

FISCAL NOTE
 LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2020-21		FY 2021-22	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	13,298,411		26,781,672	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	13,298,411		26,781,672	

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

This bill would change provisions relating to restrictive housing, immediate segregation, discipline, and other conditions of confinement in state correctional facilities. Section 83-173.02 is outright repealed (Use of restrictive housing; director; report). The bill has the emergency clause.

The Office of Public Counsel estimates no fiscal impact from this bill.

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

ITEMS	FY2020-21	FY2021-22	FY2020-21	FY2021-22
	Number of Positions		Expenditures	
Corporals	123.00	123.00	5,116,800	5,116,800
Sergeants	12.00	12.00	599,040	599,040
Administrative Assistant III	3.00	3.00	132,176	132,176
Administrative Assistant II	1.00	1.00	38,124	38,124
Business Systems Analyst	1.00	1.00	50,594	50,594
Benefits			2,077,857	2,077,857
Operating			633,820	167,081
Capital Improvements			4,650,000	18,600,000
TOTAL	140.00	140.00	13,298,411	26,781,672

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

Because of the requirements that this bill imposes upon DCS, it is not unreasonable to assume they could incur additional costs.

At this time, there is no basis to disagree with their estimate.

NOTE: Given the current staffing issues at DCS, they may have trouble hiring so many people.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 1208	AM:	AGENCY/POLT. SUB: Office of Public Counsel (003)	
REVIEWED BY: Joe Wilcox	DATE: 1/27/2020	PHONE: (402) 471-4178	
COMMENTS: No basis to dispute the Office of Public Counsel estimate of No Fiscal impact to the Agency from LB 1208.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 1208	AM:	AGENCY/POLT. SUB: Nebraska Department of Correctional Services (046)
REVIEWED BY: Joe Wilcox	DATE: 02/11/2020	PHONE: (402) 471-4178
COMMENTS: No basis to disagree with the Nebraska Department of Correctional Services (NDCS) estimate of potential Fiscal Impact to the Agency from LB 1208.		

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

2020

LB⁽¹⁾ 1208

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Office of Public Counsel

Prepared by: ⁽³⁾ Julie L. Rogers Date Prepared: ⁽⁴⁾ 1/24/2020 Phone: ⁽⁵⁾ 402-471-2035

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	_____	_____	_____	_____
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>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.....	_____	_____	_____	_____

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

2020

LB⁽¹⁾ 1208

FISCAL NOTE

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

Prepared by: ⁽³⁾ Lisa Stanton Date Prepared: ⁽⁴⁾ 01/30/2020 Phone: ⁽⁵⁾ (402)479-5702

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2020-21		FY 2021-22	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	<u>13,298,411</u>	<u> </u>	<u>26,781,672</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>13,298,411</u>	<u> </u>	<u>26,781,672</u>	<u> </u>

Explanation of Estimate:

LB 1208 changes provisions relating to restrictive housing, regulates out of cell time, and requires sharing of electronic records.

The bill will require that an Institutional Disciplinary Committee (IDC) hearing is conducted prior to an inmate being placed in restrictive housing. NDCS estimates approximately 1,820 additional IDC hearings as a result. In 2019 there were 14,469 IDC hearings conducted. NDCS will need two Administrative Assistant (AA) IIIs to manage the additional disciplinary proceedings.

LB 1208 also allows inmates to appeal the final decision to be placed in restrictive housing through the courts. This will require NDCS to hire one AA III to track and manage this process.

The bill will require NDCS to allow inmates housed in restrictive housing to be out of their cells for four to six 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. Accommodating the additional time will require more staff to coordinate and handle the movement, as well as moving to a 24/7 operational day (inmate movement 24/7). 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 300 inmates located in restrictive housing. When an inmate is released out of their cell it takes two staff escorts to ensure safe movement and supervision for all individuals involved. NDCS will need an additional 123 Corporals and 12 Sergeants to provide 24/7 staffing in all restrictive housing units and to manage the out of cell time requirement in this bill.

This creates a space issue at TSCI as to where this population will go when they are not in their cells. NDCS will construct a 10,000 square foot building with programming and activities. NDCS estimates the total cost of the project to be \$6,000,000. Typical construction of such a building takes three years to be operational – one in design and two years for construction. The new space could be available in summer of 2023.

LB 1208 prohibits double bunking which creates a significant space issue. NDCS will construct a 45,000 square foot 166-bed Restrictive Housing Unit at the Nebraska State Penitentiary (NSP) as identified in the NDCS master plan. NDCS estimates the total cost of the project to be \$25,000,000. Again, typical construction takes three years to be operational. The new space could be available in summer of 2023.

The bill requires NDCS to share records and places reporting requirements specific to when informant’s statements are used. NDCS will need one AA II and one Business Systems Analyst to manage an informant database and provide the required reports in a timely manner. NDCS estimates the initial programming in NICAAMS to be approximately \$250,000.

The staffing requirements identified above total and estimated cost of \$8,398,411. This amount includes \$5,936,734 for PSL, \$2,077,857 for benefits and \$383,820 for uniforms, radios and other equipment and services. The total FTE required would be 140.0 to include: 123 Corporals, 12 Sergeants, 3 Administrative Assistant IIIs, 1 Business Systems Analyst and 1 Administrative Assistant II.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

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	<u>20-21</u>	<u>21-22</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
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