

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

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)</b>				
	<b>FY 2020-21</b>		<b>FY 2021-22</b>	
	<b>EXPENDITURES</b>	<b>REVENUE</b>	<b>EXPENDITURES</b>	<b>REVENUE</b>
GENERAL FUNDS				
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 provide for information and training on firearm safety and suicide prevention and place restrictions and requirements on certain transfers of firearms. It would add semiautomatic rifles and shotguns to the category of firearms (designated firearm) for which a purchase certificate is required. The bill would expand from three to five days the length of time to perform background checks of individuals applying for firearms purchase certificates and add a mandatory two-day waiting period to receive the certificate.

The fee for a certificate to purchase a “designated firearm” is increased from \$5 to \$20. The fee is to cover the cost of a criminal history record check.

Cities and counties could see additional revenues from the increase in the certificate fee to purchase a “designated firearm”. They could also see an increase in such revenues since the certificate fee currently only applies to handguns and the bill broadens the category of firearms that are required to have this certificate. This amount is not known at this time.

The Douglas County Sheriff’s Office estimates an increase in revenue from the fee increase from \$30,000 to \$120,000 per year. This estimated increase is only for the handgun portion. They also expect an increase in revenues because the fee under current law only applies to handguns, and this bill expands the fee to cover certain rifles and shotguns. This amount is not known.

The Lancaster County Sheriff’s Office states that there are too many unknown variables to estimate a fiscal impact. They state that firearm permit applications will increase, but they don’t know by how much. For the past 5 years, they have averaged 3,700 applications per year. See their response attached for additional details not included in this fiscal note.

The City of Imperial estimates expenditures of \$500 in FY21 and \$100 in FY22 for suicide prevention training and materials.

As shown by the City of Imperial’s response, cities and counties could have additional expenditures for suicide prevention training and to purchase suicide prevention and firearm safety materials. This amount is not known at this time, but based on the City of Imperial’s response, the amount is probably minimal.

The City of Lincoln estimates no fiscal impact from this bill.

The penalties in sections 18-20 of the bill are not changed: Class IV felony: Maximum — two years imprisonment and twelve months post-release supervision or ten thousand dollars fine, or both; Minimum — none for imprisonment and none for post-release supervision. However, now more people could be impacted by the penalties because currently the law only applies to handguns.

Section 22 contains new penalties: Class I misdemeanor: Maximum — not more than one year imprisonment, or one thousand dollars fine, or both; Minimum — none, and a Class IV felony (see above).

Under state law, probation is presumed for a Class IV felony unless certain provisions are met. See section 29-2204.02. If a person is placed on probation, this could result in additional costs to Probation Administration. This amount, if any, is not known at this time.

The Supreme Court estimates a minimal fiscal impact to provide education.

Additionally, a Class IV felony does carry the potential for prison time. This has the potential for more people being sent to prison.

If the impact of this bill is to increase the prison population, then the Department of Correctional Services (DCS) could incur additional per diem costs. The FY19 per diem cost for an individual inmate was \$9,408 per year, which includes DCS inmates in county jails.

Increasing the prison population could also increase prison overcrowding. As of February 2020, the prison population was 156% of design capacity, or 159% if DCS inmates housed in county jails are included.

DCS states that this bill could increase the number of persons in prison, but the impact is indeterminable.

This fiscal note uses “design capacity” but the DCS attached response uses “operational capacity”. Design capacity is the number of inmates that planners or architects intended for the facility. Operational capacity is the number of inmates that can be accommodated based on a facility’s staff, existing programs, and services.

The Nebraska State Patrol estimates no fiscal impact from this bill.

This bill could also impact county jails. Misdemeanor sentences are generally served in county jails if jail time is imposed. If the impact of this bill is to increase the number of people serving time in county jails by more than current law, this could result in additional costs to counties.

