

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

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES</b> (See narrative for political subdivision estimates)				
	<b>FY 2023-24</b>		<b>FY 2024-25</b>	
	<b>EXPENDITURES</b>	<b>REVENUE</b>	<b>EXPENDITURES</b>	<b>REVENUE</b>
GENERAL FUNDS			See Below	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS			See Below	

**Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.** LB 479 would transfer the Office of Probation Administration from the judicial branch to the executive branch beginning on July 1, 2024.

This bill will also transfer the Division of Parole Supervision from the Board of Parole to an independent agency. LB 479 will allow appropriate access to data and information as requested by the Department of Health and Human Services (DHHS). When a person is convicted of an offense which requires lifetime community supervision, the sentencing court will provide a written notice to the defendant that they will be subject to lifetime community supervision by the Parole Supervision Agency (Agency). The notice will inform the defendant that they will be under lifetime community supervision by the Parole Supervision Agency. The Agency will be will conduct a risk assessment and evaluation to determine the conditions of community supervision.

**Expenditures:**

The Department of Administrative Services -State Building Division (DAS-SBD) states that it would need revolving fund appropriation to be able to takeover all leases from the court system and would bill the Office of Probation on a monthly basis for the total amount of the leases. DAS-SBD does not have the total amount of revolving fund appropriation needed at this time.

The Department of Health and Human Services states that LB 479 as written would have no fiscal impact on the agency. However, if the Office of Probation Administration were to be placed within DHHS, there would be a fiscal impact.

The Office of Probation Administration (OPA) would have minimal fiscal impact but cannot determine the amount at this time. Section 23 in this bill would require some Probation budget programs (67, 235, 435) to be removed. As of 1/31/23 the following would be the total appropriation, including carryover funds for the programs listed above.

	<u><b>General Funds</b></u>	<u><b>Cash Funds</b></u>	<u><b>Federal Funds</b></u>	<u><b>Total</b></u>
<b>Program 67</b>	<b>37,916,938</b>	<b>2,251,916</b>	<b>290,918</b>	<b>40,459,772</b>
<b>Program 235</b>		<b>1,903,656</b>		<b>1,903,656</b>
<b>Program 435</b>	<b>33,831,467</b>	<b>12,576,839</b>		<b>46,408,306</b>

The OPA states that if the intent of LB 479 is to transfer juvenile probation to the executive branch then program 437 would also be transferred with the other programs listed. The bill does not include problem-solving court staff and resources and therefore that function would not be transferred to the executive branch. The OPA states that since the bill would require the transfer of the probation to executive branch that it assumes that positions that have some duties associated with probation such as finance, contract/grant management, Judicial Branch Education, HR, and IT staff would not be transferred but once the OPA shifts to the executive branch they would require comparable positions.

Additional expenses would be needed to establish Probation in the executive branch such as interpreter expenses, separation of IT systems and problem-solving courts.

It is unclear from the language of the bill if the newly established Office of Probation Administration would be an independent agency or if it would be placed within an existing executive branch agency, and as such, overall fiscal impact is indeterminate.

LB 479 requires the transfer of the Division of Parole Supervision from the Board of Parole to a new agency. The base appropriation for fiscal year 22-23 from the Division of Parole Supervision would be transferred to the new agency which would be estimated appropriation of \$8,214,729. There could also be additional expenses for the new agency therefore the overall fiscal impact is indeterminate.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 479</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Nebraska Board of Parole (015)</b>
REVIEWED BY: Joe Wilcox	DATE: 01/27/2023	PHONE: (402) 471-4178
COMMENTS: Disagree with the Board of Parole estimate of No Fiscal Impact to the Agency from LB 479. Section 63 of the bill moves the functions, staffing, and operations of the Division of Parole Supervision from the Board of Parole to its own stand-alone agency – the Parole Supervision Agency. This will have a significant impact on the fiscal and operational functioning of the Board of Parole.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 479</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Nebraska Department of Correctional Services (046)</b>
REVIEWED BY: Joe Wilcox	DATE: 01/30/2023	PHONE: (402) 471-4178
COMMENTS: No disagreement with the Nebraska Department of Correctional Services (NDCS) estimate of No Fiscal Impact to the Agency from LB 479.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 479</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Department of Administrative Services – State Building Division (065)</b>
REVIEWED BY: Joe Wilcox	DATE: 02/01/2023	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Department of Administrative Services – State Building Division estimate of Potential, but Indeterminate Fiscal Impact to the Agency from LB 479.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 479</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Nebraska Department of Health and Human Services (025)</b>
REVIEWED BY: Joe Wilcox	DATE: 02/27/2023	PHONE: (402) 471-4178
COMMENTS: Agree with the Nebraska Department of Health and Human Services (DHHS) estimate of No Fiscal Impact to the Agency from LB 479.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 479</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Nebraska Supreme Court (005)</b>
REVIEWED BY: Joe Wilcox	DATE: 02/28/2023	PHONE: (402) 471-4178
COMMENTS: No basis to disagree with the Nebraska Supreme Court estimate of Potential, but Indeterminate Fiscal Impact to Agency from LB 479.		

