____