

LEGISLATIVE BILL 605A

Approved by the Governor May 27, 2015

Introduced by Mello, 5.

A BILL FOR AN ACT relating to appropriations; to amend section 162, Legislative Bill 657, One Hundred Fourth Legislature, First Session, 2015; to appropriate funds to aid in carrying out the provisions of Legislative Bill 605, One Hundred Fourth Legislature, First Session, 2015; to change appropriations; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

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

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

	FY2015-16	FY2016-17
GENERAL FUND	200,525,132	201,266,791
<u>GENERAL FUND</u>	<u>199,642,950</u>	<u>195,663,507</u>
CASH FUND	2,126,000	2,126,000
FEDERAL FUND est.	1,758,021	1,762,858
REVOLVING FUND est.	18,780,835	18,935,977
PROGRAM TOTAL	223,189,988	224,091,626
<u>PROGRAM TOTAL</u>	<u>222,307,806</u>	<u>218,488,342</u>
SALARY LIMIT	105,370,686	107,556,955
<u>SALARY LIMIT</u>	<u>105,614,418</u>	<u>107,800,687</u>

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

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

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

- No. 260 - Nebraska Correctional Youth Facility
- No. 300 - Tecumseh Correctional Center
- No. 368 - Lincoln Community Corrections Center
- No. 369 - Omaha Community Corrections Center
- No. 370 - Central Office
- No. 372 - Nebraska State Penitentiary
- No. 373 - Nebraska Center for Women - York
- No. 375 - Diagnostic and Evaluation Center
- No. 376 - Lincoln Correctional Center
- No. 377 - Omaha Correctional Center
- No. 386 - McCook Incarceration Work Camp
- No. 389 - Adult Parole Administration
- No. 390 - Federal Surplus Property
- No. 495 - Department Central Warehouse
- No. 563 - Correctional Industries

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

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

It is the intent of the Legislature that the Department of Correctional Services reduce mandatory overtime at the department's facilities. The department shall examine reducing mandatory overtime by studying its pay structure, including, but not limited to, adopting a pay structure that allows employees to advance through the pay line, adopting a step plan or a similar-type plan, or by adopting another method that gives incentives for employees to remain employed by the department. The department may conduct a salary survey to see if the department's salaries are competitive with other entities which it competes with for employees. The department shall issue a report to the

Appropriations Committee of the Legislature electronically on this subject by January 1, 2016.

It is the intent of the Legislature that the Department of Correctional Services implement a needs assessment regarding behavioral and mental health treatment and staffing. The needs assessment shall be completed by appropriately trained mental health professionals. The assessment shall include:

- (1) Review and summary of relevant existing data sources;
- (2) A detailed review of need factors in the Department of Correctional Services population including risk behaviors, mental health needs, behavioral health needs, and diagnosis;
- (3) A detailed review of existing treatment and analysis of the adequacy of that treatment based on:
 - (a) Professional standards of care;
 - (b) Best practices;
 - (c) Availability of programming aligned with mental health needs and diagnosis (using valid instrumentation); and
 - (d) Availability in different facilities and levels of custody; and
- (4) Analysis of needs, based on data gathered regarding:
 - (a) Staffing needs to meet professional standards of care;
 - (b) Needs related to developing new or different treatment based on needs analysis; and
 - (c) Needs related to achieving an appropriate level of service that meets the goals of institutional and community safety and community integration.

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

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

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

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

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

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

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

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

Sec. 4. There is hereby appropriated (1) \$308,328 from the General Fund for FY2015-16 and (2) \$422,651 from the General Fund for FY2016-17 to the Supreme Court, for Program 52, to aid in carrying out the provisions of Legislative Bill 605, One Hundred Fourth Legislature, First Session, 2015.

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

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

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

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

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

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

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed \$43,712 for FY2015-16 or

\$59,740 for FY2016-17.

Sec. 8. There is hereby appropriated (1) \$-0- from the General Fund for FY2015-16 and (2) \$600,109 from the General Fund for FY2016-17 to the Nebraska Commission on Law Enforcement and Criminal Justice, for Program 198, to aid in carrying out the provisions of Legislative Bill 605, One Hundred Fourth Legislature, First Session, 2015.

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

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

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