### LB 965

#### Revision: 00 FISCAL NOTE LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)							
	FY 202	2-23	FY 20	23-24			
	EXPENDITURES	REVENUE	EXPENDITURES REVENUE				
GENERAL FUNDS							
CASH FUNDS							
FEDERAL FUNDS							
OTHER FUNDS							
TOTAL FUNDS	See below		See below				

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

LB 965 proposes to change the date that the State of Nebraska observes Arbor Day in each even-numbered year to the first Tuesday following the first Monday in November.

Several agencies responded to requests for the fiscal impact to their agencies. Some claim no fiscal impact. Some would experience a cost increase to general funds and other fund types for FY2022-23, with a matching offset for FY2023-24, bringing to \$0 the total net fiscal impact over the 2-year period (Nebraska Department of Veterans Affairs, Department of Health and Human Services, and Nebraska Department of Correctional Services).

The Department of Administrative Services (DAS) notes that 2022 would experience an additional holiday for FY2022-23 since the bill, if passed, would take effect after the 2022 Arbor Day (April 29, 2022). DAS asserts that having an additional holiday in 2022 would cost an additional \$746,000, of which \$387,700 would be general funds. This is due to a combination of factors: the additional holiday hours for 2022, the recently negotiated wage increase, and an overtime increase factor of 0.5 as described in their fiscal note. The factor of 0.5 represents the difference between the former rate (1.5 times the normal shift rate) and the rate negotiated for 2021 (2.0 times the normal shift rate). These estimated cost increases would be spread out among various agencies. Precise need for additional appropriation or PSL is unable to be determined at this time.

DAS further explains that Labor Contracts would need to be negotiated to reflect the change, and that this can be accomplished with current DAS resources.

Fiscal Analyst has no basis to disagree with these estimates.

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

LB: <b>965</b>	AM:	AGENCY/POLT. SUB: Dept. of Administrative Services – Employee Relations					
REVIEWED BY:	Kimberly Burns	DATE: 01/28/2022	PHONE: (402) 471-4171				
	COMMENTS: The Department of Administrative Services' assessment of fiscal impact for LB 965 seems reasonable given the assumptions used.						

# ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE LB: 965 AM: AGENCY/POLT. SUB: Nebraska Department of Correctional Services REVIEWED BY: Kimberly Burns DATE: 02/15/2022 PHONE: (402) 471-4171 COMMENTS: The Department of Correctional Services' assessment of fiscal impact for LB 965 appears reasonable. The fiscal note provided by the Department of Administrative Services was calculated for the entire state enterprise. This should be taken into consideration when calculating appropriation for the Department of Correctional Services.

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

 LB: 965
 AM:
 AGENCY/POLT. SUB: Nebraska Game and Parks Commission (33)

 REVIEWED BY:
 Kimberly Burns
 DATE: 01/18/2022
 PHONE: (402) 471-4171

 COMMENTS:
 No basis to dispute the Nebraska Game and Parks Commission's estimate of no significant fiscal impact from LB 965. The commission could absorb any additional impact within existing resources.

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

LB: <b>965</b>	AM:	AGENCY/POLT. SUB: Department of Health and Human Services				
REVIEWED BY:	Kimberly Burns	DATE: 02/09/2022	PHONE: (402) 471-4171			
	he Department of the assumptions		essment of fiscal impact for LB 965 appears			

The fiscal note provided by the Department of Administrative Services was calculated for the entire state enterprise. This should be taken into consideration when calculating appropriation for the Department of Health and Human Services.

## ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE LB: 965 AM: AGENCY/POLT. SUB: Nebraska State College System (50) REVIEWED BY: Kimberly Burns DATE: 01/18/2022 PHONE: (402) 471-4171 COMMENTS: No basis to disagree with the Nebraska State College System's assessment of no fiscal impact from LB 965.

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

LB: <b>965</b>	AM:	AGENCY/POLT. SUB: Nebraska State Patrol (64)			
REVIEWED BY: K	imberly Burns	DATE: 01/20/2022	PHONE: (402) 471-4171		
COMMENTS: No basis to disagree with the Nebraska State Patrol's assessment of no fiscal impact from LB 965.					

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

LB: <b>965</b>	AM:	AGENCY/POLT. SUB: Nebraska Department of Transportation (27)				
REVIEWED BY:	Kimberly Burns	DATE: 01/20/2022	PHONE: (402) 471-4171			
COMMENTS: No basis to disagree with the Nebraska Department of Transportation's assessment of no fiscal impact from LB 965.						

