PREPARED BY: DATE PREPARED: PHONE:

Updated for 2024

Suzanne Houlden December 14, 2023 402-471-0057

LB 53

Revision: 01

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)						
	FY 202	24-25	FY 2025-26			
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE		
GENERAL FUNDS						
CASH FUNDS						
FEDERAL FUNDS						
OTHER FUNDS						
TOTAL FUNDS	See below		See below			

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

LB 53, as introduced, has the same intent as described in LB 349 (2021). Several agencies report a fiscal impact based on their respective number of employees who would be required to work on a holiday, with the dollar amount being a calculation of the difference between their normal rate and the holiday pay rate.

DAS estimates an enterprise-wide cost of more than \$500,000 for FY24-25 across all fund types. Though some agencies may not be impacted, this estimate still could be low, based on the calculations provided by a sampling of agencies. Salary and benefit increases for FY25-26 are not determined at this time, but it is important to note that there will be rising costs associated with salary and health insurance expenses, which are normally addressed in the biennial budget process for all bargaining and non-bargaining employees.

In addition, the Department of Administrative Services (DAS) explains that upon the passage of LB 53, its Employee Relations department would negotiate agreements with all four labor unions (NAPE/AFSCME, FOP 88, SLEBC and SCATA) to make the necessary adjustments to the Labor Contracts, websites, policy, and marketing material, but that these activities could be accomplished with existing resources.

	ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE					
LB:	53	AM:	AGENCY/POLT. SUB: Nebraska Depa	artment of Corrections		
RE'	VIEWED BY:	Jacob Leaver	DATE: 12/20/2023	PHONE: (402) 471-4173		
	COMMENTS: The Nebraska Department of Corrections' estimated fiscal impact to the agency as a result of LB 53 appears reasonable.					

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

LB: 53 AM: AGENCY/POLT. SUB: Department Administrative Services

REVIEWED BY: Jacob Leaver DATE: 12/13/2023 PHONE: (402) 471-4173

COMMENTS: The Department of Administrative Services' estimate shown in the explanation appears to be reasonable for expenditures across all agencies as a result of LB 53.

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

LB: 53 AM: AGENCY/POLT, SUB: Game and Parks Commission

REVIEWED BY: Jacob Leaver DATE: 12/7/2023 PHONE: (402) 471-4173

COMMENTS: Concur with the Game and Parks Commission's estimated fiscal impact to the agency as a result of LB 53.

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

LB: 53 AM: AGENCY/POLT. SUB: Nebraska State College System

REVIEWED BY: Jacob Leaver DATE: 12/19/2023 PHONE: (402) 471-4173

COMMENTS: The Nebraska State College System's estimated fiscal impact to the agency as a result of LB 53 appears reasonable. Technical Note: The positions shown on the bottom of the fiscal note represents positions that would be impacted by this bill. The positions listed would not be new positions that the agency is requesting.

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

LB: 53 AM: AGENCY/POLT. SUB: Nebraska State Patrol

REVIEWED BY: Jacob Leaver DATE: 12/20/2023 PHONE: (402) 471-4173

COMMENTS: The Nebraska State Patrol's estimated fiscal impact to the agency as a result of LB 53 appears reasonable. Technical Note: The positions shown on the bottom of the fiscal note represents positions that would be impacted by this bill. The positions listed would not be new positions that the agency is requesting.

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

LB: 53 AM: AGENCY/POLT. SUB: Department of Transportation

REVIEWED BY: Jacob Leaver DATE: 12/13/2023 PHONE: (402) 471-4173

COMMENTS: Concur with the Department of Transportation's estimate of no fiscal impact to the agency as a result

of LB 53.

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

LB: 53 AM: AGENCY/POLT. SUB: University of Nebraska System

REVIEWED BY: Jacob Leaver DATE: 12/14/2023 PHONE: (402) 471-4173

COMMENTS: No basis to dispute the University of Nebraska System's estimate of no fiscal impact as a result of LB 53.

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

LB: 53 AM: AGENCY/POLT. SUB: City of Omaha

REVIEWED BY: Jacob Leaver DATE: 12/14/2023 PHONE: (402) 471-4173

COMMENTS: Concur with the City of Omaha's estimate of no fiscal impact as a result of LB 53.

