

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

| ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates) | | | | |
|---|---------------------|----------------|---------------------|----------------|
| | FY 2023-24 | | FY 2024-25 | |
| | EXPENDITURES | REVENUE | EXPENDITURES | REVENUE |
| GENERAL FUNDS | See Below | | See Below | |
| 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 788 authorizes the Nebraska State Patrol to conduct investigations of any criminal activity that takes place within any correctional facility operated by the Department of Correctional Services.

The bill states that the Inspector General of the Nebraska Correctional System will be required to provide to each member of the Judiciary Committee of the Legislature, the Governor, the Clerk of the Legislature a summary of reports and investigations.

Expenditures:

The Nebraska State Patrol (NSP) states that their estimation is based on shifting responsibility from the NDCS to the State Patrol for criminal investigations. NSP will need two sworn patrol offices to efficiently carry out the criminal investigations that the agency needs to complete.

The estimated cost for NSP is as follows:

- 2 State Patrol Investigative Officers (including personnel and benefit costs) are \$136,957 (FY 23-24) & \$273,913 (FY 24-25)
- Capital outlay (vehicles, computer equipment, radios, firearms, and workstations) is \$138,297 (FY 23-24)
- Operational Costs (training costs, uniforms, duty gear, office supplies, OCIO technology charges, cell phones cost, and auto operating cost) are \$34,602 (FY 23-24) & \$32,299 (FY 24-25)

The bill is effective on January 1st, 2024 and which would be 50% of the annual cost in FY 2023-2024 and 100% of the annual cost in FY 2024-2025.

The Nebraska Department of Correctional Services (NDCS) states that due to LB 788 requiring NSP to investigate the criminal activity within NDCS would have negative impact on the agency as it would transfer 2 full-time Corrections Investigators and reduce expenditures of \$105,103 (FY 2023-2024) and \$210,207 (FY 2024-2025).

| | | |
|--|------------------|---|
| ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE | | |
| LB: 788 | AM: | AGENCY/POLT. SUB: Nebraska Department of Correctional Services (046) |
| REVIEWED BY: Joe Wilcox | DATE: 02/06/2023 | 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 788. | | |

| ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE | | |
|--|------------------|--|
| LB: 788 | AM: | AGENCY/POLT. SUB: Nebraska State Patrol (064) |
| REVIEWED BY: Joe Wilcox | DATE: 02/06/2023 | PHONE: (402) 471-4178 |
| COMMENTS: No basis to disagree with the Nebraska State Patrol estimate of Potential Fiscal Impact to the Agency from LB 788. | | |

| ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE | | |
|---|------------------|---|
| LB: 788 | AM: | AGENCY/POLT. SUB: Nebraska Supreme Court (005) |
| REVIEWED BY: Joe Wilcox | DATE: 02/06/2023 | PHONE: (402) 471-4178 |
| COMMENTS: Agree with the Nebraska Supreme Court estimate of No Fiscal Impact to the Agency from LB 788. | | |

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

2023

LB⁽¹⁾ 788

FISCAL NOTE

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

Prepared by: ⁽³⁾ Lisa Stanton Date Prepared: ⁽⁴⁾ 01/31/2023 Phone: ⁽⁵⁾ (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 | <u>\$(105,103)</u> | <u> </u> | <u>\$(210,207)</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>\$(105,103)</u> | <u> </u> | <u>\$(210,207)</u> | <u> </u> |

Explanation of Estimate:

LB 788 designates the Nebraska State Patrol as the agency to investigate criminal activity within Department of Correctional Services correctional facilities, and transfers any investigators employed by the department to the patrol. The act has an operative date of January 1, 2024.

NDCS estimates that the transfer of 2.0 Corrections Investigator FTEs will reduce expenditures by \$210,207. This amount includes \$153,577 PSL, \$51,900 benefits, and \$4,730 for other services and equipment.