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

LB: <b>965</b>	965 AM: AGENCY/POLT. SUB: University of Nebraska System (51)			
REVIEWED BY:	Kimberly Burns	DATE: 01/14/2022	PHONE: (402) 471-4171	
COMMENTS: No basis to disagree with the University of Nebraska System's assessment of no fiscal impact from LB 965.				

ADMINISTR	RATIVE SERVICE	S STATE BUDGET DIVISION:	REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: <b>965</b>	AM:	AGENCY/POLT. SUB: Nebras	ska Department of Veterans Affairs (NDVA)			
REVIEWED BY:	Kimberly Burns	DATE: 02/15/2022	PHONE: (402) 471-4171			
The fiscal note p	COMMENTS: The Department of Veterans Affairs' assessment of fiscal impact for LB 965 appears reasonable. The fiscal note provided by the Department of Administrative Services was calculated for the entire state enterprise. This should be taken into consideration when calculating appropriation for the Department of Veterans Affairs.					

LB <sup>(1)</sup> 965					FISCAL NOTE
State Agency OR Political	Subdivision Name: (2)	Department of Adr Relations - Enterp		ces (DAS)	– Employee
Prepared by: <sup>(3)</sup> Sear	n Davis	Date Prepared: <sup>(4)</sup>	1/13/2022	Phone: (5)	402-471-8292
	ESTIMATE PROVI	DED BY STATE AGEN	ICY OR POLITICAL		ION
				EV 0000	24
	<u>FY 9</u> EXPENDITURES	<u>2022-23</u> <u>REVENUE</u>	<b>EXPENDITU</b>	<u>FY 2023-</u> <u>RES</u>	<u>REVENUE</u>
GENERAL FUNDS	\$387,608				
CASH FUNDS	\$184,368				
FEDERAL FUNDS	\$137,992				
REVOLVING FUNDS	\$36,402				
TOTAL FUNDS	\$746,370				

Explanation of Estimate:

LB965 makes changes to the date on which Arbor Day is held. In odd-numbered years it would remain as the last Friday in April, and in even-numbered years it would change to the first Tuesday following the first Monday in November.

If this bill was passed as introduced, without an effective date, the bill would take effect after Arbor Day has occurred on the last Friday in April of 2022 (April 29, 2022). Since the bill adjusts Arbor Day to the first Tuesday following the first Monday in November of even-numbered years, of which 2022 is one, it would lead to there being a second Arbor Day in November of 2022 (November 8, 2022). As currently written, this bill would cause there to be two Arbor Days in Calendar Year (CY) 2022, thus creating an additional holiday for this year. The state would incur additional costs above a normal operating day as a result of state teammates working at premium holiday pay rates outlined in the applicable labor contract and those applied to teammates covered by the Personnel Rules & Regulations.

The cost of Arbor Day in 2021 was approximately \$498,182. In the fall of 2021, the state negotiated pay line and other increases, including hourly pay differentials and enhancements to the rate of overtime and premium pay for working on a holiday, for many teammates at 24-hour facilities operated predominantly by the Department of Health and Human Services, the Department of Correctional Services, and the Department of Veterans' Affairs via letters of agreement with NAPE/AFSCME and the Fraternal Order of Police, Lodge 88. These enhancements were also extended to many teammates covered by the Personnel Rules & Regulations who would likely work on a holiday at one of the 24-hour facilities. As a result, the cost of Arbor Day in 2022 would be substantially higher than noted in 2021. Due to the higher rates of pay, the increase of overtime by a factor of 0.5 across the board, and the increase of premium rates of working on a holiday by factor of 0.5, a rough estimate is that Arbor Day in 2022 could cost an additional \$150,000 more than in 2021.

The total estimated cost for an additional holiday - Arbor Day in CY2022 is \$746,370 (\$498,172 prior Arbor Holiday + \$150,000 estimated increase = \$648,172 + \$98,198 for FICA & Retirement = \$746,370).

It is difficult to determine the exact impact by fund type as some Agencies/Programs are impacted more by additional holiday and benefit costs because of their need for 24/7 coverage.

The table below summarizes the estimated impact by fund type of the increased enterprise-wide Salary expenditures plus benefits - FICA and Retirement. The allocation by fund type below is based on an average of Salaries (PSL) expenditures over a four-year period (2018-2021).