LB ⁽¹⁾ 53					FISCAL NOTE
State Agency OR Political	Subdivision Name: (2)	Department of Adr Relations - Enterp		vices (DAS)	– Employee
Prepared by: (3) Dan	Birdsall	Date Prepared: (4)	12-06-2023	Phone: (5)	402-471-8292
	ESTIMATE PROVI	DED BY STATE AGEN	ICY OR POLITIC	AL SUBDIVIS	ION
	<u>FY 9</u>	<u>2024–25</u>		FY 2025-	<u>-26</u>
	EXPENDITURES	<u>REVENUE</u>	EXPENDIT	<u>rures</u>	<u>REVENUE</u>
GENERAL FUNDS			<u> </u>		
CASH FUNDS					
FEDERAL FUNDS REVOLVING FUNDS					
TOTAL FUNDS					
Explanation of Estimate	::				

LB53 creates a new holiday in Neb. Rev. Stat. §§ 25-2221 and 62-301 entitled Birthday of El-Hajj Malik El-Shabazz, Malcolm X, for May 19.

If passed as introduced, this bill would cause state teammates to receive the new state holiday as Neb. Rev. Stat. § 84-1001, which outlines state holidays, indicates that paid holidays include all days enumerated in Neb. Rev. Stat. § 25-2221.

The Department of Administrative Services (DAS) - Employee Relations would negotiate agreements with all four labor unions, NAPE/AFSCME, FOP 88, SLEBC and SCATA, to make the necessary adjustments to the Labor Contracts, websites, policy, and marketing material, all of which can be done with existing staff.

The state would incur additional costs above a normal operating day as a result of state teammates working at a holiday pay rate as outlined in the applicable labor contract. Based on historical averages this cost would run between \$506,660 and \$582,659 including FICA and retirement. The state would also lose the productivity of teammates who are not working on that day, which cannot be accurately quantified.

It is difficult to determine the exact impact by fund type as some agencies/programs are impacted more by additional holiday and benefit costs because of their need for 24/7 coverage. Future costs will also increase with salary increases.

The table below summarizes the estimated impact by fund type of the estimated range in increased enterprise-wide salary expenditures. The allocation by fund type below is based on an average of salaries (PSL) expenditures over a four-year time period (2020-2023).

	\$506,660	\$582,659
	Expenditures	Expenditures
General Funds	\$268,150	\$308,372
Cash Funds	\$118,070	\$135,781
Federal Funds	\$94,449	\$108,617
Revolving Funds	\$25,991	\$29,889
Total Funds	\$506,660	\$582,659

BREAKD	OWN BY MAJ	OR OBJECTS O	F EXPENDITURE	
Personal Services:				
POSITION TITLE	NUMBER OF POSITIONS 24-25 25-26		2024-25 <u>EXPENDITURES</u>	2025-26 EXPENDITURES
Senefits				
Operating				
Travel				
Sapital outlay				
id				
apital improvements				
TOTAL	··			

LB₍₁₎ <u>0053</u> FISCAL NOTE 2024

	ESTIMATE PROVIDI	ED BY STATE AGE	NCY OF	R POLITICAL SUBDIVISION		
State Agency or Political Su	ıbdivision Name:(2) Departr	ment of Health and	Huma	n Services		
Prepared by: (3) John Meals	Date Prepare	ed 12-20-2023		Pho	ne: (5) 471-6719	
	FY 2024-2	2025		FY 2025-2	<u>2026</u>	
_	EXPENDITURES	REVENUE		EXPENDITURES	REVENUE	
GENERAL FUNDS	\$226,578			\$226,578		
CASH FUNDS						
FEDERAL FUNDS						
OTHER FUNDS						
TOTAL FUNDS	\$226,578		\$0	\$226,578		\$0
=						

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

Explanation of Estimate:

The creation and establishment of "Malcolm X Day" on May 19 of each calendar year as a state holiday would increase Holiday premium pay for both facility and non-facility Department of Health and Human Services (DHHS) workers. In the first half of State Fiscal Year 2024, the average Holiday premium pay was \$226,578 (not including Christmas Day). During the same timeframe last Fiscal Year, the Holiday premium pay average was \$229,003.

