Doug Nichols February 16, 2021 402-471-0052

## LB 114

## Revision: 00 FISCAL NOTE LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)						
	FY 202	1-22	FY 2022-23			
	EXPENDITURES REVENUE		EXPENDITURES	REVENUE		
GENERAL FUNDS	\$728,030		\$801,306			
CASH FUNDS		See Below				
FEDERAL FUNDS						
OTHER FUNDS						
TOTAL FUNDS	\$728,030		\$801,306			

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

This bill would adopt the Clean Slate Act.

The following table summarizes the impact to the Nebraska State Patrol (NSP):

	FY2021-22	FY2022-23	FY2021-22	FY2022-23
ITEMS	Number of	f Positions	Expenditures	
IT Business System Analyst	1.00	1.00	40,753	48,905
IT Applications Developer	1.00	1.00	45,540	54,650
Records Analysis Supervisor	2.00	2.00	76,357	91,632
Staff Assistant I	5.00	5.00	129,128	154,960
Records Technicians	9.00	9.00	201,170	241,413
Benefits			172,532	207,046
Office Supplies			2,250	2,700
Computers, Office Cubicals, and Chairs			60,300	0
TOTAL	18.00	18.00	728,030	801,306

Because the bill requires NSP to perform additional duties, it is not unreasonable to assume that NSP would have increased expenditures. At this time, there is no basis to disagree with the estimate. See the NSP response attached for additional details.

The Supreme Court estimates a preliminary impact as follows: IT systems changes = \$300,000, plus 5 additional staff = \$351,470, for a total of \$651,470. The Court states that a more detailed fiscal impact may be completed at a later date.

The bill provides a fee of up to \$40 to recoup the costs associated with administering the Clean Slate Act. Any revenue generated by this fee could help reduce the General Fund costs estimated by the Court. The amount of any fee revenue is unknown at this time.

The Crime Commission and the Department of Health and Human Services estimate no fiscal impact from this bill.

The Department of Motor Vehicles estimates a minimal fiscal impact and notes any additional costs will be absorbed within their existing appropriation.

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

Sarpy County estimates additional expenditures of \$56,250 in FY22 and \$57,500 in FY23 to add a staff person to monitor petitions and coordinate responses.

The Lancaster County Department of Corrections estimates no fiscal impact from this bill.

The City of Lincoln estimates a minimal fiscal impact.

The City of Omaha estimates annual expenditures of \$1.24 million to develop, test, and maintain a database for the records, and to add three additional staff members to manage and track requests, and to update the database. Because this bill imposes additional duties, it is not unreasonable that additional costs could be incurred. Whether these estimated costs are reasonable is unknown at this time, but they do appear high compared to the other responses received on this bill.

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

LB: 114	AM:	AGENCY/POLT. SUB: Nebraska State Patrol (64)			
REVIEWED	BY: Joe Wilcox	DATE: 01/28/2021	PHONE: (402) 471-4178		
COMMENTS	COMMENTS: No basis to dispute the Nebraska State Patrol estimate of potential Fiscal Impact to the Agency from LB 114.				

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

LB: 114 AM: Justice (78)	AGENCY/POLT. SUB: Nebraska Commis	ssion on Law Enforcement and Criminal
REVIEWED BY: Joe Wilcox	DATE: 01/19/2021	PHONE: (402) 471-4178
COMMENTS: No basis to dispute t estimate of No Fiscal Impact to the		ent and Criminal Justice (Crime Commission)

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

LB: 114	AM:	AGENCY/POLT. SUB: Nebraska Departme	nt of Health and Human Services (25)		
REVIEWED	3Y: Joe Wilcox	DATE: 01/14/2021	PHONE: (402) 471-4178		
	COMMENTS: No basis to dispute the Nebraska Department of Health and Human Services (DHHS) estimate that any potential fiscal impact to the Agency from LB 114 can be absorbed within current Agency resources.				