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

**LB: 479**      **AM:**      AGENCY/POLT. SUB: **Nebraska Association of County Officials (NACO)**

REVIEWED BY: Joe Wilcox

DATE: 01/24/2023

PHONE: (402) 471-4178

COMMENTS: No disagreement with the Nebraska Association of County Officials (NACO) estimate of No Fiscal Impact to Counties from LB 479.

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

**2023**

**LB<sup>(1)</sup> LB 479**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Nebraska Board of Parole/Division of Parole Supervision

Prepared by: <sup>(3)</sup> Rosalyn Cotton Date Prepared: <sup>(4)</sup> January 26, 2023 Phone: <sup>(5)</sup> 402 479-5731

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

	<u>FY 2023-24</u>		<u>FY 2024-25</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:

LB 479 – No Fiscal Impact

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023-24</u>	<u>2024-25</u>
	<u>23-24</u>	<u>24-25</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.

2023

LB<sup>(1)</sup> 479

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> 01/23/2023 Phone: <sup>(5)</sup> (402)479-5702

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2023-24</u>		<u>FY 2024-25</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:

NDCS estimates no fiscal impact as a result of LB 479.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023-24</u>	<u>2024-25</u>
	<u>23-24</u>	<u>24-25</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.

**2023**

**LB<sup>(1)</sup> 479**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Department of Administrative Services (DAS) – State Building Division (SBD)

Prepared by: <sup>(3)</sup> Michelle Potts Date Prepared: <sup>(4)</sup> 1/19/2023 Phone: <sup>(5)</sup> 531-207-9029

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

	<u>FY 2023-24</u>		<u>FY 2024-25</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
REVOLVING FUNDS	_____	_____	See Below	See Below
<b>TOTAL FUNDS</b>	=====	=====	=====	=====

**Explanation of Estimate:**

LB 479 would transfer the Office of Probation Administration from the court system or Judicial Branch to the Executive Branch effective July 1, 2024.

The Department of Administrative Services – State Building Division (DAS-SBD) currently has no involvement with the Office of Probation Administration’s locations/leases across the state. With the transfer, DAS-SBD would need sufficient revolving fund appropriation to be able to take over all leases from the court system. DAS-SBD would bill the Office of Probation monthly for the total amount of the leases.

DAS-SBD at this time does not have sufficient details on the total amount of revolving fund appropriation needed and would need to obtain information from the Office of Probation Administration.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023-24</u>	<u>2024-25</u>
	<u>23-24</u>	<u>24-25</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
<b>TOTAL.....</b>	_____	_____	_____	_____

**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 2-27-2023

Phone: (5) 471-6719

	<u>FY 2023-2024</u>		<u>FY 2024-2025</u>	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
<b>GENERAL FUNDS</b>	\$0	\$0	\$0	\$0
<b>CASH FUNDS</b>	\$0	\$0	\$0	\$0
<b>FEDERAL FUNDS</b>	\$0	\$0	\$0	\$0
<b>OTHER FUNDS</b>	\$0	\$0	\$0	\$0
<b>TOTAL FUNDS</b>	\$0	\$0	\$0	\$0

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

**Explanation of Estimate:**

LB 479 proposes to transfer the Office of Probation Administration to the executive branch; to rename the Division of Parole Supervision to the Parole Supervision Agency and remove such agency from the Board of Parole; and appoint a Director of Supervision and Services.

