

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	744,448		195,328	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	744,448		195,328	

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

This bill would designate the Nebraska State Patrol (NSP) as the agency to investigate criminal activity within the Department of Correctional Services (DCS) correctional facilities. All funds used by DCS investigators shall be transferred to the NSP. The NSP 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	659,420	1,318,842
Operating Costs	168,691	167,383
Capital Outlay	561,785	-
Total	1,389,896	1,486,225
Department of Correctional Services Estimated Costs	(645,448)	(1,290,897)
Net General Fund Impact	744,448	195,328

Table Notes:

State Patrol Estimated Costs:

Salary & Benefit Costs: 12 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 of 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.

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

LB: 94 **AM:** AGENCY/POLT. SUB: **Nebraska Department of Correctional Services (046)**

REVIEWED BY: Joe Wilcox DATE: 01/28/2019 PHONE: (402) 471-4178

COMMENTS: No basis to dispute the Nebraska Department of Correctional Services (NDCS) estimate of potential Fiscal Impact to the Agency from LB 94. The reduction of costs in the Department of Correctional Services would be increases in costs to the State Patrol as LB 94 shifts the responsibility for Investigating criminal activity within Correctional Services correctional facilities to the State Patrol.

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2019

LB⁽¹⁾ 94

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

	FY 2019-20		FY 2020-21	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	(\$645,448)		(\$1,290,897)	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	(\$645,448)	0	(\$1,290,897)	0

Explanation of Estimate:

LB 94 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:

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

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

2019

LB⁽¹⁾ 94

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>\$1,389,896</u>	<u> </u>	<u>\$1,486,225</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>\$1,389,896</u></u>	<u><u> </u></u>	<u><u>\$1,486,225</u></u>	<u><u> </u></u>

Explanation of Estimate:

LB 94 designates the Nebraska State Patrol as the agency to investigate criminal activity within correctional facilities operated by the Department of Correctional Services. 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 becomes operative on January 1, 2020. The Nebraska Department of Corrections (NDCS) has submitted a Fiscal Note totaling \$645,448 for FY 2019-2020 and \$1,290,897 for FY 2020-2021.

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. The Department of Corrections employs 19 individuals who have the word "investigator" in their title. 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 15 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 12 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 15 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 \$659,421 in the first year of the biennium and \$1,318,842 in the second year of the biennium. Capital outlay costs are estimated at \$561,785 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 \$168,691 in the first year of the biennium and \$167,383 in the second year of the biennium. Auto operating costs are estimated at \$60,248 in the first year of the biennium and \$120,495 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 to get them up to speed. This totals \$93,500 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 \$17,000 in the second year of the biennium. OCIO technology charges and cell phone charges total \$14,944 in the first year of the biennium and \$29,888 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	12	12	\$307,008	\$614,016
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.....			\$170,961	\$341,922
Operating.....			\$168,691	\$167,383
Travel.....				
Capital outlay.....			\$561,785	
Aid.....				
Capital improvements.....				
TOTAL.....			\$1,389,896	\$1,486,225

LB 94
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***	12	\$ 24.600	\$ 614,016	\$ 307,008	\$ 214,905.60	\$ 107,452.80	\$ 828,921.60	\$ 414,460.80	\$ 828,921.60	
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	
		19		\$ 976,919.84	\$ 488,459.92	\$ 341,921.94	\$ 170,960.97	\$ 659,420.89	\$ 328,142.28	\$ 1,318,841.78	

* 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)	15	\$ 4,860	\$ 72,900	\$	72,900
Monitors (2 per employee)	38	\$ 175	\$ 6,650	\$	6,650
Workstation	19	\$ 3,000	\$ 57,000	\$	57,000
Vehicles	15	\$ 28,149	\$ 422,235	\$	422,235
Desktop PC (4 - Staff Assistants & Crime Analysts)	4	\$ 750	\$ 3,000	\$	3,000
			\$ 561,785	\$	561,785.00

Operational Expenses:

OCIO Technology Fee \$26.06/month/FTE	19	\$ 26.06	\$ 5,941.68	\$	2,971	\$ 5,942
OCIO Site Support Fee \$41.50/month/FTE	19	\$ 41.50	\$ 9,462.00	\$	4,731	\$ 9,462
OCIO Microsoft Cloud Suite \$28/month/FTE	19	\$ 28.00	\$ 6,384.00	\$	3,192	\$ 6,384
Cell Phone Costs \$45/month/FTE	15	\$ 45.00	\$ 8,100.00	\$	4,050	\$ 8,100
Auto Operating Costs - Additional Staff	15	\$ 8,033	\$ 120,495	\$	60,248	\$ 120,495
Large initial training cost in Year 1, \$1,000 per officer per year thereafter.	17	\$ 5,500	\$ 93,500	\$	93,500	\$ 17,000
(Addtl NSP Investigators, Sgts, Lt. & Crime Analyst)				\$	168,691	\$ 167,383

\$ 1,389,897 \$ 1,486,225