	MAJOR OBJECTS OF EXPENDITURE		
PERSONAL SERVICES:	MAJOR OBJECTO OF EXPENDITORE		
POSITION TITLE	NUMBER OF POSITIONS 23-24 24-25	2023-2024 EXPENDITURES	2024-2025 EXPENDITURES
Benefits		\$226,578	\$226,578
Operating	-	· · · ·	· · ·
Travel			
Capital Outlay	-		
Aid	-		
Capital Improvements			
TOTAL		\$226,578	\$226,578
	=	·	

LB ⁽¹⁾ 53							FISCAL NOTE
State Agency OR Political Subo	division Name: (2)	Nebraska Department of Correctional Services					
Prepared by: (3) Lisa Stan	ton	_ Date I	Prepared: ⁽⁴⁾	12/18	3/2023	_ Phone: ((402)479-5702
EST	<u>ΓΙΜΑΤΕ PROVID</u>	ED BY S	TATE AGE	NCY O	R POLITICA	L SUBDIV	ISION
Ŧ.	<u>FY 20</u> XPENDITURES	<u>)24-25</u> R	EVENUE		EXPENDIT	<u>FY 209</u> URES	<u>25-26</u> <u>REVENUE</u>
GENERAL FUNDS	\$440,076	<u> </u>	EVENCE		\$440,07	<u>_</u>	REVERGE
CASH FUNDS	Ψ440,070			_	Ψ++0,07		
FEDERAL FUNDS				_			
-				_			
OTHER FUNDS				_			
TOTAL FUNDS	\$440,076			=	\$440,07	<u>76 </u>	
Explanation of Estimate:							
LB 53 creates El-Hajj Ma	lik El Shahazz M	Aalcolm \	Y Day and a	actabli	shes a holic	lay on Ma	y 10th of each year
2	·		J			•	
holiday, the NDCS estima amount includes \$382,17 This estimate is considera the agency has accomplis	7 PSL and \$57,9 ably less than the	000 bene e 2023 fis	fits. scal note du		·		•
	BREAKDOWN	IRVMAI	OR ORIFC	rs of i	FYPFNDITI	IRF	
Personal Services:					EXT LINDITY	<u> </u>	
POSITION TITL		MBER OF <u>4-25</u>	POSITION <u>25-26</u>	S	2024-2 EXPENDIT		2025-26 <u>EXPENDITURES</u>
			-	_	\$382,17	76	\$382,176
				_			
Benefits					\$57,90	0	\$57,900
Operating							
Travel							
Capital outlay							
Capital improvements							
TOTAL					\$440,07	<u>7</u> 6	\$440,076

LB (1) 53-Esta	<u>ablish New State H</u>	loliday May 19 [™]	(Malcolm X Day)	FISCAL NOTE
State Agency OR Poli	itical Subdivision Name: ⁽²⁾	Nebraska Game a	nd Parks Commission	n
Prepared by: (3)	Christina Peters	Date Prepared: (4)	12-4-2023 Pho	ne: ⁽⁵⁾ (402) 471-5403
	ESTIMATE PROVID	ED BY STATE AGEN	CY OR POLITICAL SUBI	DIVISION
	FY 2	2024-25	FY	Y 2025-26
	EXPENDITURES	<u>REVENUE</u>	EXPENDITURES	REVENUE
GENERAL FUNDS			_	
CASH FUNDS	12,193		12,803	
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	12,193		12,803	

Explanation of Estimate:

The addition of a State Holiday in May affects the increased staffing costs at Park locations due to occurring during the preparation of the busy summer camping season.

Using 50% of the 5-year average OT figures from Independence Day (as this will not be an additional Federal Day), an increase of 381 staffing hours (OT and Compensatory) would be expected. At the average 2023 cost per hour of Overtime pay (\$27.83), this would be an additional \$10,603 in wages and another \$1,590 in benefits. FY25-26 reflects a 5% wage increase and the associated benefits.