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

LB: 114	AM:	AGENCY/POLT. SUB: Nebraska Department of Motor Vehicles (24)			
REVIEWED	BY: Joe Wilcox	DATE: 01/15/2021	PHONE: (402) 471-4178		
	•	ute the Nebraska Department of Motor Vehicles (Di Agency indicates it can absorb any related costs wit			

ADMI	ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE					
LB: 114	AM:	AGENCY/POLT. SUB: City of Imperial				
REVIEWED	BY: Joe Wilcox	DATE: 01/11/2021	PHONE: (402) 471-4178			
COMMENT	S: No basis to disput	e the City of Imperial estimate of No Fiscal Impac	t to the City from LB 114.			

# ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE LB: 114 AM: AGENCY/POLT. SUB: Sarpy County REVIEWED BY: Joe Wilcox DATE: 01/11/2021 PHONE: (402) 471-4178 COMMENTS: No basis to dispute the Sarpy County estimate of potential fiscal impact to the County from LB 114.

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

LB: 114	AM:	AGENCY/POLT. SUB: Lancaster County Department of Corrections				
REVIEWED	BY: Joe Wilcox	DATE: 01/12/2021	PHONE: (402) 471-4178			
COMMENTS Department	•	te the Lancaster County Department of Correction	s estimate of No Fiscal Impact to the			

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

LB: 114	AM:	AGENCY/POLT. SUB: City of Lincoln				
REVIEWED	BY: Joe Wilcox	DATE: 01/27/2021	PHONE: (402) 471-4178			
COMMENTS	: No basis to dispute	COMMENTS: No basis to dispute the City of Lincoln estimate of "Minimal" Fiscal Impact to the City from LB 114.				

ADMI	NISTRATIVE SEF	RVICES STATE BUDGET DIVISION: REVIEW OF A	AGENCY & POLT. SUB. RESPONSE
LB: 114	AM:	AGENCY/POLT. SUB: City of Omaha	
REVIEWED	BY: Joe Wilcox	DATE: 01/19/2021	PHONE: (402) 471-4178
		bute the City of Omaha estimate of potential Fiscal I easonableness of the estimated cost.	mpact to the City from LB 114. Insufficient

LB <sup>(1)</sup> 114				<b>FISCAL NOTE</b>
State Agency OR P	olitical Subdivision Name: <sup>(2)</sup>	Nebraska State Pa	atrol	
Prepared by: <sup>(3)</sup>	Carol Aversman	Date Prepared: <sup>(4)</sup>	1/27/2021 Phone	.: (5)
	ESTIMATE PROVII	DED BY STATE AGEN(	<u>CY OR POLITICAL SUBDIV</u>	ISION
	<u>FY</u> EXPENDITURES	2021-22 REVENUE	<u>FY 2</u> EXPENDITURES	2022-23 REVENUE
GENERAL FUNI			\$801,306	
CASH FUNDS				
FEDERAL FUNI	•S		<u> </u>	
OTHER FUNDS				
TOTAL FUNDS	\$728,030		\$801,306	

#### **Explanation of Estimate:**

LB 114 provides for the adoption of the Clean Slate Act. Under the act, individuals convicted of certain crimes may qualify for relief if certain requirements are met. This relief would entail that a criminal justice agency respond to a public inquiry in the same manner as if there were no criminal history record information and criminal history information shall not be disseminated to any person other than a criminal justice agency. In issuing an order for clean slate relief, the court shall send notice to the (1) Nebraska Commission on Law Enforcement, (2) Nebraska State Patrol, and (3) law enforcement agencies, county attorneys, and city attorneys referenced in the court records.

In order to implement and administer the requirements of the bill, the Criminal Identification Division of the State Patrol estimates that a total of 18 full time positions would be required. Note that in calendar year 2020, the Division processed 48,195 finger-print based background checks and 52,300 name-based background checks, for a total of 100,495 checks, requiring a total of 47 front-line and supervisory staff. In 2018 and 2019, the courts processed 80,210 and 75,103 records, respectively. These are additional records that would require review and processing as a background check by the Division. At this level of volume, an approximate increase in workload of 75%-80% would occur for this area. The 18 FTEs included in this fiscal note reflects approximately a 38% increase in staffing for this area. This is less than the projected increase in workload because the Division believes that certain areas can be automated, resulting in greater efficiencies. The fiscal note reflects the personnel costs beginning on 9/1/21, and accordingly, the salaries and benefit costs have been reflected at approximately 83% of the annual rate for Fiscal Year 2021-22. Operating expenses consist of office supplies. These are also reflected as commencing on 9/1/21. The capital outlay costs include equipment necessary to outfit these employees (computers, office cubicals, and chairs).