	FY22-23
	Expenditures
General Funds	\$387,608
Cash Funds	\$184,368
Federal Funds	\$137,992
Revolving Funds	\$36,402
Total Funds	\$746,370

In addition, Labor Contracts would need to be negotiated to reflect the change. However, this can be accomplished with current DAS resources. There would be changes to under what fiscal year the holiday benefits are paid, but that would not be an increase over the biennium as it is still the same number of holidays per year.

BREAKI	OOWN BY MA.	OR OBJECTS O	<b>FEXPENDITURE</b>	
Personal Services:				
	NUMBER OF	<b>POSITIONS</b>	2022-23	2023-24
POSITION TITLE	<u>22-23</u>	<u>23-24</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits				
Operating				
Travel				
Capital outlay				
Aid				
Capital improvements				
TOTAL				

LB <sup>(1)</sup> 965				<b>FISCAL NOTE</b>
State Agency OR Poli	tical Subdivision Name: <sup>(2)</sup>	Nebraska Departn	nent of Correctional S	Services
Prepared by: <sup>(3)</sup>	isa Stanton	Date Prepared: <sup>(4)</sup>	02/02/2022 Ph	one: <sup>(5)</sup> (402)479-5702
	ESTIMATE PROVI	IDED BY STATE AGEN	NCY OR POLITICAL SUI	BDIVISION
	EV	0000 00	F	V 0008 04
	EXPENDITURES	<u>2022-23</u> <u>REVENUE</u>	<u>EXPENDITURES</u>	<u>Y 2023-24</u> <u>REVENUE</u>
GENERAL FUNDS	\$332,655		\$(332,655)	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$332,655		\$(332,655)	

**Explanation of Estimate:** 

LB 965 changes the day that the state observes Arbor Day in even-numbered years to the first Tuesday following the first Monday in November. This proposed change effectively results in two Arbor Day holidays being observed in odd-numbered fiscal years (beginning in FY23) and no Arbor Day holiday observed in evennumbered fiscal years.

The NDCS estimates the additional cost for one observed holiday to be approximately \$332,655.

#### BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:	- • •			
<u>rersonar Services</u> .	NUMBER O	F POSITIONS	2022-23	2023-24
POSITION TITLE	<u>22-23</u>	<u>23-24</u>	<b>EXPENDITURES</b>	EXPENDITURES
Holiday worked			\$288,888	\$(288,888)
Benefits			\$43,767	\$(43,767)
Operating				
Travel				
Capital outlay				
Aid				
Capital improvements				
TOTAL			\$332,655	\$(332,655)

	965	change observation dates c	of Arbor Day			FISCAL NOTE
State Agen	ncy OR I	Political Subdivision Name: <sup>(2)</sup>	Nebraska Game a	nd Parks Commis	sion	
Prepared	bу: (З)	Christina Peters	Date Prepared: <sup>(4)</sup>	1/12/2022	Phone: (5)	(402) 471-5403
		ESTIMATE PROVI	DED BY STATE AGEN	CY OR POLITICAL	SUBDIVIS	ION
					EV acca	
		<u>EXPENDITURES</u>	<u>2022-23</u> <u>REVENUE</u>	EXPENDITU	<u>FY 2023-</u> RES	<u>REVENUE</u>
GENERA	L FUN	IDS				
CASH FU	NDS					
FEDERAI	L FUN	DS				
OTHER F	FUNDS					
TOTAL F	TUNDS					

**Explanation of Estimate:** 

The proposed legislation adjusts the observation of Arbor Day in even-numbered years to the first Tuesday following the first Monday in November, while leaving it on the last Friday of April in odd-numbered years.

The placement of an additional State Holiday in November minimally affects the staffing costs at Park locations due to being outside of the busy camping season. However, this is just prior to opening of rifle season for deer hunting, which does impact staffing our seven District Offices and Service Centers.

The November date in even-numbered years would result in staffing costs similar to Veteran's Day 2021, where one staff person worked in six of the offices, and the Lincoln District Office had 3 staff members. That resulted in an additional \$1,897 in staffing costs. (This is wages only, and does not include any benefits).

The Nebraska Game and Parks Commission would make internal adjustments to compensate for the additional wages needed.