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> |
| Corrections Investigator | <u>(2.0)</u> | <u>(2.0)</u> | <u>\$(76,788)</u> | <u>\$(153,577)</u> |
| Benefits..... | | | <u>\$(25,950)</u> | <u>\$(51,900)</u> |
| Operating..... | | | <u>\$(2,365)</u> | <u>\$(4,730)</u> |
| Travel..... | | | <u> </u> | <u> </u> |
| Capital outlay..... | | | <u> </u> | <u> </u> |
| Aid..... | | | <u> </u> | <u> </u> |
| Capital improvements..... | | | <u> </u> | <u> </u> |
| TOTAL..... | | | <u>\$(105,103)</u> | <u>\$(210,207)</u> |

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

2023

LB⁽¹⁾ 788

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Nebraska State Patrol

Prepared by: ⁽³⁾ Carol Aversman Date Prepared: ⁽⁴⁾ 02-1-2023 Phone: ⁽⁵⁾ 402-471-4545

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 | \$309,856 | | \$306,212 | |
| CASH FUNDS | | | | |
| FEDERAL FUNDS | | | | |
| OTHER FUNDS | | | | |
| TOTAL FUNDS | <u>\$309,856</u> | | <u>\$306,212</u> | |

Explanation of Estimate:

LB 788 designates the Nebraska State Patrol as the agency to investigate criminal activity within correctional facilities operated by the Department of Correctional Services. It states that the Patrol will employ and have oversight over any investigators employed by the department. It further notes that when the positions of investigators are transferred to the Nebraska State Patrol, all funds used by the department for the administration of and salaries for such investigators shall be transferred to the patrol. The bill becomes operative on January 1, 2024. The Nebraska Department of Corrections (NDCS) has submitted a Fiscal Note totaling (\$240,692) annually.

The State Patrol's Fiscal Note is based upon the shifting of responsibility from the NDCS to the State Patrol for criminal investigations and the need to have sworn and fully trained officers conducting these investigations that meet the requirements of the State Patrol for employment. It is further based upon the fact that the 2 individuals employed by the Department of Corrections have vast limitations on being able to carry out law enforcement activities and may not meet the requirements for employment as a sworn State Patrol officer. The State Patrol is of the belief that the criminal investigations that would be required to be carried out by this bill will require sworn officers with extensive law enforcement training. It is important to note that the Department of Corrections Investigators are not equivalent positions to Nebraska State Patrol Investigative positions in terms of training and the authority granted to them. Accordingly, the State Patrol estimates that 2 sworn State Patrol Officers would be required in order to adequately carry out the criminal investigations that the agency is charged with completing, and that the shifting of the existing NDCS employees will not be sufficient in order for the State Patrol to meet the responsibilities conveyed to it through the bill.

Accordingly, the State Patrol is submitting a Fiscal Note based upon the personnel structure that it believes is necessary to carry out the intent of the bill, rather than the personnel structure that currently exists in NDCS for this purpose. The officers would consist of 2 State Patrol Investigative Officers. Included in the Fiscal Note are personnel and benefit costs totaling \$136,957 in the first year of the biennium and \$273,913 in the second year of the biennium.

Capital outlay costs are estimated at \$138,297 in the first year of the biennium. These Capital costs include vehicles for the officers, computer equipment, radios, firearms, and workstations.

Operational Costs include auto operating costs (gasoline, insurance, repairs), training costs, uniforms and duty gear, office supplies, ongoing OCIO technology charges, and cell phone costs totaling \$34,602 in the first year of the biennium and \$32,299 in the second year of the biennium. Auto operating costs are estimated at \$8,754 in the first year of the biennium and \$17,507 in the second year of the biennium. It has been assumed that a large upfront training investment will be required for the new officers at a cost of \$5,500 per employee in the first year, and \$1,000 per employee per year thereafter. This totals \$11,000 in the first year of the biennium and \$2,000 in the second year. Office Supplies are estimated at \$150 in the first year of the biennium and \$300 in the second year. OCIO technology charges and cell phone charges total \$3,234 in the first year of the biennium and \$6,468 in the second year of the biennium. Uniform and duty gear costs of \$11,464 and \$6,024 have been included for the first year and the second year, respectively.

Note that the bill is effective on 1/1/2024, so only 50% of the annual costs are reflected in FY 2023-2024. 100% of the annual costs are reflected in FY 2024-2025.

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> |
| State Patrol Investigation Officer | 2 | 2 | \$99,244 | \$198,488 |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| Benefits..... | | | \$37,713 | \$75,425 |
| Operating..... | | | \$34,602 | \$32,299 |
| Travel..... | | | | |
| Capital outlay..... | | | \$138,297 | \$0 |
| Aid..... | | | | |
| Capital improvements..... | | | | |
| TOTAL | | | \$309,856 | \$306,212 |

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2023

LB⁽¹⁾ 788

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ 05 Supreme Court

Prepared by: ⁽³⁾ Eric Asboe Date Prepared: ⁽⁴⁾ 2/3/2023 Phone: ⁽⁵⁾ 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 | _____ | _____ | _____ | _____ |
| 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>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..... | _____ | _____ | _____ | _____ |