Personal Services:	NUMBER OF	<b>F POSITIONS</b>	2021-22	2022-23
POSITION TITLE	21-22	<u>22-23</u>	<b>EXPENDITURES</b>	EXPENDITURES
IT Business System Analyst	1	1	\$40,753	\$48,905
IT Applications Developer	1	1	\$45,540	\$54,650
Records Analysis Supervisor	2	2	\$76,357	\$91,632
Staff Assistant I	5	5	\$129,128	\$154,960
Records Technicians	9	9	\$201,170	\$241,413
Benefits			\$172,532	\$207,046
Operating			\$2,250	\$2,700
Travel				
Capital outlay			\$60,300	

Aid		
Capital improvements		
TOTAL	\$728.030	\$801.306

LB <sup>(1)</sup> 114				FISCAL NOTE
State Agency OR Political	Subdivision Name: (2)	05 Supreme Cour	ť	
Prepared by: <sup>(3)</sup> Eric	Asboe	Date Prepared: <sup>(4)</sup>		<sup>5)</sup> 402-326-9215
	ESTIMATE PROVID	ED BY STATE AGENO	CY OR POLITICAL SUBDIVIS	ION
	EV (	2021-22	FY 202	
	EXPENDITURES	<u>REVENUE</u>	EXPENDITURES	<u>REVENUE</u>
GENERAL FUNDS	See Below		See Below	
CASH FUNDS		See Below		See Below
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

**Explanation of Estimate:** 

Following is an initial fiscal impact. Additional time is necessary to determine how LB114 would be implemented given current IT, court and administrative systems and procedures. A more in-depth fiscal note may be completed at a later time.

1. Significant investment in current and new IT systems would be required. Preliminary minimum estimate: \$300,000 General Funds

2. Additional personnel would also be required to determine clean slate eligibility. Preliminary minimum estimate: 5 FTE, \$351,470.

3. LB114 allows for a filing fee capped at \$40/petition. No estimate at this time of the fee amount since administrative costs have not been determined. No revenue estimate since it is not known how many petitions would be received.

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

Please complete  $\underline{ALL}$  (5) blanks in the first three lines.

<b>LB</b> <sup>(1)</sup> 114					FISCAL NOTE
State Agency OR Political Su	ıbdivision Name: (2)	NE Commission o (Crime Commissio		ent and Cri	minal Justice
Prepared by: <sup>(3)</sup> Bruce	Ayers	Date Prepared: <sup>(4)</sup>	1-14-2021	Phone: <sup>(5)</sup>	402-471-0359
E	STIMATE PROVII	DED BY STATE AGENO	CY OR POLITICAL S	<u>SUBDIVISIO</u>	N
	FY	2021-22		<u>FY 2022-</u>	-23
	EXPENDITURES	<u>REVENUE</u>	<b>EXPENDITU</b>	RES	REVENUE
GENERAL FUNDS	0		0		
CASH FUNDS					
FEDERAL FUNDS					
OTHER FUNDS					
TOTAL FUNDS	0		0		
Explanation of Estimate:	LB 114 has no fisc	cal impact on the Crime (	Commission.		

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

## 2021

LB<sub>(1)</sub> <u>114</u>

**FISCAL NOTE** 

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

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

Date Prepare	ed 1-13-2021	Phone: (5) 471-6719		
FY 2021-2022		FY 2022	-2023	
EXPENDITURES	REVENUE	EXPENDITURES	REVENUE	
			-	
\$0	\$0	\$0	\$0	
	FY 2021-2	FY 2021-2022 EXPENDITURES REVENUE	FY 2021-2022     FY 2022       EXPENDITURES     REVENUE       EXPENDITURES     EXPENDITURES	

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

#### Explanation of Estimate:

LB 114 proposes that specific criminal convictions of individuals will not impact their opportunities for employment, housing and education. The Department of Health and Human Services may be expected to supply information about payment of court-ordered financial obligations and seal the records related to the convictions. This additional task will be managed by Department staff and will not require additional expenditures.

