

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	1,561,577		1,512,723	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	1,561,577		1,512,723	

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

This bill would change procedures and requirements for use of restrictive housing of inmates.

On and after July 1, 2019, no inmate who is a member of a vulnerable population shall be placed in restrictive housing. Member of a vulnerable population means an inmate who is eighteen years of age or younger, pregnant, or diagnosed with a serious mental illness, a developmental disability, or a traumatic brain injury.

The bill would provide procedures and requirements for decisions regarding placement in restrictive housing, and it would allow for appeals of such decisions to the courts under the Administrative Procedure Act.

The bill has the emergency clause.

The Department of Correctional Services (DCS) states that the bill would require inmates to be out of their cells for two hours, and current practice allows inmates out for one hour. Therefore, DCS estimates the need for additional staff (26 Corporals and 2 Sergeants) to escort inmates housed in restrictive housing for this additional hour.

Additionally, DCS notes that that the bill allows inmates to appeal restrictive housing placement through the courts, and they estimate the need to hire an Administrative Assistant III to track and manage this process.

Based on the above provisions, DCS estimates the cost of implementing this bill at \$1,561,577 in FY20, and \$1,512,723 in FY21.

See the agency response attached for additional details not included in this fiscal note.

The Supreme Court estimates about 300 appeals from inmates regarding restrictive housing. This would primarily impact Lancaster and Johnson County District Courts. A reasonable fiscal impact estimate cannot be made at this time.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 739	AM:	AGENCY/POLT. SUB: Nebraska Department of Correctional Services (046)
REVIEWED BY: Joe Wilcox	DATE: 02/11/2019	PHONE: (402) 471-4178
<p>COMMENTS: Do not disagree with the Nebraska Department of Correctional Services (NDCS) premise that LB 739 would require additional staff time due to doubling the amount of time out-of-cell for restricted housing inmates. However, NDCS basis for the estimated Agency fiscal impact suggests one post position requires 5.2 FTE as the Agency needs to staff the posts 24/7. Because the agency only allows movement out of cells during a 16-hour window during the day, which includes 3 meals and inmate counts, there would not be a need to staff multiple shifts to accommodate increased time out of cell, possibly only one additional FTE per post shift, which would reduce the potential fiscal impact to the Agency.</p>		

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2019

LB⁽¹⁾ 739

FISCAL NOTE

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

Prepared by: ⁽³⁾ Sara Sump Date Prepared: ⁽⁴⁾ 1/31/19 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>\$1,561,577</u>	<u> </u>	<u>\$1,512,723</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>\$1,561,577</u>	<u>0</u>	<u>\$1,512,723</u>	<u>0</u>

Explanation of Estimate:

LB 739 will require NDCS to allow inmates housed in restrictive housing to be out of their cells for two hours a day; NDCS will need to hire movement escorts to accomplish this task. Current practice allows inmates approximately one hour out of their cells a day, allowing them double the amount of time will require more staff to coordinate and handle the movement. To staff one post at a facility 24 hours a day seven days a week requires 5.2 FTE.

The facilities impacted include: NSP, TSCI, LCC, and NCCW, presently NDCS has over 300 inmates located in restrictive housing and approximately 67 custody staff at these posts; allowing these inmates two hours out of their cells will add an additional 300 hours of work to the NDCS custody staff a day. When an inmate is released out of their cell it takes two staff escorts to ensure safe movement for all individuals involved. NDCS does not allow movement between the hours of 9:00 pm to 6:00 am; this leaves 16 hours for all inmate movement, which includes three meals and four counts. The passing of this bill could also affect mandatory overtime as staffing at these facilities can be a challenge. NDCS could also face a spacing issue, as to where this population will go when they are not in their cells.

LB 739 also allows inmates to appeal the final decision to be placed in restrictive housing through the courts, this will require NDCS to hire an AA III to track and manage this process.

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>
Corrections Corporal	<u>26</u>	<u>26</u>	<u>\$982,417</u>	<u>\$982,417</u>
Corrections Sergeant	<u>2</u>	<u>2</u>	<u>\$88,645</u>	<u>\$88,645</u>
Administrative Assistant III	<u>1</u>	<u>1</u>	<u>\$45,577</u>	<u>\$45,577</u>
Benefits.....			<u>\$390,824</u>	<u>\$390,824</u>
Operating.....			<u>\$54,114</u>	<u>\$5,260</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>\$1,561,577</u>	<u>\$1,512,723</u>

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2019

LB⁽¹⁾ 739

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ 05 Supreme Court

Prepared by: ⁽³⁾ Eric Asboe Date Prepared: ⁽⁴⁾ 2/26/19 Phone: ⁽⁵⁾ 1-4138

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:

LB739 could impact judicial and court workload due to appeals from inmates regarding restrictive housing. It is assumed any impact would primarily affect Lancaster and Johnson County district courts. According to information from the Department of Correctional Services, the maximum number of appeals could be approximately 300 annually. However, a reasonable estimate of the fiscal impact of the increase in judicial and court workload cannot be determined at this time.

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.....	_____	_____	_____	_____