

**FISCAL NOTE**  
**LEGISLATIVE FISCAL ANALYST ESTIMATE**

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)</b>				
	<b>FY 2020-21</b>		<b>FY 2021-22</b>	
	<b>EXPENDITURES</b>	<b>REVENUE</b>	<b>EXPENDITURES</b>	<b>REVENUE</b>
GENERAL FUNDS	608,498		603,896	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
<b>TOTAL FUNDS</b>	<b>608,498</b>		<b>603,896</b>	

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

This bill would change provisions under the Healthy Pregnancies for Incarcerated Women Act. It states that it is the intent of the Legislature to keep infants and mothers together unless keeping an infant and mother together presents a clear and imminent danger to such infant. Every effort shall be made to keep a mother who is incarcerated or detained with such mother's infant.

The following table summarizes the Department of Health and Human Services (HHS) estimated impact:

	FY2020-21	FY2021-22	FY2020-21	FY2021-22
ITEMS	Number of Positions		Expenditures	
Youth Security Specialist	5.00	5.00	174,834	174,834
Benefits			70,458	70,458
Operating			79,965	79,965
<b>TOTAL</b>	<b>5.00</b>	<b>5.00</b>	<b>325,258</b>	<b>325,258</b>

The following table summarizes the Department of Correctional Services (DCS) estimated impact:

	FY2020-21	FY2021-22	FY2020-21	FY2021-22
ITEMS	Number of Positions		Expenditures	
Corrections Corporal	2.00	2.00	83,200	83,200
Vocational Teacher I	1.00	1.00	32,989	32,989
Benefits			40,666	40,666
Operating*			126,385	121,783
<b>TOTAL</b>	<b>3.00</b>	<b>3.00</b>	<b>283,240</b>	<b>278,638</b>

\* Per diem for babies, breast pumps, storage containers, cold shipping packages, replacement cooling engines, shipping rates, a refrigerator and freezer unit, uniforms, radios, and other services and equipment.

DCS currently has a 15-bed housing unit that they use to operate the Nursery Program at the Nebraska Center for Women-York. Currently, DCS has eligibility requirements in order to participate in the Nursery Program, and not every applicant is accepted.

DCS notes that under the provisions of this bill they could incur additional costs due to the following:

- (1) having to accept all applications for the Nursery Program, and
- (2) allowing a woman who has given birth prior to being committed to prison to bring her child with her.

DCS notes that additional potential costs may include the construction of additional beds, programming space, office and yard space, and additional staffing. These costs are not known at this time.

See both the HHS and DCS responses attached for additional details not included in this fiscal note.

Sarpy County estimates a cost of \$41,019 per year. This cost is based on sending a detainee with her infant to another jail because they do not have space in their jail. See the Sarpy County response attached for how they calculated this cost.

Lancaster County Department of Corrections estimates construction costs of \$12-15 million to expand their current facility to meet the requirements of this bill, plus \$1 million annual cost for staffing, medical, pre-school and other expenses. See their response attached for additional details not included in this fiscal note.

At this time, there is no basis to disagree with any of the submitted fiscal note responses.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 1171</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Department of Health and Human Services (025)</b>
REVIEWED BY: Joe Wilcox	DATE: 02/07/2020	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Department of Health and Human Services (DHHS) estimate of potential Fiscal Impact to the Agency from LB 1171.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 1171</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Sarpy County</b>
REVIEWED BY: Joe Wilcox	DATE: 1/29/2020	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Sarpy County estimate of potential Fiscal Impact to the County from LB 1171.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 1171</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Lancaster County Department of Corrections</b>
REVIEWED BY: Joe Wilcox	DATE: 1/31/2020	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Lancaster County Department of Corrections estimate of potential fiscal impact to the County from LB 1171.		

