

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2019-20		FY 2020-21	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	906,963		354,921	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	906,963		354,921	

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

This bill would designate the State Patrol as the agency to investigate criminal activity within the Department of Correctional Services (DCS) facilities and the Lincoln Regional Center. The Nebraska State Patrol (NSP) shall employ and have oversight over any investigators employed by the DCS. All funds used by DCS investigators shall be transferred to the State Patrol.

The State Patrol shall assign at least ten criminal investigators to conduct investigations of any criminal activity within any DCS facility and within the Lincoln Regional Center. Two shall be permanently assigned to both the Tecumseh State Correctional Institution and the Nebraska State Penitentiary. The other investigators shall be assigned as needed throughout the Nebraska correctional system and the Lincoln Regional Center. The Patrol shall provide information regarding any investigations to the Inspector General of the Nebraska Correctional System. This act becomes operative on January 1, 2020.

The following table summarizes the estimated impact by both the NSP and DCS:

Items	FY20	FY21
State Patrol Estimated Costs:		
Salary & Benefit Costs	728,498	1,456,995
Operating Costs	189,411	188,822
Capital Outlay	634,503	-
Total	1,552,411	1,645,818
Department of Correctional Services Estimated Costs	(645,448)	(1,290,897)
Net General Fund Impact	906,963	354,921

Table Notes:

State Patrol Estimated Costs:

Salary & Benefit Costs: 14 State Patrol Investigation Officers, 2 State Patrol Investigation Sergeants, 1 State Patrol Lieutenant, 2 Crime Analysts, and 2 Staff Assistants. The bill becomes operative on January 1, 2020, so FY20 is for one-half of the year.

Operating Costs include auto operating costs (gasoline, insurance, and repairs), training costs, ongoing OCIO technology charges, and cell phone costs.

Capital Outlay costs include vehicles for the officers, computer equipment, and workstations for all additional employees.

Department of Correctional Services Estimated Costs: This amount represents a reduction in the salary & benefit costs for 19 positions, plus a reduction in operating costs.

See both the NSP and the DCS responses attached which contain very detailed information.

The NSP's response is based upon the personnel structure that it believes is necessary to carry out the intent of the bill, rather than the personnel structure that currently exists in DCS for this purpose.

The Department of Health and Human Services, Parole Board & Legislative Council estimate no fiscal impact from this bill.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 438	AM:	AGENCY/POLT. SUB: Nebraska State Patrol (064)
REVIEWED BY: Joe Wilcox	DATE: 01/29/2019	PHONE: (402) 471-4178
<p>COMMENTS: Do not disagree with the overall estimate of potential Fiscal Impact to the Nebraska State Patrol from LB 438 with the following qualification: The bill calls for the transfer of Nebraska Department of Correctional Services (NDCS) staff and operating costs related to Investigations of criminal activity within NDCS facilities and the Lincoln Regional Center (which is under the Nebraska Department of Health and Human Services – DHHS). The NDCS estimated impact for that agency for such transfer is 19 FTE and \$645,448 in FY 2019-20 and \$1,290,897 in FY 2020-21. The State Patrol estimates of fiscal impact are higher than those estimated by NDCS, as the State Patrol estimates reflect that agency's projections for necessary staffing levels that fit within the State Patrol personnel structure, as well as operating costs for investigations at NDCS facilities as well as those at the Lincoln Regional Center. The difference between the State Patrol estimates and those of the NDCS are \$906,963 in FY 2019-20 and \$354,921 in FY 2020-21.</p>		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 438	AM:	AGENCY/POLT. SUB: Nebraska Department of Correctional Services (046)
REVIEWED BY: Joe Wilcox	DATE: 01/28/2019	PHONE: (402) 471-4178
<p>COMMENTS: No basis to dispute the Nebraska Department of Correctional Services (NDCS) estimate of potential Fiscal Impact to the Agency from LB 438. The reduction of costs in the Department of Correctional Services would be increases in costs to the State Patrol as LB 438 shifts the responsibility for Investigating criminal activity within Correctional Services correctional facilities to the State Patrol.</p>		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 438 (025)	AM:	AGENCY/POLT. SUB: Nebraska Department of Health and Human Services
REVIEWED BY: Joe Wilcox	DATE: 01/28/2019	PHONE: (402) 471-4178
<p>COMMENTS: No basis to dispute the Nebraska Department of Health and Human Services estimate of No Fiscal Impact to the Agency from LB 438.</p>		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 438	AM:	AGENCY/POLT. SUB: Nebraska Board of Parole (015)
REVIEWED BY: Joe Wilcox	DATE: 01/28/2019	PHONE: (402) 471-4178
<p>COMMENTS: No basis to dispute the Nebraska Board of Parole estimate of No Fiscal Impact to the Agency from LB 438.</p>		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 438	AM:	AGENCY/POLT. SUB: Nebraska Legislative Council (003)
REVIEWED BY: Joe Wilcox	DATE: 01/25/2019	PHONE: (402) 471-4178
<p>COMMENTS: No basis to dispute the Nebraska Legislative Council estimate of No Fiscal Impact to the Agency from LB438.</p>		

