

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

| <b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)</b> |                     |                |                     |                |
|---|---------------------|----------------|---------------------|----------------|
|   | <b>FY 2021-22</b>   |                | <b>FY 2022-23</b>   |                |
|   | <b>EXPENDITURES</b> | <b>REVENUE</b> | <b>EXPENDITURES</b> | <b>REVENUE</b> |
| GENERAL FUNDS   | \$410,580           |                | \$443,839           |                |
| CASH FUNDS  |                     |                |                     |                |
| FEDERAL FUNDS   |                     |                |                     |                |
| OTHER FUNDS   |                     |                |                     |                |
| <b>TOTAL FUNDS</b>  | <b>\$410,580</b>    |                | <b>\$443,839</b>    |                |

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

This bill would change provisions of the Healthy Pregnancies for Incarcerated Women Act.

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

| ITEMS   | FY2021-22      | FY2022-23      |
|---|----------------|----------------|
|   | Expenditures   |                |
| Per Diem Cost for 15 Babies                             | 82,070         | 82,070         |
| NCCW: Shipping Costs for Breastmilk for 10 Participants | 23,000         | 23,000         |
| CCCL: Shipping Costs for Breastmilk for 10 Participants | 25,000         | 25,000         |
| <b>TOTAL</b>  | <b>130,070</b> | <b>130,070</b> |

**NOTES:**

NCCW: Nebraska Correctional Center for Women - York  
 CCCL: Community Corrections Center - Lincoln

Per Diem Cost for 15 Babies: DCS anticipates that this bill will fill up their current 15-bed housing unit for the Nursery Program. The costs were calculated as follows: 15 babies \* \$14.99 cost per day \* 365 days in a year.

NCCW: Shipping Costs for Breastmilk for 10 Participants: Expand current program. Shipping costs: cold shipping packages, \$46-\$155 each; replacement cooling engines, \$59-\$170 for 3-pack, estimated rates of \$10-\$45 per shipment.

CCCL: Shipping Costs for Breastmilk for 10 Participants: Implement new program at CCCL similar to NCCW.

Additionally, if DCS were required to construct additional space because of increased usage of the nursing program, then this could cost \$3.9 million, plus staffing costs.

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

| ITEMS  | FY2021-22      | FY2022-23      |
|--|----------------|----------------|
|  | Expenditures   |                |
| Youth Security Specialist II (3.8 FTE in FY22 & 5.0 FTE in FY23) | 131,126        | 174,834        |
| Benefits   | 37,607         | 50,142         |
| Portable Building: Delivery and Setup                            | 17,072         | 0              |
| Portable Building: Charge to Connect Utilities                   | 28,110         | 0              |
| Portable Building: Rental Charge                                 | 18,000         | 24,000         |
| Other Operating Costs  | 48,595         | 64,793         |
| <b>TOTAL</b>   | <b>280,510</b> | <b>313,769</b> |

NOTES:

HHS states that they average one youth and infant per year. The agency would rent a portable building and place it on the female campus. Additional staff would be needed to supervise the youth on a 24 hour basis.

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

Because this bill imposes additional requirements for DCS and HHS, it is not unreasonable that the agencies could incur additional costs. At this time, there is no basis to disagree with either estimate.

The Lancaster County Department of Corrections estimates no fiscal impact from this bill.

Sarpy County estimates \$115,000 in FY22, and \$1,000 in FY23. The costs relate to renovating current space and for supplies.

| ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE  |                  |  |
|--|------------------|--|
| <b>LB: 119</b>   | <b>AM:</b>       | AGENCY/POLT. SUB: <b>Nebraska Department of Correctional Services (46)</b> |
| REVIEWED BY: Joe Wilcox  | DATE: 01/25/2021 | 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 119. |                  |  |

| ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE  |                  |  |
|--|------------------|--|
| <b>LB: 119</b>   | <b>AM:</b>       | AGENCY/POLT. SUB: <b>Nebraska Department of Health and Human Services (25)</b> |
| REVIEWED BY: Joe Wilcox  | DATE: 02/09/2021 | PHONE: (402) 471-4178  |
| COMMENTS: No basis to dispute the Nebraska Department of Health and Human Services (DHHS) estimate of potential Fiscal Impact to the Agency from LB 119. |                  |  |

| ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE  |                  |  |
|--|------------------|--|
| <b>LB: 119</b>   | <b>AM:</b>       | AGENCY/POLT. SUB: Lancaster County Department of Corrections |
| REVIEWED BY: Joe Wilcox  | DATE: 01/12/2021 | PHONE: (402) 471-4178  |
| COMMENTS: No basis to dispute the Lancaster County Department of Corrections estimate of No Fiscal Impact to the Department from LB 119. |                  |  |

| ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE                         |                  |                                       |
|---|------------------|---------------------------------------|
| <b>LB: 119</b>  | <b>AM:</b>       | AGENCY/POLT. SUB: <b>Sarpy County</b> |
| REVIEWED BY: Joe Wilcox   | DATE: 01/14/2021 | PHONE: (402) 471-4178                 |
| COMMENTS: No basis to dispute the Sarpy County estimate of potential Fiscal Impact to the County from LB 119. |                  |                                       |

