

**FISCAL NOTE**

**LEGISLATIVE FISCAL ANALYST ESTIMATE**

Updated for amendments adopted through August 3, 2020.

<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, as amended by AM3062, AM3175, and AM3161, would change provisions relating to the sale and use of tobacco products. The bill has the emergency clause, and it becomes operative on October 1, 2020.

The bill, as amended, has a minimum to no fiscal impact. The following narrative explains the bill, the amendments, and any potential impact to political subdivisions.

AM3062 changed the operative date of the bill from “June” to “October”.

The bill increases the age from 19 to 21 to use tobacco. The penalty is a Class V misdemeanor (\$100 fine).

Whoever sells tobacco to someone under 21 is guilty of a Class III misdemeanor: Maximum — three months imprisonment, or five hundred dollars fine, or both; Minimum — none.

Because this bill increases the age from 19 to 21 for tobacco-related activity, it is possible more persons may violate the provisions of the bill. Therefore, this bill could 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.

Misdemeanor 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.

In the introduced copy of LB1064, the Department of Revenue estimated that this bill will have a minimal negative impact on General Fund revenues and there will be no cost for the department to implement the bill, and additionally the Nebraska State Patrol and the Department of Health and Human Services estimated no fiscal impact.

AM3161 is LB322, as amended by AM2082 (adopted), and AM2134 (filed but not adopted).

AM3161 would change provisions relating to enforcement of certain tobacco restriction provisions. It establishes a uniform process for tobacco compliance checks to be performed for the purpose of deterring licensees from providing nicotine products to persons under eighteen years of age. It provides that persons ages 15 to 18 may assist law enforcement in conducting a compliance check with written consent of a parent or guardian.

The Supreme Court, the Department of Health and Human Services, and the State Patrol all estimated no fiscal impact from LB322, as amended. To see the agency responses, see the fiscal note for LB322, as amended (Revision: 02). The DAS Comments are also on this copy of the fiscal note.

The bill was also amended by AM3228. This AM stated that until January 1, 2022, a tobacco specialty store may allow an employee who is nineteen or twenty years of age to work in the store. This does not appear to have a fiscal impact.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 1064</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Nebraska Department of Revenue (016)</b>
REVIEWED BY: Joe Wilcox	DATE: 1/30/2020	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Department of Revenue estimate of "Minimal" negative Impact to the State General Fund Receipts and No fiscal impact to the Agency from LB 1064.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 1064</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Department of Health and Human Services (025)</b>
REVIEWED BY: Joe Wilcox	DATE: 01/28/2020	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Department of Health and Human Services (DHHS) estimate of No Fiscal Impact to the Agency from LB 1064.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 1064</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Nebraska State Patrol (064)</b>
REVIEWED BY: Joe Wilcox	DATE: 1/31/2020	PHONE: (402) 471-4178
COMMENTS: Concur with the Nebraska State Patrol estimate of No Fiscal impact to the Agency from LB 1064.		



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

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

Prepared by: (3) Mike Michalski

Date Prepared 1-22-2020

Phone: (5) 471-6719

**FY 2020-2021**

**FY 2021-2022**

	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
<b>GENERAL FUNDS</b>				
<b>CASH FUNDS</b>				
<b>FEDERAL FUNDS</b>				
<b>OTHER FUNDS</b>				
<b>TOTAL FUNDS</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

**Explanation of Estimate:**

There is no fiscal impact to the Department of Health and Human Services.

**MAJOR OBJECTS OF EXPENDITURE**

**PERSONAL SERVICES:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2020-2021 EXPENDITURES</u>	<u>2021-2022 EXPENDITURES</u>
	<u>20-21</u>	<u>21-22</u>		
Benefits.....				
Operating.....				
Travel.....				
Capital Outlay.....				
Aid.....				
Capital Improvements.....				
<b>TOTAL.....</b>			<b>\$0</b>	<b>\$0</b>

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2020

LB<sup>(1)</sup> 1064

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> 1/29/2020 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.....	_____	_____	_____	_____