

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 605A

FINAL READING

Introduced by Mello, 5.

Read first time May 12, 2015

1 A BILL FOR AN ACT relating to appropriations; to amend section 162,
2 Legislative Bill 657, One Hundred Fourth Legislature, First Session,
3 2015; to appropriate funds to aid in carrying out the provisions of
4 Legislative Bill 605, One Hundred Fourth Legislature, First Session,
5 2015; to change appropriations; and to repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 162, Legislative Bill 657, One Hundred Fourth
2 Legislature, First Session, 2015, is amended to read:

3 Sec. 162. AGENCY NO. 46 – DEPARTMENT OF CORRECTIONAL SERVICES
4 Program No. 200 - Operations

	FY2015-16	FY2016-17
5		
6	200,525,132	201,266,791
7	<u>199,642,950</u>	<u>195,663,507</u>
8	2,126,000	2,126,000
9	1,758,021	1,762,858
10	18,780,835	18,935,977
11	223,189,988	224,091,626
12	<u>222,307,806</u>	<u>218,488,342</u>
13	105,370,686	107,556,955
14	<u>105,614,418</u>	<u>107,800,687</u>

15 The unexpended General Fund appropriation balance existing on June
16 30, 2015, is hereby reappropriated.

17 Included in the salary limitations provided by this section is
18 \$3,672,087 for FY2015-16 and \$3,672,087 for FY2016-17 for Revolving Fund
19 salaries for program classifications 390 and 563, that shall not be
20 limited to the amounts shown.

21 The Department of Administrative Services shall monitor the
22 appropriations and expenditures for this program according to the
23 following program classifications:

- 24 No. 260 - Nebraska Correctional Youth Facility
- 25 No. 300 - Tecumseh Correctional Center
- 26 No. 368 - Lincoln Community Corrections Center
- 27 No. 369 - Omaha Community Corrections Center
- 28 No. 370 - Central Office
- 29 No. 372 - Nebraska State Penitentiary
- 30 No. 373 - Nebraska Center for Women - York
- 31 No. 375 - Diagnostic and Evaluation Center

- 1 No. 376 - Lincoln Correctional Center
- 2 No. 377 - Omaha Correctional Center
- 3 No. 386 - McCook Incarceration Work Camp
- 4 No. 389 - Adult Parole Administration
- 5 No. 390 - Federal Surplus Property
- 6 No. 495 - Department Central Warehouse
- 7 No. 563 - Correctional Industries

8 Revolving Fund expenditures shall not be limited to the amounts
9 shown.

10 It is the intent of the Legislature that the Department of
11 Correctional Services investigate the feasibility of leasing the former
12 Lancaster County jail facility located in Air Park and owned by the
13 Airport Authority of the City of Lincoln, Nebraska, and consider making
14 this facility a community corrections facility instead of a minimum-
15 security facility. The department shall issue a report to the
16 Appropriations Committee of the Legislature electronically on this
17 subject by January 1, 2016.

18 It is the intent of the Legislature that the Department of
19 Correctional Services reduce mandatory overtime at the department's
20 facilities. The department shall examine reducing mandatory overtime by
21 studying its pay structure, including, but not limited to, adopting a pay
22 structure that allows employees to advance through the pay line, adopting
23 a step plan or a similar-type plan, or by adopting another method that
24 gives incentives for employees to remain employed by the department. The
25 department may conduct a salary survey to see if the department's
26 salaries are competitive with other entities which it competes with for
27 employees. The department shall issue a report to the Appropriations
28 Committee of the Legislature electronically on this subject by January 1,
29 2016.

30 It is the intent of the Legislature that the Department of
31 Correctional Services implement a needs assessment regarding behavioral

1 and mental health treatment and staffing. The needs assessment shall be
2 completed by appropriately trained mental health professionals. The
3 assessment shall include:

4 (1) Review and summary of relevant existing data sources;

5 (2) A detailed review of need factors in the Department of
6 Correctional Services population including risk behaviors, mental health
7 needs, behavioral health needs, and diagnosis;

8 (3) A detailed review of existing treatment and analysis of the
9 adequacy of that treatment based on:

10 (a) Professional standards of care;

11 (b) Best practices;

12 (c) Availability of programming aligned with mental health needs and
13 diagnosis (using valid instrumentation); and

14 (d) Availability in different facilities and levels of custody; and

15 (4) Analysis of needs, based on data gathered regarding:

16 (a) Staffing needs to meet professional standards of care;

17 (b) Needs related to developing new or different treatment based on
18 needs analysis; and

19 (c) Needs related to achieving an appropriate level of service that
20 meets the goals of institutional and community safety and community
21 integration.

22 The department shall issue a report to the Appropriations Committee
23 of the Legislature electronically on this subject by January 1, 2016.