**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 1-27-2020

Phone: (5) 471-6719

	<u>FY 2020-2021</u>		<u>FY 2021-2022</u>	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
<b>GENERAL FUNDS</b>	\$325,258		\$325,258	
<b>CASH FUNDS</b>				
<b>FEDERAL FUNDS</b>				
<b>OTHER FUNDS</b>				
<b>TOTAL FUNDS</b>	\$325,258		\$325,258	

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

**Explanation of Estimate:**

This bill clarifies that it is the intent of the legislature to keep infants and mothers together unless doing so presents clear and imminent danger to the infant. Infant is defined as any child 24 months or younger. Female youth committed to the YRTC-G shall have the opportunity to nurse or express milk to be given to their infant. The Department of Health and Human Services (DHHS) may allow a pregnant juvenile to live in a space dedicated for mothers and their infants to live together, prior to giving birth, as space allows. Should the juvenile have given birth prior to their commitment, the infant could stay with the juvenile up until the age of 24 months.

DHHS would need to use a building outside the Laflesche facility for this living space, and therefore would require more staff for supervision. An additional 5 FTE Youth Security Specialists would be necessary for this additional task. The mother/baby area is designed to handle only one youth at a time. As the YRTC-G has only had two females give birth while at the YRTC in the last two years, this should be sufficient.

**MAJOR OBJECTS OF EXPENDITURE**

PERSONAL SERVICES:	NUMBER OF POSITIONS		2020-2021	2021-2022	
	POSITION TITLE	20-21	21-22	EXPENDITURES	EXPENDITURES
	P76752 Youth Security Specialist	5	5	\$174,834	\$174,834
	Benefits.....			\$70,458	\$70,458
	Operating.....			\$79,965	\$79,965
	Travel.....				
	Capital Outlay.....				
	Aid.....				
	Capital Improvements.....				
	<b>TOTAL.....</b>			<b>\$325,258</b>	<b>\$325,258</b>

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

2020

LB<sup>(1)</sup> 1171

FISCAL NOTE

State Agency OR Political Subdivision Name: <sup>(2)</sup> Nebraska Department of Correctional Services

Prepared by: <sup>(3)</sup> Lisa Stanton Date Prepared: <sup>(4)</sup> 01/31/2020 Phone: <sup>(5)</sup> (402)479-5702

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2020-21		FY 2021-22	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	283,240		278,638	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	283,240		278,638	

Explanation of Estimate:

LB 1171 changes provisions under the Healthy Pregnancies for Incarcerated Women Act to provide for breastfeeding and milk expression by a prisoner or detainee and for a mother and infant to live together.

The Nebraska Department of Correctional Services (NDCS) currently has a 15-bed housing unit at the Nebraska Correctional Center for Women (NCCW) where they operate a Nursery Program. Inmates meeting certain eligibility requirements have the opportunity to participate in the Nursery Program upon birth of their baby. During FY2019 a total of three mother and infant pairs lived in the nursery totaling 232 days. The average per diem cost was \$12.36/day for the babies. Thru December 2019 there have been four mother and infant pairs in the nursery for a total of 359 days. In addition, during the eighteen month period July 1, 2018, thru December 31, 2019, there were six pregnant inmates that lived in the nursery a total of 286 days prior to giving birth.

There were 8 applications to the Nursery Program not meeting the eligibility requirements in FY2019 and 4 denied thru December 2019. LB 1171 would likely allow for those applicants to participate in the program. The bill would also make it possible for a woman who has given birth prior to her commitment to the NDCS to bring a child (or children) older than six weeks and up to 24-months of age to NDCS with her. It is difficult to estimate how many that might be. It is anticipated that the current beds would be full. The per diem cost per year for 15 babies is \$67,671 (15 x \$12.36 x 365 days).

To accommodate additional increase in mothers and children participating in the program, NDCS would need to construct a new area to additional beds, programming space, office space and yard space. Staffing would likely also be needed. These costs have not been determined at this time.