MAJOR OBJECTS OF EXPENDITURE				
PERSONAL SERVICES:				
	NUMBER OF	POSITIONS	2021-2022	2022-2023
POSITION TITLE	21-22	22-23	EXPENDITURES	EXPENDITURES
Benefits				
Operating				
Travel				
Capital Outlay				
Aid				
Capital Improvements				
TOTAL			\$0	\$0

LB <sup>(1)</sup> 114					FISCAL NOTE
State Agency OR P	olitical Subdivision Name: <sup>(2)</sup>	Department of Mor	tor Vehicles		
Prepared by: <sup>(3)</sup>	Bart Moore	Date Prepared: <sup>(4)</sup>	January 14, 2021	Phone: (5)	402-471-3902
	ESTIMATE PROVID	ED BY STATE AGENC	<u>CY OR POLITICAL S</u>	<u>SUBDIVISIC</u>	<u>DN</u>
	FYS	2021-22		FY 2022	-23
	<b>EXPENDITURES</b>	<u>REVENUE</u>	<u>EXPENDITU</u>	RES	<b>REVENUE</b>
GENERAL FUNI	DS				
CASH FUNDS					
FEDERAL FUND	DS				
OTHER FUNDS					
TOTAL FUNDS					

Explanation of Estimate:

There will be minimal fiscal impact to the Department. Any costs incurred will be absorbed within existing appropriation.

BREAK	DOWN BY MAJ	OR OBJECTS O	F EXPENDITURE	
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			<u> </u>	
Operating				
Travel				
Capital outlay				
Aid				
Capital improvements				
TOTAL				

<b>LB</b> <sup>(1)</sup>	114		•			FISCAL NOTE
State Ag	gency OR Poli	tical Subdivision Name: <sup>(2)</sup>	City of Imperial			
Prepare	ed by: <sup>(3)</sup>	o Leyland	Date Prepared: (4)	01-11-2021	Phone: <sup>(5)</sup>	308-882-4368
	····	ESTIMATE PROVI	DED BY STATE AGEN	CY OR POLITICAL	SUBDIVISI	ON
			2021-22	•	<u>FY 2022-</u>	- <u>23</u>
		<b>EXPENDITURES</b>	<u>REVENUE</u>	<b>EXPENDITUR</b>	<u>ES</u>	<u>REVENUE</u>
	RAL FUNDS		· · ·	· · · ·		· · · · · · · · · · · · · · · · · · ·
CASH	FUNDS					
FEDER	RAL FUNDS		· .	-		
OTHE	R FUNDS					
ΤΟΤΑ	L FUNDS					
Explan	ation of Estir	nate:				
		ч ч				
						· ·
No Fis	cal Impact	•				· · · ·

<u>BREAKD</u>	OWN BY MA	JOR OBJECTS O	F EXPENDITURE	
Personal Services:				
		<b>F POSITIONS</b>	2021-22	2022-23
POSITION TITLE	<u>21-22</u>	22-23	<b>EXPENDITURES</b>	<b>EXPENDITURES</b>
			······	
Benefits				
Operating				
Travel	••			· · · · · · · · · · · · · · · · · · ·
Capital outlay			· .	-
Aid			· · ·	
Capital improvements				
TOTAL	•			