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2019

LB⁽¹⁾ 438

FISCAL NOTE

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

Prepared by: ⁽³⁾ Sara Sump Date Prepared: ⁽⁴⁾ 1/16/18 Phone: ⁽⁵⁾ 402.479.5702

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2019-20</u>		<u>FY 2020-21</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>(\$645,448)</u>	<u> </u>	<u>(\$1,290,897)</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>(\$645,448)</u>	<u>0</u>	<u>(\$1,290,897)</u>	<u>0</u>

Explanation of Estimate:

LB 438 will move the Investigators from employees of NDCS to the Nebraska State Patrol effective January 1, 2020. The fiscal impact will reduce expenditures in salary, benefits, and operating costs for NDCS. The operating costs are broken down below. These employees are considered to be part of the NDCS intelligence network.

- Employee Assistance Program \$12.36/year/FTE = \$234.84
- OCIO Technology Fee \$26.06/month/FTE = \$5,941.68
- Site Support \$41.50/month/FTE = \$9,462
- Microsoft Cloud Suite \$28/month/FTE = \$6,384
- Vehicles \$216/month/3 FTE=\$7,776
- Cell Phones \$45/month/11 FTE= \$5,940

NDCS presently uses the correctional investigators in assisting with the transport of inmates from other states when flying. Currently the investigators travel approximately once a month to pick up an inmate this expense is estimated at \$1,049 per trip, whereas driving would total approximately \$2,435, which saves NDCS \$1,386 per trip. The estimated total increase would be \$16,632.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2019-20 EXPENDITURES</u>	<u>2020-21 EXPENDITURES</u>
	<u>19-20</u>	<u>20-21</u>		
Correctional Investigators	<u>(2)</u>	<u>(2)</u>	<u>(\$49,663)</u>	<u>(\$99,326)</u>
Corrections Captain	<u>(8)</u>	<u>(8)</u>	<u>(\$218,836)</u>	<u>(\$437,672)</u>
Corrections Security Administrator	<u>(1)</u>	<u>(1)</u>	<u>(\$29,426)</u>	<u>(\$58,852)</u>
Corrections Corporal	<u>(8)</u>	<u>(8)</u>	<u>(\$159,305)</u>	<u>(\$318,610)</u>
Benefits.....			<u>(\$178,665)</u>	<u>(\$357,330)</u>
Operating.....			<u>(\$9,553)</u>	<u>(\$19,107)</u>
Travel.....			<u> </u>	<u> </u>
Capital outlay.....			<u> </u>	<u> </u>
Aid.....			<u> </u>	<u> </u>
Capital improvements.....			<u> </u>	<u> </u>
TOTAL.....			<u>(\$645,448)</u>	<u>(\$1,290,897)</u>

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2019

LB⁽¹⁾ 438

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Nebraska State Patrol

Prepared by: ⁽³⁾ Carol Aversman Date Prepared: ⁽⁴⁾ 1-27-2019 Phone: ⁽⁵⁾ 402-471-4545

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2019-20</u>		<u>FY 2020-21</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>\$1,552,411</u>	<u> </u>	<u>\$1,645,818</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>\$1,552,411</u></u>	<u> </u>	<u><u>\$1,645,818</u></u>	<u> </u>

Explanation of Estimate:

LB 438 designates the Nebraska State Patrol as the agency to investigate criminal activity within correctional facilities operated by the Nebraska Department of Correctional Services (NDCS), as well as the Lincoln Regional Center. It states that the Patrol will employ and have oversight over any correctional investigators employed by the Department of Correctional Services. It further notes that when the positions of correctional investigators are transferred to the Nebraska State Patrol, all funds used by the Department of Correctional Services for the administration of and salaries for correctional investigators shall be transferred to the patrol. The bill states that the Nebraska State Patrol shall assign at least 10 criminal investigators to conduct investigations of any criminal activity that takes place within any correctional facility operated by the Department of Correctional Services and within the Lincoln Regional Center. The bill becomes operative on January 1, 2020.