To provide for milk expression, NDCS will purchase and provide breast pumps and breastmilk storage containers for inmates in the Nursery Program that wish to pump. NDCS will also coordinate and manage a program for any inmate who is lactating to pump and send out breastmilk by providing breast pumps and breastmilk storage containers. In both cases, NDCS will obtain necessary equipment and supplies needed to properly mark and store the breastmilk. In addition, NDCS will purchase cold shipping packages and utilize a shipping company to send out the breastmilk. Cost estimates follow: breast pump \$50-\$100 each, storage containers \$12.00 for 8-pack, cold shipping packages \$46-\$155 each, replacement cooling engines \$59-\$170 for 3-pack, estimated shipping rates \$10-\$45 per shipment. A refrigerator/freezer unit would be needed for safe and proper storage. The total cost estimates for 10 women participating in this program are approximately \$25,000 per year. This program would also be made available at the CCCL at a similar cost.

An additional 2.0 FTE Corporals would be needed to staff the current unit at NCCW 24/7 and an additional 1.0

FTE Vocational Teacher I to manage the breastmilk program and assist with programming needs and travel orders associated with additional Nursery Program participants, at an estimated cost of \$165,569 for those 3.0 total FTEs. This amount includes \$116,189 for PSL, \$40,666 for benefits, and \$8,714 for uniforms, radios and other services and equipment.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2020-21</u>	<u>2021-22</u>
	<u>20-21</u>	<u>21-22</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Corrections Corporal	2.0	2.0	83,200	83,200
Vocational Teacher I	1.0	1.0	32,989	32,989
Benefits.....			40,666	40,666
Operating.....			126,385	121,783
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
<b>TOTAL.....</b>			<b>283,240</b>	<b>278,638</b>

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

**2020**

**LB<sup>(1)</sup> 1171**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Sarpy County

Prepared by: <sup>(3)</sup> William E. Conley Date Prepared: <sup>(4)</sup> 1/29/2020 Phone: <sup>(5)</sup> 402-593-5958

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

	<u>FY 2020-21</u>		<u>FY 2021-22</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	\$41,019		\$41,019	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
<b>TOTAL FUNDS</b>	<b>\$41,019</b>		<b>\$41,019</b>	

Explanation of Estimate:

**Our two year average is 30 detainees (as defined in LB 1171).  
 The average length of stay for those detainees is 16 days.  
 30 detainees x 16 days = 480 jail bed days.  
 480 jail bed days / 365 days = 1.315 beds needed per day.**

**We do not have jail space available to house a detainee with her infant. We would need to send that detainee to another jail at our cost.**

**Our current cost to house an inmate in another jail is approx. \$85.46 ('safe-keeper' rate)  
 \$85.46 x 1.315 beds = \$112.38 per day.  
 \$112.38 x 365 days = \$41,019**

**Best estimate of the annual fiscal impact to Sarpy County is \$41,019. This does not factor in population growth or the expected cost to add special housing units for this purpose in our new jail.**

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2020-21 EXPENDITURES</u>	<u>2021-22 EXPENDITURES</u>
	<u>20-21</u>	<u>21-22</u>		
Benefits.....				
Operating.....			\$41,019	\$41,019
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
<b>TOTAL.....</b>			<b>\$41,019</b>	<b>\$41,019</b>

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

**2020**

**LB<sup>(1)</sup> 1171**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Lancaster County Department of Corrections

Prepared by: <sup>(3)</sup> LT Will McGlothlin Date Prepared: <sup>(4)</sup> 1-31-2020 Phone: <sup>(5)</sup> 402-441-1919

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

	<u>FY 2020-21</u>		<u>FY 2021-22</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	12 to 15 million		\$1,000,000	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$12 to \$15 million		\$1,000,000	

**Explanation of Estimate:**

As a result of an unforeseen 18.5% increases in the female population over the past 6 years our department has considered potential expansion of our current facility to accommodate the increased pressure on safely housing this population. This bill would mandate that we create a housing unit to appropriately house female inmates and their young children. Considering our current design and population counts we could not accommodate young children in a positive and stimulating manner. Based on these considerations and recent construction of our current facility, I would anticipate a construction cost of \$12 to \$15 million to expand our current facility to accommodate this bill.

I would also anticipate an estimated \$1,000,000 annual cost for staffing, medical, pre-school and other miscellaneous expenses.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2020-21</u>	<u>2021-22</u>
	<u>20-21</u>	<u>21-22</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				