BREAKI	DOWN BY MA.	JOR OBJECTS O	F EXPENDITURE	
Personal Services:				
	NUMBER OI	F POSITIONS	2022-23	2023-24
POSITION TITLE	<u>22-23</u>	<u>23-24</u>	<b>EXPENDITURES</b>	<b>EXPENDITURES</b>
Benefits				
Operating				
Travel				
Capital outlay				
Aid				
Capital improvements			<u></u>	
TOTAL				

LB<sub>(1)</sub> <u>965</u>

**FISCAL NOTE** 

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

State Agency or Political Subdivision Name:(2) Department of Health and Human Services

Prepared by: (3) John Meals	Date Prepared	2-9-2022	Phone: (5) 471-6719 FY 2023-2024		
	FY 2022-20	23			
_	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE	
GENERAL FUNDS	\$96,943		(\$96,943)		
CASH FUNDS		_			
FEDERAL FUNDS	\$13,288		(\$13,288)		
OTHER FUNDS					
TOTAL FUNDS	\$110,231	\$0	(\$110,231)	\$0	

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

Explanation of Estimate:

LB 965 adds an additional Holiday in State Fiscal Year 2023 and subsequent odd-numbered Fiscal Years, and removes a Holiday in State Fiscal Year 2024 and subsequent even-numbered Fiscal Years. Impact estimates premium Holiday pay (Holiday OT 1.5X, Holiday OT 2X) for the 24-hour facilities.

MAJOR OBJECTS OF EXPENDITURE							
PERSONAL SERVICES:							
	NUMBER OF		2022-2023	2023-2024			
POSITION TITLE	22-23	23-24	EXPENDITURES	EXPENDITURES			
Benefits							
Operating			¢110 001	(\$110.001)			
			\$110,231	(\$110,231)			
Travel							
Capital Outlay							
Aid							
Capital Improvements							
			• • • • • • • •	( <b>A</b> ) ) = = = = )			
TOTAL			\$110,231	(\$110,231)			

LB <sup>(1)</sup> S	965					FISCAL NOTE
State Agend	cy OR Po	litical Subdivision Name: <sup>(2)</sup>	Nebraska State Co	ollege System		
Prepared b	oy: (3)	Monte R. Kramer	Date Prepared: <sup>(4)</sup>	1/17/2022	Phone: (5)	402-471-2507
		ESTIMATE PROVI	DED BY STATE AGEN	CY OR POLITICAL	<u>SUBDIVIS</u>	ION
<u>FY 2022-23</u> <u>FY 20</u> EXPENDITURES <u>REVENUE</u> <u>EXPENDITURES</u>					<u>FY 2023</u> I <u>RES</u>	<u>-24</u> <u>REVENUE</u>
GENERAI	L FUND	S				
CASH FUN	NDS					
FEDERAL	L FUND	S				
OTHER F	UNDS					
TOTAL F	UNDS					
Explanatio	on of Es	imate:				
No fiscal	impact.					

A change is being made to when Arbor Day is recognized on each even-numbered year.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE							
Personal Services:							
	NUMBER OF	<b>F POSITIONS</b>	2022-23	2023-24			
POSITION TITLE	22-23	<u>23-24</u>	<b>EXPENDITURES</b>	<b>EXPENDITURES</b>			
	_						
Benefits							
Operating							
Travel							
Capital outlay							
Aid							
Capital improvements							
TOTAL							
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<b>LB</b> <sup>(1)</sup>	965					FISCAL NOTE
State Ag	ency OR P	olitical Subdivision Name: <sup>(2)</sup>	Nebraska State Pa	atrol		
Prepare	d by: (3)	Carol Aversman	Date Prepared: <sup>(4)</sup>	1/18/22	Phone: (5)	402-471-4545
		ESTIMATE PROVI	<u>DED BY STATE AGEN</u>	CY OR POLITICA	<u>L SUBDIVIS</u>	ION
		<u>FY s</u> EXPENDITURES	2022-23 <u>REVENUE</u>	EXPENDIT	<u>FY 2023</u> <u>URES</u>	<u>-24</u> <u>REVENUE</u>
GENER	AL FUNI	DS				
CASH F	UNDS					
FEDER	AL FUNE	DS		<u> </u>		
OTHER	R FUNDS					
TOTAL	FUNDS					
Explana	tion of Es	etimate:				
No Fis	cal Impa	ct.				