Both the misdemeanor and felony penalties under this bill also carry the possibility of a fine being imposed. Any fines assessed pursuant to convictions will accrue to the county where the violation occurs to be used for the support of public schools.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
<b>LB: 816</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Douglas County Sheriff’s Office</b>	
REVIEWED BY: Joe Wilcox	DATE: 1/15/2020	PHONE: (402) 471-4178	
COMMENTS: No basis to dispute the Douglas County Sheriff’s Office assumptions underlying the estimate of potential Fiscal Impact to the Douglas County Sheriff from LB 816, with one exception: The fiscal note table identifies increased revenue of \$120,000 per year, however, the narrative identifies that current revenue is \$30,000 and that this would increase to \$120,000. So the change in revenue would be the difference between \$30,000 and \$120,000, which is \$90,000 not \$120,000.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
<b>LB: 816</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Lancaster County Sheriff’s Office</b>	
REVIEWED BY: Joe Wilcox	DATE: 1/10/2020	PHONE: (402) 471-4178	
COMMENTS: No basis to dispute the Lancaster County Sheriff’s Office estimate of potential but indeterminate fiscal impact to the Lancaster County Sheriff from LB 816.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
<b>LB: 816</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>City of Lincoln</b>	
REVIEWED BY: Joe Wilcox	DATE: 1/14/2020	PHONE: (402) 471-4178	
COMMENTS: No basis to dispute the City of Lincoln estimate of No Fiscal Impact to the City from LB 816.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
<b>LB: 816</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Nebraska Supreme Court (005)</b>	
REVIEWED BY: Joe Wilcox	DATE: 2/14/2020	PHONE: (402) 471-4178	
COMMENTS: No basis to dispute the Nebraska Supreme Court estimate of No Fiscal impact to the Agency from LB 816.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 816 Revised</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Nebraska Department of Correctional Services (046)</b>
REVIEWED BY: Joe Wilcox	DATE: 1/23/2020	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Department of Correctional Services (NDCS) estimate of potential, but Indeterminate Fiscal impact to the Agency from LB 816.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 816</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Nebraska State Patrol (064)</b>
REVIEWED BY: Joe Wilcox	DATE: 01/16/2020	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska State Patrol estimate of No Fiscal Impact to the Agency from LB 816.		

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

**2020**

**LB<sup>(1)</sup> 816**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Douglas County Sheriff's Office

Prepared by: <sup>(3)</sup> Capt. Kevin Conlon Date Prepared: <sup>(4)</sup> 1-13-20 Phone: <sup>(5)</sup> 402-444-7976

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

	<u>FY 2020-21</u>		<u>FY 2021-22</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
	See Comments Below		See Comments Below	
GENERAL FUNDS		\$120,000		\$120,000
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
	See Comments Below		See Comments Below	
TOTAL FUNDS		\$120,000		\$120,000

**Explanation of Estimate:**

The Douglas County Sheriff's Office (DCSO) currently processes approximately 6,000 handgun purchase permits a year on average. The current fee is \$5 per application submitted which has not changed in over two decades. With LB 816 proposing a fee increase from \$5 to \$20, the annual revenue for the DCSO would increase from \$30,000 to \$120,000. The new \$20 fee would more appropriately cover the Sheriff's Office costs to process a purchase permit application, including labor and office expenses.

The second fiscal impact of LB 816 would be the increase in purchase permit applications due to the expansion of weapons covered from only handguns to certain long guns (rifles and shotguns meeting the LB 816's criteria). The problem estimating the fiscal impact on this portion of LB816 is the lack of sales data in Douglas County for the long guns covered in the Bill. Though we certainly expected some sort of an increase in purchase permit applications, but the exact number is unknown. However, the new \$20 would adequately cover the cost and allow the Douglas County Sheriff's Office to hire additional staffing as needed.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2020-21</u>	<u>2021-22</u>
	<u>20-21</u>	<u>21-22</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.