As written, there is no fiscal impact to the Department of Health and Human Services (DHHS). The bill does not indicate where the Office of Probation Administration would reside in the executive branch. If the office were to be placed within DHHS, a fiscal impact would occur.

**MAJOR OBJECTS OF EXPENDITURE**

PERSONAL SERVICES:	POSITION TITLE	NUMBER OF POSITIONS		2023-2024 EXPENDITURES	2024-2025 EXPENDITURES
		23-24	24-25		
Benefits.....				\$0	\$0
Operating.....				\$0	\$0
Travel.....				\$0	\$0
Capital Outlay.....				\$0	\$0
Aid.....				\$0	\$0
Capital Improvements.....				\$0	\$0
<b>TOTAL.....</b>				<b>\$0</b>	<b>\$0</b>

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

2023

LB<sup>(1)</sup> 479

FISCAL NOTE

State Agency OR Political Subdivision Name: <sup>(2)</sup> 05 Supreme Court

Prepared by: <sup>(3)</sup> Eric Asboe Date Prepared: <sup>(4)</sup> 2/26/23 Phone: <sup>(5)</sup> 402-326-9215

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2023-24</u>		<u>FY 2024-25</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	See below	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate:

The full fiscal impact of transferring Probation out of the Judicial Branch is not clear based on the bill as currently written. However, some context is provided in the comments and information below:

1. Section 23 requires some Probation budget programs to be removed, but not all, starting FY24-25. As of 1/31/23 the total appropriation, including carryover funds, for these programs is:

	<u>General Funds</u>	<u>Cash Funds</u>	<u>Federal Funds</u>	<u>Total</u>
Program 67	37,916,938	2,251,916	290,918	40,459,772
Program 235		1,903,656		1,903,656
Program 435	33,831,467	12,576,839		46,408,306

2. Section 5 defines the term “juvenile probation officer”. If the intent of LB479 is to transfer juvenile probation to the executive branch, Section 23 does not include budget Program 437, Juvenile Justice.

3. The mainline budget bill has for many years, contained the language: “The supervision and management of the State Specialized Courts shall be under the direct jurisdiction of the Supreme Court and the State Court Administrator.” LB814, 2023 also contains the language. LB479 does not speak directly to problem-solving court staff and resources. Therefore, that function would not be transferred to the executive branch.

4. Section 18 relates to the transfer of Office of Probation Administration (OPA) employees. It is assumed that positions that have some duties related to probation, but are not within the OPA, such as finance, contract/grant management, Judicial Branch Education, HR, and IT staff, would not be transferred. However, the OPA, once located within the executive branch, would require comparable positions. This would require an appropriation above the amount transferred in Section 23.

5. There are additional expenses not included in the budget programs under Point 1 that would also increase the amount needed to establish Probation in the executive branch. Additional expenditures may also be required within the Judicial Branch. Three examples for illustration:

a. Interpreter expenses. Probation’s use of interpreters is currently paid from a court budget program.

b. Separation of IT systems. Probation currently has its own case management (NPACS) and voucher systems. NPACS is also used by problem-solving courts. A process will need to be developed regarding the maintenance, development and security of these systems, while maintaining interfaces with court-related systems such as JUSTICE, the court case management system.

c. Problem-solving courts. There are some positions within the OPA that, as a part of their duties, support problem-solving courts. After moving to the executive branch, the Judicial Branch may have additional expenditures to replace the support.

Note. This fiscal note may be amended at a later date if the Judicial Branch is able to receive more information regarding the intent of LB479.



**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023-24</u>	<u>2024-25</u>
	<u>23-24</u>	<u>24-25</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.

**2023**

**LB<sup>(1)</sup> 479**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Nebraska Association of County Officials (NACO)

Prepared by: <sup>(3)</sup> Elaine Menzel Date Prepared: <sup>(4)</sup> 1/24/2023 Phone: <sup>(5)</sup> 402.434.5660

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

	<u>FY 2023-24</u>		<u>FY 2024-25</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:**

LB 479 would transfer the Office of Probation Administration from the judicial branch to the executive branch. Among other things, the bill would change provisions related to the reimbursement of expenses by all other counties within the probation district to the extent and proportions determined by the probation administrator rather than the current Supreme Court.

There is not expected to be a fiscal impact to counties based on this change.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023-24</u>	<u>2024-25</u>
	<u>23-24</u>	<u>24-25</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____