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

2021

LB<sup>(1)</sup> 119

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> 01/15/2021 Phone: <sup>(5)</sup> (402)479-5702

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

|               | <u>FY 2021-22</u>   |                | <u>FY 2022-23</u>   |                |
|---------------|---------------------|----------------|---------------------|----------------|
|               | <u>EXPENDITURES</u> | <u>REVENUE</u> | <u>EXPENDITURES</u> | <u>REVENUE</u> |
| GENERAL FUNDS | 130,070             |                | 130,070             |                |
| CASH FUNDS    |                     |                |                     |                |
| FEDERAL FUNDS |                     |                |                     |                |
| OTHER FUNDS   |                     |                |                     |                |
| TOTAL FUNDS   | 130,070             |                | 130,070             |                |

Explanation of Estimate:

LB 119 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 the eighteen month period July 1, 2019, thru December 31, 2020, a total of 11 mother and infant pairs lived in the nursery totaling 1,984 days. The average per diem cost was \$14.99/day for the babies. During that same eighteen month period, there were sixteen pregnant inmates that lived in the nursery a total of 484 days prior to giving birth.

There were 12 applications to the Nursery Program in FY20 with three of those not meeting the eligibility requirements. LB 119 would have allowed for two of the three applicants denied under current policy to participate in the program.

If the intent of the bill is to permit a woman who has given birth prior to her commitment to the NDCS to bring a child (or children) up to 24-months of age to NCCW with her, then additional costs would be incurred. It is difficult to estimate how many additional children LB 119 would make eligible for the nursery program, but it is anticipated that the current beds would be full. The per diem cost per year for 15 babies is \$82,070 (\$15 x \$14.99 x 365 days).

To accommodate an increase in mothers and children participating in the program beyond what current space allows, NDCS would need to construct a building to include additional bed space, programming space, office space and yard space. NDCS estimates the total cost could run as high as \$3.9M over three years - \$2.9M in FY22 and FY23 and \$1M in FY24. Additional FTE would be needed starting in FY24 to staff the new building upon completion.

NCCW is implementing a lactation program to allow inmates who have recently delivered a baby to provide breastmilk for that baby during incarceration. The current plan provides for an approved visitor or caregiver to pick up milk containers. Under LB119, NCCW would expand this program to include shipping breastmilk at an estimated cost of \$23,000 for ten participants for one year. Those costs include cold shipping packages \$46-\$155 each, replacement cooling engines \$59-\$170 for 3-pack, estimated shipping rates \$10-\$45 per shipment. In addition, a similar program would be implemented at Community Corrections Center – Lincoln (CCC-L) at an estimated cost of \$25,000 annually for ten participants for one year. Cost estimates include breast pumps and related supplies, storage containers, and similar shipping costs to those identified above.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

| <u>POSITION TITLE</u>     | <u>NUMBER OF POSITIONS</u> |              | <u>2021-22</u>      | <u>2022-23</u>      |
|---------------------------|----------------------------|--------------|---------------------|---------------------|
|                           | <u>21-22</u>               | <u>22-23</u> | <u>EXPENDITURES</u> | <u>EXPENDITURES</u> |
| Benefits.....             |                            |              |                     |                     |
| Operating.....            |                            |              | 130,070             | 130,070             |
| Travel.....               |                            |              |                     |                     |
| Capital outlay.....       |                            |              |                     |                     |
| Aid.....                  |                            |              |                     |                     |
| Capital improvements..... |                            |              |                     |                     |
| <b>TOTAL</b> .....        |                            |              | 130,070             | 130,070             |

**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 2-8-2021

Phone: (5) 471-6719

|                      | <u>FY 2021-2022</u> |         | <u>FY 2022-2023</u> |         |
|----------------------|---------------------|---------|---------------------|---------|
|                      | EXPENDITURES        | REVENUE | EXPENDITURES        | REVENUE |
| <b>GENERAL FUNDS</b> | \$280,510           |         | \$313,769           |         |
| <b>CASH FUNDS</b>    |                     |         |                     |         |
| <b>FEDERAL FUNDS</b> |                     |         |                     |         |
| <b>OTHER FUNDS</b>   |                     |         |                     |         |
| <b>TOTAL FUNDS</b>   | \$280,510           |         | \$313,769           |         |

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

**Explanation of Estimate:**

LB119 provides for an incarcerated woman or youth housed at an YRTC the opportunity to breast feed or express milk to be given to their infant. Mothers who are incarcerated or housed at an YRTC shall not be separated from their infant unless the mother poses a clear and imminent danger to the child. Correctional facilities and YRTCs shall develop a parent separation policy. Pregnant juveniles or inmates may live in separate quarters as space allows. YRTCs or DOC facilities who operate a nursery program shall make public guidelines for admission into the nursery program.

