

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

| ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates) | | | | |
|---|-------------------|---------|-------------------|---------|
| | FY 2016-17 | | FY 2017-18 | |
| | EXPENDITURES | REVENUE | EXPENDITURES | REVENUE |
| GENERAL FUNDS | See Below | | | |
| CASH FUNDS | | | | |
| FEDERAL FUNDS | | | | |
| OTHER FUNDS | | | | |
| TOTAL FUNDS | | | | |

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

This bill would require development of treatment protocols for and a needs assessment of committed offenders and correctional facilities.

The Department of Correctional Services (DCS) estimates that this bill may result additional costs for transportation and overtime to transport inmates to community-based mental health and substance abuse visits. There may be costs for such services, but at this time DCS states the fiscal impact is indeterminate.

The bill requires DCS submit a needs assessment to the Appropriations Committee by January 1 of odd-numbered years until 1/1/2023. DCS estimates the cost to be roughly \$45,000 in each of those years. See the agency response following for additional details.

The Department of Health and Human Services is unable to determine a cost at this time.

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

2016

LB⁽¹⁾ 1023

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾

Nebraska Department of Correctional Services (DCS)

Prepared by: ⁽³⁾ Brendon Polt

Date Prepared: ⁽⁴⁾ 2/2/2016

Phone: ⁽⁵⁾ (402) 479-5702

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

| | FY 2016-17 | | FY 2017-18 | |
|---------------|--------------|---------|--------------|---------|
| | EXPENDITURES | REVENUE | EXPENDITURES | REVENUE |
| GENERAL FUNDS | \$45,000 | | \$0 | |
| CASH FUNDS | | | | |
| FEDERAL FUNDS | | | | |
| OTHER FUNDS | | | | |
| TOTAL FUNDS | \$45,000 | | \$0 | |

Explanation of Estimate:

DCS anticipates that sections 2(4) and 3 would both likely have a fiscal impact to the Department.

Section 2(4) would require that in coordinating mental health and substance abuse treatment, DCS use community-based services “within the community in which the committed offender is held” as well as community-based services when released in the community in which the person is released.

DCS would anticipate additional transportation costs to transport inmates to community-based service providers and payments to the providers themselves. Although facilities would certainly incur transportation costs related to vehicle maintenance and fuel, etc., the most significant cost would be payment of overtime for custody staff escorting the inmates to appointments. DCS does not have an accurate methodology to determine a meaningful estimated increase in its volume of community-based mental health and substance abuse visits that would result from LB 1023. A per-outpatient visit estimated transportation cost for a medium or maximum-level inmate would include two Corporals for two hours at time-and-a-half (one hour visit plus one hour travel time). A minimum-level offender would only require one escort.

\$17.057 (FY17 corporal hourly) x 150% (OT) x 2 (hours) x 2 (corporals) = \$102.34 (or \$51.17 for minimum security)

The bill does not specify whether DCS is required to pay for all or merely a portion of community-based services for inmates that are incarcerated or when released nor does it specify whether this includes 100 percent of mental health and substance abuse treatment services, i.e., whether DCS staff would continue providing any such services “in-house”. Without knowing specifically what would be required, DCS is unable to estimate the volume of visits it would be required to facilitate, any reduction in services provided by DCS professionals, or the types of mental health and substance abuse treatment services that would and wouldn’t necessarily be subject to this requirement.

For this reason, the fiscal impact of Section 2(4) is indeterminate.

Section 3 requires that DCS submit a needs assessment to the Appropriations Committee by January 1 of odd-numbered years until 1/1/2023. The assessment would include program needs based on personalized program plans, programs required for those eligible for parole, mental and behavioral health needs, and staffing needs. It would also include a matrix identifying programs available at each facility, the number of offenders on a waiting list for each program, and the number of offenders from each facility unable to access programs prescribed in their program plans because the programs are unavailable.

In order to adequately meet the requirements of this section, the Department would contract with a psychiatrist in FY2017, FY2019, FY2021, and FY2023. The Department estimates, based upon past experience, the cost to be roughly \$45,000 in each of those years. The reporting, data compilation, and production of the written assessment for submittal to the Appropriations Committee would necessitate allocation of new or existing administrative staff, likely also assisting with other new and expanded administrative duties required of DCS by the Legislature.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

| <u>POSITION TITLE</u> | <u>NUMBER OF POSITIONS</u> | | <u>2016-17</u> | <u>2017-18</u> |
|---------------------------|----------------------------|--------------|---------------------|---------------------|
| | <u>16-17</u> | <u>17-18</u> | <u>EXPENDITURES</u> | <u>EXPENDITURES</u> |
| Benefits..... | | | | |
| Operating..... | | | \$45,000 | \$0 |
| Travel..... | | | | |
| Capital outlay..... | | | | |
| Aid..... | | | | |
| Capital improvements..... | | | | |
| TOTAL..... | | | \$45,000 | \$0 |

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

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

Prepared by: (3) Pat Weber

Date Prepared:(4) 1-22-16

Phone: (5) 471-6351

| | <u>FY 2016-2017</u> | | <u>FY 2017-2018</u> | |
|----------------------|---------------------|---------|---------------------|---------|
| | EXPENDITURES | REVENUE | EXPENDITURES | REVENUE |
| GENERAL FUNDS | \$0 | \$0 | \$0 | \$0 |
| CASH FUNDS | | | | |
| FEDERAL FUNDS | | | | |
| OTHER FUNDS | | | | |
| TOTAL FUNDS | \$0 | \$0 | \$0 | \$0 |

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

Explanation of Estimate:

The potential for a fiscal impact is present given that 64% of inmates are estimated to be in need of behavioral health treatment, however, without additional assessment data approximating cost is unable to be determined at this time.

MAJOR OBJECTS OF EXPENDITURE

| PERSONAL SERVICES: | NUMBER OF POSITIONS | | 2016-2017 EXPENDITURES | 2017-2018 EXPENDITURES |
|---------------------------|---------------------|--------|---------------------------|---------------------------|
| | 16-17 | 17--18 | | |
| Benefits..... | | | | |
| Operating..... | | | | |
| Travel..... | | | | |
| Capital Outlay..... | | | | |
| Aid..... | | | | |
| Capital Improvements..... | | | | |
| TOTAL..... | | | \$0 | \$0 |