The State Patrol's Fiscal Note is based upon the shifting of responsibility from the NDCS to the State Patrol for criminal investigations and the need to have sworn and fully trained officers conducting these investigations that meet the requirements of the State Patrol for employment. Of those 19, only two are certified law enforcement officers, and may not meet the requirements for employment as a sworn State Patrol officer. The State Patrol is of the belief that the criminal investigations that would be required to be carried out by this bill will require sworn officers with extensive law enforcement training. It is important to note that the Department of Corrections Investigators are not equivalent positions to Nebraska State Patrol Investigative positions in terms of training and the authority granted to them. Accordingly, the State Patrol estimates that 17 sworn State Patrol Officers would be required in order to adequately carry out the criminal investigations that the agency will be required to complete, and that the shifting of the existing NDCS employees will not be sufficient in order for the State Patrol to meet the responsibilities conveyed to it through the bill.

Accordingly, the State Patrol is submitting a Fiscal Note based upon the personnel structure that it believes is necessary to carry out the intent of the bill, rather than the personnel structure that currently exists in NDCS for this purpose. The officers would consist of 14 State Patrol Investigative Officers, 2 State Patrol Investigative Sergeants and 1 State Patrol Lieutenant. In addition, support staff consisting of 2 Crime Analysts and 2 Staff Assistants would be needed to support these officers. The 17 sworn employees would be located in different regions of the state where the Correctional Facilities are located, and based upon concentration of investigations. Included in the Fiscal Note are personnel and benefit costs totaling \$728,497 in the first year of the biennium and \$1,456,996 in the second year of the biennium. Capital outlay costs are estimated at \$634,503 in the first year of the biennium. These Capital costs include vehicles for the officers, computer equipment, and workstations for all of the additional employees. Operational Costs include auto operating costs (gasoline, insurance, repairs), training costs, ongoing OCIO technology charges, and cell phone costs totaling \$189,411 in the first year of the biennium and \$188,822 in the second year of the biennium. Auto operating costs are estimated at \$68,280 in the first year of the biennium and \$136,561 in the second year of the biennium. It has been assumed that a large upfront training investment will be required for the new officers and the Crime Analysts at a cost of \$5,500 per employee in the first year. This totals \$104,500 in the first year of the biennium. Ongoing training costs are estimated per year thereafter for each of these employees at \$1,000 each, totaling \$19,000 in the second year of the biennium. OCIO technology charges and cell phone charges total \$16,631 in the first year of the biennium and \$33,261 in the second year of the biennium.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2019-20	2020-21
	<u>19-20</u>	<u>20-21</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
State Patrol Lieutenant	1	1	\$48,369	\$96,739
State Patrol Investigation Officer	14	14	\$358,176	\$716,352
State Patrol Investigation Sergeant	2	2	\$62,816	\$125,632
State Patrol Crime Analyst	2	2	\$39,732	\$79,464
Staff Assistant I	2	2	\$30,534	\$61,069
Benefits.....			\$188,870	\$377,740
Operating.....			\$189,411	\$188,822
Travel.....				
Capital outlay.....			\$634,503	
Aid.....				
Capital improvements.....				
TOTAL.....			\$1,552,411	\$1,645,818

LB 438
Legislative Fiscal Note
Nebraska State Patrol

Salaries & Benefits:

(Eff. 1/1/2020)

Job Code	Position	Number of Pos.	Minimum Permanent Rate**	Total Salaries (Year 2)	50% Year 1 Total Salaries	Total Benefits (35%) (Year 2)	50% Year 1 Total Benefits	Annual Total	Fiscal Year 2019/2020	Fiscal Year 2020/2021
L64210	State Patrol Investigation Officer***	14	\$ 24.600	\$ 716,352	\$ 358,176	\$ 250,723.20	\$ 125,361.60	\$ 967,075.20	\$ 483,537.60	\$ 967,075.20
L64211	State Patrol Investigation Sergeant***	2	\$ 30.200	\$ 125,632	\$ 62,816	\$ 43,971.20	\$ 21,985.60	\$ 169,603.20	\$ 84,801.60	\$ 169,603.20
	State Patrol Lieutenant	1	\$ 46.509	\$ 96,739	\$ 48,369	\$ 33,858.55	\$ 16,929.28	\$ 130,597.27	\$ 65,298.64	\$ 130,597.27
A13130	Crime Analyst	2	\$ 19.102	\$ 79,464	\$ 39,732	\$ 27,812.51	\$ 13,906.26	\$ 107,276.83	\$ 53,638.42	\$ 107,276.83
S01841	Staff Assistant I	2	\$ 14.680	\$ 61,069	\$ 30,534	\$ 21,374.08	\$ 10,687.04	\$ 82,442.88	\$ 41,221.44	\$ 82,442.88
		21		\$ 1,079,255.84	\$ 539,627.92	\$ 377,739.54	\$ 188,869.77		\$ 728,497.69	\$ 1,456,995.38