Currently, there is no separate area at any YRTC facility to house a pregnant youth or a youth that has recently given birth. The general population units are not equipped to house infants at this time. Recent history indicates that OJS averages one such youth and infant per year.

To provide housing for a youth with an infant under 24 months, the Department would rent a portable building unit such as schools use for classroom space. The Department currently has two such units on the Kearney campus. This unit would be located on the female Campus. Costs include an initial \$17,072 fee for delivery and setup, another one time charge of \$28,110 to have utilities connected, and an ongoing \$2,000 per month rental charge (\$24,000 annually). Total costs for the facility would be \$63,182 for the first year, and \$24,000 for each subsequent year. Because this would be a separate facility, five additional staff would be needed to supervise the youth who has the child on a 24 hour a day basis for the duration of the need. This fiscal note assumes an October 1, 2021 implementation date.

**MAJOR OBJECTS OF EXPENDITURE**

**PERSONAL SERVICES:**

| POSITION TITLE               | NUMBER OF POSITIONS |       | 2021-2022        | 2022-2023        |
|------------------------------|---------------------|-------|------------------|------------------|
|                              | 21-22               | 22-23 | EXPENDITURES     | EXPENDITURES     |
| Youth Security Specialist II | 3.8                 | 5.0   | \$131,126        | \$174,834        |
| Benefits.....                |                     |       | \$37,607         | \$50,142         |
| Operating.....               |                     |       | \$111,777        | \$88,793         |
| Travel.....                  |                     |       |                  |                  |
| Capital Outlay.....          |                     |       |                  |                  |
| Aid.....                     |                     |       |                  |                  |
| Capital Improvements.....    |                     |       |                  |                  |
| <b>TOTAL.....</b>            |                     |       | <b>\$280,510</b> | <b>\$313,769</b> |

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**2021**

**LB<sup>(1)</sup> 119**

**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> 1/11/2021 Phone: <sup>(5)</sup> 402-441-1919

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

|               | <u>FY 2021-22</u>   |                | <u>FY 2022-23</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:

At this time the Lancaster County Department of Corrections does not foresee a fiscal impact of this proposed legislation.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

Personal Services:

| <u>POSITION TITLE</u>     | <u>NUMBER OF POSITIONS</u> |              | <u>2021-22</u>      | <u>2022-23</u>      |
|---------------------------|----------------------------|--------------|---------------------|---------------------|
|                           | <u>21-22</u>               | <u>22-23</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.

**2021**

**LB<sup>(1)</sup> 119**

**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> 1/14/2021 Phone: <sup>(5)</sup> 402-593-5958

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

|                    | <u>FY 2021-22</u>   |                | <u>FY 2022-23</u>   |                |
|--------------------|---------------------|----------------|---------------------|----------------|
|                    | <u>EXPENDITURES</u> | <u>REVENUE</u> | <u>EXPENDITURES</u> | <u>REVENUE</u> |
| GENERAL FUNDS      | \$115,000           |                | \$1,000             |                |
| CASH FUNDS         |                     |                |                     |                |
| FEDERAL FUNDS      |                     |                |                     |                |
| OTHER FUNDS        |                     |                |                     |                |
| <b>TOTAL FUNDS</b> | <u>\$115,000</u>    |                | <u>\$1,000</u>      |                |

**Explanation of Estimate:**

Due to space limitations, to ensure compliance with this proposed legislation, the county would need to either renovate or expand our jail and juvenile justice center. Estimated cost is to renovate existing space and to purchase lactation pumps and other supplies.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

| <u>POSITION TITLE</u>     | <u>NUMBER OF POSITIONS</u> |              | <u>2021-22</u>      | <u>2022-23</u>      |
|---------------------------|----------------------------|--------------|---------------------|---------------------|
|                           | <u>21-22</u>               | <u>22-23</u> | <u>EXPENDITURES</u> | <u>EXPENDITURES</u> |
|                           | 1                          | 1            |                     |                     |
| Benefits.....             |                            |              |                     |                     |
| Operating.....            |                            |              | 15,000              | 1,000               |
| Travel.....               |                            |              |                     |                     |
| Capital outlay.....       |                            |              |                     |                     |
| Aid.....                  |                            |              |                     |                     |
| Capital improvements..... |                            |              | 100,000             |                     |
| <b>TOTAL.....</b>         | <b>1</b>                   | <b>1</b>     | <b>\$115,000</b>    | <b>\$ 1,000</b>     |