BREAKI	DOWN BY MAJ	OR OBJECTS O	<b>FEXPENDITURE</b>	
Personal Services:				
POSITION TITLE	NUMBER OF POSITIONS <u>22-23</u> <u>23-24</u>		2022-23 <u>EXPENDITURES</u>	2023-24 <u>EXPENDITURES</u>
Operating				
Travel				
Capital outlay				
Aid				
Capital improvements				
TOTAL				

LB <sup>(1)</sup> 965			FISCAL NOTE
State Agency OR Political Subdivision N	ame: <sup>(2)</sup> Nebraska Departn	nent of Transportation	
Prepared by: <sup>(3)</sup> Jenessa Boynton	Date Prepared: <sup>(4)</sup>	1/18/2022 Phone: <sup>(5)</sup>	402-479-4691
ESTIMATE	PROVIDED BY STATE AGEN	NCY OR POLITICAL SUBDIVIS	ION
	EV 0000 00	EV 2022	
<u>EXPENDI</u>	<u>FY 2022-23</u> TURES <u>REVENUE</u>	<u>FY 2023</u> <u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS			
CASH FUNDS			
FEDERAL FUNDS			
OTHER FUNDS			
TOTAL FUNDS			

**Explanation of Estimate:** 

LB 965 proposes to change Arbor Day observance to the last Friday in April in odd-numbered years and the first Tuesday following the first Monday in November in each even-numbered year.

No Fiscal Impact.

BREAKL	<u>OOWN BY MAJ</u>	<u>OR OBJECTS O</u>	<u>F EXPENDITURE</u>	
Personal Services:				
	NUMBER OF	POSITIONS	2022-23	2023-24
POSITION TITLE	<u>22-23</u>	<u>23-24</u>	EXPENDITURES	<b>EXPENDITURES</b>
Benefits	•			
Operating				
Travel				
				·
Capital outlay				
Aid				
Capital improvements				
TOTAL				

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0.00

#### **LB**<sup>(1)</sup> 0965 Change the day the state observes Arbor Day **FISCAL NOTE** State Agency OR Political Subdivision Name:<sup>(2)</sup> University of Nebraska System Prepared by:<sup>(3)</sup> Chris Kabourek Date Prepared:<sup>(4)</sup> 01/13/2022 Phone:<sup>(5)</sup> (402) 472-7102 ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION FY 2022-23 FY 2023-24 **EXPENDITURES** REVENUE **EXPENDITURES** REVENUE **GENERAL FUNDS** 0.00 0.00 0.00 0.00 -----\_\_\_\_\_ CASH FUNDS 0.00 0.00 0.00 0.00 ----------------FEDERAL FUNDS 0.00 0.00 0.00 0.00 --------------------OTHER FUNDS 0.00 0.00 0.00 0.00

0.00

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0.00

Explanation of Estimate:

No fiscal impact.

TOTAL FUNDS

#### BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

	NUMBER OF POSITIONS		2022-23	2023-24	
POSITION TITLE	<u>22-23</u>	<u>23-24</u>	<b>EXPENDITURES</b>	EXPENDITURES	
	0	0			
	0	0			
Benefits					
Operating					
Travel					
Capital outlay					
Aid					
Capital improvements					
TOTAL					

0.00

LB <sup>(1)</sup> 965				F	SCAL NOTE
State Agency OR Political S	Subdivision Name: <sup>(2)</sup>	Nebraska Departn	nent of Veterans Affa	airs (ND	VA)
Prepared by: <sup>(3)</sup> Clarissa Hunt		Date Prepared: <sup>(4)</sup> 02/08/2022 Ph		one: (5)	402-471-1831
	ESTIMATE PROVI	DED BY STATE AGEN	ICY OR POLITICAL SU	BDIVISI	ON
<u>FY 2</u> EXPENDITURES		2022-23 <u>REVENUE</u>	<u>FY 2023-</u> <u>EXPENDITURES</u>		<u>24</u> <u>REVENUE</u>
GENERAL FUNDS	24,146		-24,146	_	
CASH FUNDS	10,732		-10,732	_	
FEDERAL FUNDS	18,780		-18,780	_	
OTHER FUNDS	0		0	_	
TOTAL FUNDS	53,658		-53,658	=	

Explanation of Estimate:

The total fiscal impact NDVA would be \$53.658.00 in the first year and -\$53,658.00 in the second year.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE				
Personal Services:				
	NUMBER OF POSITIONS		2022-23	2023-24
POSITION TITLE	22-23	<u>23-24</u>	<b>EXPENDITURES</b>	EXPENDITURES
Benefits				
Operating				
Travel				
Capital outlay				
Aid				
Capital improvements				
TOTAL				

#### 2022