BREAKDO	WN BY MAJO	OR OBJECTS OF	EXPENDITURE	
Personal Services:				
	NUMBER OF	F POSITIONS	2024-25	2025-26
POSITION TITLE	<u>24-25</u>	<u>25-26</u>	EXPENDITURES	EXPENDITURES
Staff working on Holiday			10,603	11,133
Benefits			1,590	1,670
Operating				
Travel	•			
Capital outlay				-
Aid				
Capital improvements			40.400	
TOTAL			12,193	12,803

LB ⁽¹⁾ 53					FISCAL NOTE
State Agency OR Politic	cal Subdivision Name: (2)	Nebraska State Co	ollege System		
Prepared by: (3) Mo	nte Kramer	Date Prepared: ⁽⁴⁾	12/15/2023	Phone: (5)	402-471-2507
	ESTIMATE PROVI	DED BY STATE AGEN	ICY OR POLITICAL	SUBDIVIS	ION
	FV 6	2024-25		FY 2025	-96
	EXPENDITURES	REVENUE	EXPENDITU		REVENUE
GENERAL FUNDS					
CASH FUNDS	\$1,658.41		\$1,741.33		
FEDERAL FUNDS					
OTHER FUNDS					
TOTAL FUNDS	\$1,658.41		\$1,741.33		
Explanation of Estima	ite:				

The hard costs are the employees that would have to work the holiday. Those employees would be paid 1 $\frac{1}{2}$ times their normal rate of pay. The additional cost is equal to $\frac{1}{2}$ of their daily pay.

BRE	EAKDOWN BY MA.	OR OBJECTS O	F EXPENDITURE	
Personal Services:				
		FPOSITIONS	2024-25	2025-26
POSITION TITLE	<u>24-25</u>	<u>25-26</u>	EXPENDITURES	EXPENDITURES
Maintenance Worker III	10	10	\$1, 051.14	\$1,103.69
Security Supervisor	4	4	\$391.15	\$410.71
Benefits			\$216.12	\$226.93
Operating				
Travel				
Capital outlay				
Aid				
Capital improvements				
TOTAL			\$1,658.41	\$1,741.33

LB ⁽¹⁾ 53					FISCAL NOTE			
State Agency OR Polit	tical Subdivision Name: (2)	Nebraska State Patrol						
Prepared by: (3) C	arol Aversman	Date Prepared: (4)	12-13-2023	Phone: (5)	(5) 402-471-4545			
	ESTIMATE PROVI	DED BY STATE AGEN	ICY OR POLITICAL	SUBDIVIS	ION			
	FY 9 EXPENDITURES	2024-25 <u>REVENUE</u>	<u>EXPENDITU</u>	-26 <u>REVENUE</u>				
GENERAL FUNDS	\$41,826		\$41,826					
CASH FUNDS								
FEDERAL FUNDS								
OTHER FUNDS								
TOTAL FUNDS	\$41,826		\$41,826					

Explanation of Estimate:

LB 53 provides for the addition of a new holiday, El-Hajj Malik El-Shabazz, Malcolm X Day. A fiscal impact has been reflected, as it would require the Agency to pay for the additional costs that would be incurred from employees working on this additional holiday. The amounts reflected in this fiscal note are the difference between paying employees at their regular rate of pay as compared to 1.5x their regular rate of pay, and in the case of overtime, at 2.0x their regular rate of pay. This includes an estimate based on historical hours worked on similar holidays for Troopers, Sergeant, Investigative Officers, investigative Sergeants, and Communications Specialists (dispatchers).

BREAKD	OWN BY MAJ	OR OBJECTS O	F EXPENDITURE	-
Personal Services:		DOCUMENTO NO		
POSITION TITLE	NUMBER OF POSITIONS 24-25 25-26		2024-25 <u>EXPENDITURES</u>	2025-26 <u>EXPENDITURES</u>
State Patrol Trooper			\$34,307	\$34,307
State Patrol Communications Specialists			\$1,888	\$1,888
Benefits			\$5,631	\$5,631
Operating				
Travel				
Capital outlay				
Aid				
Capital improvements				
TOTAL			\$41,826	\$41,826