* Minimum Permanent Rate established 7/1/2018 (Class & Comp Website).

** Salaries and Benefits were provided by Corrections Budget Officer.

Capital Outlay:

	Quantity	Price per Item	Total Cost		
Additional Staff:					
Mobile Data Computers (Sworn)	17	\$ 4,860	\$ 82,620	\$	82,620
Monitors (2 per employee)	42	\$ 175	\$ 7,350	\$	7,350
Workstation	21	\$ 3,000	\$ 63,000	\$	63,000
Vehicles	17	\$ 28,149	\$ 478,533	\$	478,533
Desktop PC (4 - Staff Assistants & Crime Analysts)	4	\$ 750	\$ 3,000	\$	3,000
			\$ 634,503	\$	634,503.00

Operational Expenses:

OCIO Technology Fee \$26.06/month/FTE	21	\$ 26.06	\$ 6,567.12	\$	3,284	\$ 6,567
OCIO Site Support Fee \$41.50/month/FTE	21	\$ 41.50	\$ 10,458.00	\$	5,229	\$ 10,458
OCIO Microsoft Cloud Suite \$28/month/FTE	21	\$ 28.00	\$ 7,056.00	\$	3,528	\$ 7,056
Cell Phone Costs \$45/month/FTE	17	\$ 45.00	\$ 9,180.00	\$	4,590	\$ 9,180
Auto Operating Costs - Additional Staff	17	\$ 8,033	\$ 136,561	\$	68,281	\$ 136,561
Large initial training cost in Year 1, \$1,000 per officer per year thereafter.	19	\$ 5,500	\$ 104,500	\$	104,500	\$ 19,000
(Addtl NSP Investigators, Sgts, Lt. & Crime Analyst)				\$	189,411	\$ 188,822

\$ 1,552,412 \$ 1,645,818

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

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

Prepared by: (3) Mike Michalski

Date Prepared 1-2319

Phone: (5) 471-6719

	<u>FY 2019-2020</u>		<u>FY 2020-2021</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	\$0		\$0	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$0		\$0	

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

Explanation of Estimate:

LB 438 designates Nebraska State Patrol as the agency to investigate criminal activity within the Department of Correctional Services facilities and the Lincoln Regional Center.

There would be no change to current practices of the regional centers. There is no fiscal impact to the Department of Health and Human Services.

MAJOR OBJECTS OF EXPENDITURE

PERSONAL SERVICES:	POSITION TITLE	NUMBER OF POSITIONS		2019-2020	2020-2021
		19-20	20-21	EXPENDITURES	EXPENDITURES
Benefits.....					
Operating.....					
Travel.....					
Capital Outlay.....					
Aid.....					
Capital Improvements.....					
TOTAL.....				\$0	\$0

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2019

LB⁽¹⁾ 438

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Nebraska Board of Parole

Prepared by: ⁽³⁾ Rosalyn Cotton Date Prepared: ⁽⁴⁾ January 25, 2019 Phone: ⁽⁵⁾ 402 479-5731

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2019-20</u>		<u>FY 2020-21</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:

No significant impact on budget related to LB 438.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2019-20</u>	<u>2020-21</u>
	<u>19-20</u>	<u>20-21</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

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2019

LB⁽¹⁾ 438

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ 03 LEGISLATIVE COUNCIL

Prepared by: ⁽³⁾ DIANE NICKOLITE Date Prepared: ⁽⁴⁾ 1/24/2019 Phone: ⁽⁵⁾ 402-471-2226

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2019-20</u>		<u>FY 2020-21</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:

No Fiscal Impact.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2019-20</u>	<u>2020-21</u>
	<u>19-20</u>	<u>20-21</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____