**2020**

**LB<sup>(1)</sup> 816**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Lancaster County Sheriff's Office

Prepared by: <sup>(3)</sup> Sheriff Terry Wagner Date Prepared: <sup>(4)</sup> 01/10/2020 402 441 6500

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

	<u>FY 2020-21</u>		<u>FY 2021-22</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
<b>TOTAL FUNDS</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>

**Explanation of Estimate:**

This bill contains too many unknown variables to make a fiscal analysis possible. We know the number of applicants for firearms permits will increase, but have no way of knowing just how much. Who pays for the Suicide Prevention materials?, and does the weight of the prevention materials increase the cost of postage when mailing out the permits? In the past, we have had to make physical alterations to our office and increase one FTE to accommodate the increased number of applicants daily. For the past 5 years we have averaged 3,700 permit applications per year. Likewise, because we have no method of determining the increase in permit applications, we have no method to determine the increased revenue from the increased fee in the bill.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2020-21</u>	<u>2021-22</u>
	<u>20-21</u>	<u>21-22</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
<b>TOTAL.....</b>	<b>_____</b>	<b>_____</b>	<b>_____</b>	<b>_____</b>

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

**2020**

**LB<sup>(1)</sup> 816**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> City of Imperial

Prepared by: <sup>(3)</sup> Jo Leyland

Date Prepared: <sup>(4)</sup> 1/09/2020

Phone: <sup>(5)</sup> 308-882-4368

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

	<u>FY 2020-21</u>		<u>FY 2021-22</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>500</u>		<u>100</u>	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
<b>TOTAL FUNDS</b>	<b><u>500</u></b>		<b><u>100</u></b>	

Explanation of Estimate:

Anticipated expenditures would be for suicide prevention training and materials.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2020-21</u>	<u>2021-22</u>
	<u>20-21</u>	<u>21-22</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....				
Operating.....			<u>500</u>	<u>100</u>
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
<b>TOTAL.....</b>			<b><u>500</u></b>	<b><u>100</u></b>

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

2020

LB<sup>(1)</sup> 816

FISCAL NOTE

State Agency OR Political Subdivision Name: <sup>(2)</sup> City of Lincoln

Prepared by: <sup>(3)</sup> James Van Bruggen Date Prepared: <sup>(4)</sup> 1/13/20 Phone: <sup>(5)</sup> 402-441-8301

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2020-21		FY 2021-22	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate:

No fiscal impact.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2020-21	2021-22
	20-21	21-22	EXPENDITURES	EXPENDITURES
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

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

**2020**

**LB<sup>(1)</sup> 816**

**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> 2/13/20 Phone: <sup>(5)</sup> 1-4138

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2020-21</u>		<u>FY 2021-22</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:

Minimal fiscal impact to provide judicial branch education.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2020-21</u>	<u>2021-22</u>
	<u>20-21</u>	<u>21-22</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.

**2020**

**LB<sup>(1)</sup> 816 (REVISED fiscal note)**

**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> 01/22/2020 Phone: <sup>(5)</sup> (402)479-5702

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

	<u>FY 2020-21</u>		<u>FY 2021-22</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
<b>TOTAL FUNDS</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>

**Explanation of Estimate:**

LB 816 places additional requirements and restrictions on the transfer of certain firearms and provides for penalties. The bill could increase the number of persons in prison. The specific amount of impact is indeterminable.

As of October – December 2019, the prison population was 117% of operational capacity. Additionally, DCS contracts with some counties to temporarily house prison inmates. If those inmates are included in the prison population numbers, then the prison population would be 119% of operational capacity. The FY19 per diem cost for an individual inmate was \$9,408 per year, which includes DCS inmates in county jails.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2020-21 EXPENDITURES</u>	<u>2021-22 EXPENDITURES</u>
	<u>20-21</u>	<u>21-22</u>		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
<b>TOTAL.....</b>	<b>_____</b>	<b>_____</b>	<b>_____</b>	<b>_____</b>

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

**2020**

**LB<sup>(1)</sup> 816**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Nebraska State Patrol

Prepared by: <sup>(3)</sup> Carol Aversman Date Prepared: <sup>(4)</sup> 1/15/2020 Phone: <sup>(5)</sup> \_\_\_\_\_

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

	<u>FY 2020-21</u>		<u>FY 2021-22</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>2020-21</u>	<u>2021-22</u>
	<u>20-21</u>	<u>21-22</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____