

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

Updated for amendments adopted through May 18, 2021.

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2021-22		FY 2022-23	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	See Below			
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.

AM1388 removes the original provisions of LB236 and replaces them with the provisions of LB's 85, 173, and 244.

LB85 would require Nebraska State Patrol (NSP) to provide notice of expiration of concealed handgun permits. NSP has not responded to AM1388, but in the introduced copy of LB85, NSP estimated costs of \$57,341 in FY22 and \$56,293 in FY23 to provide this notice. The LFO fiscal note showed this cost as a cash fund expenditure. At this time, it is assumed NSP can handle this increase in expenses with existing resources.

LB173 would change provisions relating to carrying a concealed weapon. In the introduced copy of this bill, the Supreme Court estimated a minimal fiscal impact, the Board of Parole estimated no significant impact, and the Department of Correctional Services estimated no fiscal impact.

LB244 would change permit renewal provisions of the Concealed Handgun Permit Act. In the introduced copy of this bill, the Nebraska State Patrol estimated no fiscal impact.

AM1434 is similar to LB301 as amended by AM632. This bill which would change drug schedules and penalties and adopt federal drug provisions under the Uniform Controlled Substances Act.

The Department of Correctional Services (DCS) states that AM1434 could increase the number of persons in prison, but the specific impact is indeterminable.

If the impact of AM1434 is to increase the prison population by more than current law, then this could have an impact on prison overcrowding. The average daily prison population was 145% of design capacity as of December 2020. DCS could incur additional per diem costs if the prison population increased. The FY20 per diem cost for an individual inmate was \$10,180 per year, which includes DCS inmates in county jails.

In the introduced copy of LB301, the Board of Parole estimated no significant fiscal impact, and the University of Nebraska, the Nebraska State Patrol, and the Department of Health and Human Services estimated no fiscal impact.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 236	AM: 1434	AGENCY/POLT. SUB: Nebraska Department of Correctional Services (46)
REVIEWED BY: Joe Wilcox	DATE: 05/17/2021	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 Senator Ben Hansen's AM 1434 to LB 236. AM 1434 includes the provisions of Senator Ben Hansen's LB 301, which changes Drug Schedules and Penalties and adopts the Federal Drug provisions under the Uniform Controlled Substances Act. The NDCS fiscal note on LB 301 was potential but Indeterminate fiscal impact to the Agency.		

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2021

LB⁽¹⁾ 236 AM1434

FISCAL NOTE

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

Prepared by: ⁽³⁾ Lisa Stanton Date Prepared: ⁽⁴⁾ 05/13/2021 Phone: ⁽⁵⁾ (402)479-5702

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2021-22</u>		<u>FY 2022-23</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:

LB236 as amended by AM1434 changes drug schedules and penalties and adopts federal drug provisions under the Uniform Controlled Substances Act. The bill could increase the number of persons in prison. The specific amount of impact is indeterminable.

As of December 2020, the average daily prison population (ADP) was 145% of Design capacity. The FY20 per diem cost is \$27.89 for each inmate, or \$10,180 per year.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2021-22</u>	<u>2022-23</u>
	<u>21-22</u>	<u>22-23</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____