24 There is included in the appropriation to this program for FY2015-16
25 \$5,000,000 General Funds, which shall only be used to contract with
26 county jail facilities to house Department of Correctional Services
27 facilities inmates on a temporary basis. If the department estimates that
28 the need to contract with county jail facilities to house department
29 facilities inmates still exists in FY2016-17, the department may request
30 General Funds for this purpose. It is the intent of the Legislature that
31 no further funding be provided after FY2016-17 to contract with county

1 jail facilities to house Department of Correctional Services facilities
2 inmates.

3 It is intended that the Department of Correctional Services shall
4 maintain a Department Contingency Fund and a Department Equipment Fund.

5 Sec. 2. There is hereby appropriated (1) \$159,464 from the
6 Transportation Services Bureau Revolving Fund for FY2015-16 and (2)
7 \$416,837 from the Transportation Services Bureau Revolving Fund for
8 FY2016-17 to the Department of Administrative Services, for Program 180,
9 to aid in carrying out the provisions of Legislative Bill 605, One
10 Hundred Fourth Legislature, First Session, 2015.

11 No expenditures for permanent and temporary salaries and per diems
12 for state employees shall be made from funds appropriated in this
13 section.

14 Sec. 3. There is hereby appropriated (1) \$59,474 from the Victim's
15 Compensation Fund for FY2015-16 and (2) \$59,474 from the Victim's
16 Compensation Fund for FY2016-17 to the Nebraska Commission on Law
17 Enforcement and Criminal Justice, for Program 202, to aid in carrying out
18 the provisions of Legislative Bill 605, One Hundred Fourth Legislature,
19 First Session, 2015.

20 No expenditures for permanent and temporary salaries and per diems
21 for state employees shall be made from funds appropriated in this
22 section.

23 There is included in the appropriation to this program for FY2015-16
24 \$59,474 Cash Funds for state aid, which shall only be used for such
25 purpose. There is included in the appropriation to this program for
26 FY2016-17 \$59,474 Cash Funds for state aid, which shall only be used for
27 such purpose.

28 Sec. 4. There is hereby appropriated (1) \$308,328 from the General
29 Fund for FY2015-16 and (2) \$422,651 from the General Fund for FY2016-17
30 to the Supreme Court, for Program 52, to aid in carrying out the
31 provisions of Legislative Bill 605, One Hundred Fourth Legislature, First

1 Session, 2015.

2 Total expenditures for permanent and temporary salaries and per
3 diems from funds appropriated in this section shall not exceed \$66,718
4 for FY2015-16 or \$122,624 for FY2016-17.

5 Sec. 5. There is hereby appropriated (1) \$22,500 from the Probation
6 Cash Fund for FY2015-16 and (2) \$260,500 from the Probation Cash Fund for
7 FY2016-17 to the Supreme Court, for Program 67, to aid in carrying out
8 the provisions of Legislative Bill 605, One Hundred Fourth Legislature,
9 First Session, 2015.

10 No expenditures for permanent and temporary salaries and per diems
11 for state employees shall be made from funds appropriated in this
12 section.

13 Sec. 6. There is hereby appropriated (1) \$2,336,900 from the
14 General Fund for FY2015-16 and (2) \$9,520,219 from the General Fund for
15 FY2016-17 to the Supreme Court, for Program 435, to aid in carrying out
16 the provisions of Legislative Bill 605, One Hundred Fourth Legislature,
17 First Session, 2015.

18 Total expenditures for permanent and temporary salaries and per
19 diems from funds appropriated in this section shall not exceed \$1,865,583
20 for FY2015-16 or \$4,088,759 for FY2016-17.

21 Sec. 7. There is hereby appropriated (1) \$216,804 from the Supreme
22 Court Automation Cash Fund for FY2015-16 and (2) \$241,840 from the
23 Supreme Court Automation Cash Fund for FY2016-17 to the Supreme Court,
24 for Program 570, to aid in carrying out the provisions of Legislative
25 Bill 605, One Hundred Fourth Legislature, First Session, 2015.

26 Total expenditures for permanent and temporary salaries and per
27 diems from funds appropriated in this section shall not exceed \$43,712
28 for FY2015-16 or \$59,740 for FY2016-17.

29 Sec. 8. There is hereby appropriated (1) \$-0- from the General Fund
30 for FY2015-16 and (2) \$600,109 from the General Fund for FY2016-17 to the
31 Nebraska Commission on Law Enforcement and Criminal Justice, for Program

1 198, to aid in carrying out the provisions of Legislative Bill 605, One
2 Hundred Fourth Legislature, First Session, 2015.

3 Total expenditures for permanent and temporary salaries and per
4 diems from funds appropriated in this section shall not exceed \$-0- for
5 FY2015-16 or \$49,052 for FY2016-17.

6 There is included in the appropriation to this program for FY2015-16
7 \$-0- General Funds for state aid, which shall only be used for such
8 purpose. There is included in the appropriation to this program for
9 FY2016-17 \$500,000 General Funds for state aid, which shall only be used
10 for such purpose.

11 Sec. 9. Original section 162, Legislative Bill 657, One Hundred
12 Fourth Legislature, First Session, 2015, is repealed.