2021

LB <sup>(1)</sup> 114				FISCAL NOTE
State Agency OR Po	litical Subdivision Name: <sup>(2)</sup>	Sarpy County		
Prepared by: (3)	William E. Conley	Date Prepared: <sup>(4)</sup>	1/11/2021 Phone: (5	<sup>5)</sup> 402-593-5958
	ESTIMATE PROVID	DED BY STATE AGENO	Y OR POLITICAL SUBDIVIS	ION
	EV	2001 00	EV and	
	<u>EXPENDITURES</u>	<u>2021-22</u> <u>REVENUE</u>	<u>FY 202</u> EXPENDITURES	<u>REVENUE</u>
GENERAL FUND	s \$ 56,250		\$ 57,500	
CASH FUNDS				
FEDERAL FUND	5			
OTHER FUNDS				
TOTAL FUNDS	\$ 56,250		\$ 57,500	

Explanation of Estimate:

The Sarpy County Attorney opposes this legislation. At a minimum, we would need to add at least one staff person to monitor petitions and coordinate responses from the County Attorney's Office.

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>
Clerical Position – new	1	1	\$45,000	\$46,000
Benefits			11,250	11,500
Operating				
Travel				
Capital outlay				
Aid				
Capital improvements				
TOTAL	. 1	1	\$ 56,250	\$ 57,500

LB <sup>(1)</sup> 114					FISCAL NOTE
State Agency OR Political Subd	livision Name: <sup>(2)</sup>	ancaster County	Department of Co	prrections	
Prepared by: <sup>(3)</sup> LT Will M	lcGlothlin	Date Prepared: <sup>(4)</sup>	1/11/2021	Phone: (5)	402-441-1919
EST	IMATE PROVIDED	BY STATE AGENC	Y OR POLITICAL S	UBDIVISIO	N
	FY 202	1-22		FY 2022	-23
E	XPENDITURES	REVENUE	EXPENDITU		REVENUE
GENERAL FUNDS					
CASH FUNDS					
FEDERAL FUNDS					
OTHER FUNDS					
TOTAL FUNDS =					

Explanation of Estimate:

At this time the Lancaster County Department of Corrections does not foresee a fiscal impact of this proposed legislation.

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

LB <sup>(1)</sup> 114				<b>FISCAL NOTE</b>
State Agency OR Pol	itical Subdivision Name: (2)	City of Lincoln		
Prepared by: <sup>(3)</sup>	James Van Bruggen	Date Prepared: <sup>(4)</sup>	1/27/21 Phone:	(5) 402-441-8301
	ESTIMATE PROVID	DED BY STATE AGENO	<u>CY OR POLITICAL SUBDIVI</u>	SION
		<u>2021-22</u>		<u>)22-23</u>
	EXPENDITURES	<u>REVENUE</u>	EXPENDITURES	<u>REVENUE</u>
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				
Explanation of Esti	mate:			
Minimal fiscal imp	pact.			

BREAKD	<u>OWN BY MA.</u>	<u>IOR OBJECTS O</u>	<u>F EXPENDITURE</u>	
Personal Services:				
	NUMBER OI	F 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> 114				FISCAL NOTE
State Agency OR Political	Subdivision Name: <sup>(2)</sup>	City of Omaha		
Prepared by: <sup>(3)</sup> Tyler	Leimer	Date Prepared: <sup>(4)</sup>	1/19/2021 Phone: (5	(402) 444-4514
	ESTIMATE PROVID	DED BY STATE AGENO	Y OR POLITICAL SUBDIVIS	ION
	EV	0001.00	EV aoa	0.00
	<u>F13</u> EXPENDITURES	<u>2021-22</u> <u>REVENUE</u>	<u>FY 202</u> <u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	\$1,240,000		\$1,240,000	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

**Explanation of Estimate:** 

I.T. and Records Units: \$1,240,000.00

- Develop, test & maintain database and mainframe containing sealed 'clean slate' records, utilize consulting firm with DotComm, required changes to Records Management System (RMS) = \$1,000,000.00
- 3 additional staff members to manage disclosure requests for eligible notarized exceptions, locking records, tracking requests, responding to requests for information, regular database updates = \$240,000.00

	NUMBER OF	<b>F POSITIONS</b>	2021-22	2022-23
POSITION TITLE	21-22	22-23	<b>EXPENDITURES</b>	<b>EXPENDITURES</b>
Benefits				
Operating				
Fravel				
Capital outlay				
Aid				
Capital improvements				
TOTAL				