LB (1)	53							FISCAL NOTE	
State Agency OR Political Subdivision Name: (2)			Nebi	Nebraska Department of Transportation					
Prepare	ed by: (3)	Rahmar	Rahmani	Da	nte Prepared: ⁽⁴⁾	12/06/2023	Phone:	402-479-4692	
		EST	ΓΙΜΑΤΕ PRO	VIDED BY	Y STATE AGEN	CY OR POLIT	ICAL SUBDIV	ISION	
			<u>I</u>	FY 2024-2	<u>25</u>		FY 20	<u>)25-26</u>	
		<u>]</u>	EXPENDITUR	ES	REVENUE	EXPEN	DITURES	REVENUE	
GENER	RAL FUN	IDS							
CASH F	FUNDS					_			
FEDER	AL FUN	DS							
OTHER	R FUNDS	8							
TOTAI	L FUNDS	S _		<u> </u>		_	_		
ceremoi		ellowship			ay in schools a			п арргорпасе	
<u>Personal</u>	Services	:	<u>DREAMBO</u>				<u>II CKL</u>		
	POSIT	TION TITI	LE	NUMBEI <u>24-25</u>	R OF POSITION <u>25-26</u>		24-25 I <u>DITURES</u>	2025-26 EXPENDITURES	
Benefits	s			-					
Operati	ing								
Travel.									
-	•								
		ments							
TO	TAL								

2024 FISCAL

LB (1) 0053 Create El-Hajj Malik El-Shabazz, Malcolm X Day and establish a holiday

NOTE

State Agency OR Political	Subdivision Name: "	University of Nebraska System					
Prepared by: ⁽³⁾ Chris F	Kabourek	Date Prepared: ⁽⁴⁾	12/13/2023 Ph	none: ⁽⁵⁾ (402) 472-7102	2		
	ESTIMATE PROV	/IDED BY STATE AGI	ENCY OR POLITICAL SUBI	DIVISION			
	FY	′ 2023 - 24	i	FY 2024 - 25			
GENERAL FUNDS	EXPENDITURES 0.00	REVENUE 0.00	<u>EXPENDITURES</u> 0.00_	REVENUE 0.00			
CASH FUNDS	0.00	0.00	0.00	0.00			
FEDERAL FUNDS	0.00	0.00_	0.00	0.00			
OTHER FUNDS	0.00	0.00	0.00	0.00			
TOTAL FUNDS	0.00	0.00	0.00	0.00			

Explanation of Estimate:

This legislation would create a new holiday and would only have nominal fiscal impact on the University of Nebraska System for changes to schedules, websites, and contracts.

No fiscal impact is requested.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:						
POSITION TITLE	NUMBER OF POSITIONS <u>24 - 25</u> 25 - 26		2024 - 25 EXPENDITURES	2025 - 26 EXPENDITURES		
	0	0				
	0	0				
Benefits						
Operating						
Travel						
Capital outlay						
Aid						
Capital improvements						
TOTAL						

TOTAL.....

LB ⁽¹⁾ 53					FISCAL NOTE
State Agency OR Political Subdivision Name:	City of	Omaha			
Prepared by: (3)Jeff Roh	Date	Prepared: ⁽⁴⁾	12-13-23	Phone: (5	402-444-5451
ESTIMATE PRO	VIDED BY	STATE AGEN	CY OR POLITI	CAL SUBDIVI	SION
F	Y 2024-25			FY 202	5-26
EXPENDITUR		<u>REVENUE</u>	EXPEND		REVENUE
GENERAL FUNDS					
CASH FUNDS					
FEDERAL FUNDS					
OTHER FUNDS					
TOTAL FUNDS					
Explanation of Estimate:					
No fiscal impact.					
·					
RREAKDO)WN RY M	AJOR OBJECT	S OF EXPENDI	TURE	-
Personal Services:					
POSITION TITLE	NUMBER C 24-25	OF POSITIONS <u>25-26</u>	S 2024 <u>EXPEND</u>		2025-26 EXPENDITURES
	21 20	20 20	<u>EM ENE</u>	<u> TTORES</u>	<u>EM ENERTONES</u>
					
Benefits			-		
Operating					
Travel					
Capital outlay					
Aid					
Capital improvements					