

Revised to reflect AM 640

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

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES</b> (See narrative for political subdivision estimates)				
	<b>FY 2023-24</b>		<b>FY 2024-25</b>	
	<b>EXPENDITURES</b>	<b>REVENUE</b>	<b>EXPENDITURES</b>	<b>REVENUE</b>
GENERAL FUNDS				
CASH FUNDS	(\$101,090) – (\$223,541)	(\$183,103) - (\$610,283)	(\$101,090) – (\$223,541)	(\$183,103) - (\$610,283)
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	(\$101,090) – (\$223,541)	(\$183,103) - (\$610,283)	(\$101,090) – (\$223,541)	(\$183,103) - (\$610,283)

**Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.**

LB 77 removes the requirement for concealed handgun carry permits to be issued. The bill allows anyone without a permit to carry a concealed weapon.

AM 640 amends Section 28-105 to read that any person who carries a firearm or a destructive device during the commission of a dangerous misdemeanor commits the offense of carrying a firearm or destructive device during the commission of a dangerous misdemeanor. Violation of this subsection would result in a Class I misdemeanor for a first or second offense and Class IV for any third or subsequent offense.

AM 640 also defines a dangerous misdemeanor as misdemeanor violation of the following:

1. Stalking under section 28-311.09
2. Knowing Violation of a harassment protection order under section 28-311.09
3. Knowing Violation of a sexual assault protection order under section 28-31.11
4. Domestic assault under section 28-323
5. Assault of an unborn child in the third degree under section 28-399
6. Theft by shoplifting under section 28-511.01
7. Unauthorized use of a propelled vehicle under section 28-516
8. Criminal mischief under section 28-519 if the violation arises from an incident involving the commission of a misdemeanor crime of domestic violence.
9. Impersonating a police officer under section 28-610
10. Resisting arrest under section 28-904
11. Operating a motor vehicle or vessel to avoid arrest under section 28-905
12. Obstructing a peace officer under section 28-906
13. Knowing violation of a domestic abuse protection order under section 42-924 or any attempt under section 28-201 to commit an offense from 1-8.

AM 640 redefines “Prohibited person” as a person prohibited from possessing a firearm or ammunition by state law, including, but not limited to section 28-1206 or a person prohibited from possessing a firearm or ammunition by 18 U.S.C. 922 (d) or (g) as the section existed on January 1, 2023. The term would not apply to the use of the term prohibited person in section 28-1206.

The Nebraska State Patrol (NSP), states that they receive approximately 23,417 permit applications in a given year. The permit results in a gross revenue of \$100 per permit and \$50 for renewed permits. NSP estimated the gross total revenues for all estimated permit process at a total \$1,831,033, and with permits be reduced by this bill to be 10%-33% which results in the decreased gross revenues of \$183,103 - \$610,283.

NSP also expects that LB 77 will have a negative impact on the expenses as well. The agency estimates that the reduction in expenses would primarily impact payroll expenses, FBI fees, and office supplies. The agency estimates a reduction in staff of up to 2 full-time employees and payroll expenses approximately up to \$119,824. FBI fees and offices would be reduced by a range of \$31,028 \$103,416 and \$150 - \$300.

There could be some costs to cities or counties, but the costs would vary by entity and are indeterminate at this time.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 77</b>	<b>AM: 640</b>	AGENCY/POLT. SUB: <b>Nebraska Supreme Court (005)</b>
REVIEWED BY: Joe Wilcox	DATE: 03/10/2023	PHONE: (402) 471-4178
COMMENTS: No disagreement with the Nebraska Supreme Court estimate of Minimal Fiscal Impact to Agency from LB 77, as amended by Senator Brewer's AM 640, with no additional resources required..		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 77</b>	<b>AM: 640</b>	AGENCY/POLT. SUB: <b>Nebraska Commission on Law Enforcement and Criminal Justice (078)</b>
REVIEWED BY: Joe Wilcox	DATE: 03/10/2023	PHONE: (402) 471-4178
COMMENTS: No disagreement with the Nebraska Commission on Law Enforcement and Criminal Justice (Crime Commission) estimate of No Fiscal Impact to the Agency from LB 77, as amended by Senator Brewer's AM 640.		

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

**2023**

**LB<sup>(1)</sup> 77, AM640**

**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> 3/6/2023 Phone: <sup>(5)</sup> 402-326-9215

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

	<u>FY 2023-24</u>		<u>FY 2024-25</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:

LB77, as amended by AM640, would have a minimal fiscal impact to provide judicial education. Any impact on judicial workload from additional penalties is not anticipated to be significant. No additional resources required.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023-24</u>	<u>2024-25</u>
	<u>23-24</u>	<u>24-25</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.

**2023**

**LB<sup>(1)</sup> 77 AM640**

**FISCAL NOTE**

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

Prepared by: <sup>(3)</sup> Amanda Limbach Date Prepared: <sup>(4)</sup> 03/07/2023 Phone: <sup>(5)</sup> 402-471-8799

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

	<u>FY 2023-24</u>		<u>FY 2024-25</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

Explanation of Estimate:

No fiscal impact

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023-24</u>	<u>2024-25</u>
	<u>23-24</u>	<u>24-25</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.

2023

LB<sup>(1)</sup> 77, AM 640

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> 03-09-2023 Phone: <sup>(5)</sup> 402-471-4545

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2023-24</u>		<u>FY 2024-25</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS				
	(\$101,090)-	(\$183,103)-	(\$101,090)-	(\$183,103)-
CASH FUNDS	(\$223,541)	(\$610,283)	(\$223,541)	(\$610,283)
FEDERAL FUNDS				
OTHER FUNDS				
	(\$101,090)-	(\$183,103)-	(\$101,090)-	(\$183,103)-
TOTAL FUNDS	(\$223,541)	(\$610,283)	(\$223,541)	(\$610,283)

Explanation of Estimate:

**There is no change to the original fiscal note filed as a result of amendment 640.**

LB 77 removes the requirement for concealed handgun carry permits to be issued. It allows for anyone who isn't otherwise prohibited by state law to carry a concealed weapon. However, the Agency estimates that there will continue to be a need for permits, and there will still be individuals who will wish to obtain a permit. For example, for reciprocity in other states, or for the use of a concealed carry permit as an ATF qualified purchase permit. The State Patrol checked with the State of Kansas, which experienced approximately a 30% reduction in permits in their state as a result of a similar bill. Accordingly, the State Patrol has estimated a reduction based on a similar range of decreased permits.

The Agency estimates that the total number of permit applications processed in a given year are approximately 23,417. Each new permit results in gross revenue of \$100 per permit. Additionally, for each renewed permit, gross revenues are \$50 per permit. Accordingly, the gross total revenues for all estimated permits processed in a given year are estimated at a total of \$1,831,033. If the Agency were to estimate the range of state-wide permits reduced by this bill to be 10% - 33% of the estimated total applications issued per year, this would result in a fiscal impact of reduced gross revenues of \$183,103 - \$610,283, respectively. This reduction in revenues would also result in a corresponding reduction in expenses. This would primarily be in the form of payroll expenses, FBI fees, and office supplies. With a 10%-33% reduction in revenues, the Agency estimates a possible reduction in staff of up to 2 FTEs and a reduction in payroll expenses up to \$119,824. Additionally, FBI fees and office supplies would be reduced by a range of \$31,028 - \$103,416 and \$150 - \$300, respectively.

There is not a corresponding dollar for dollar reduction in expenses as compared to the estimated reduction in revenues because:(1) Certain fixed costs exist that cannot be eliminated or reduced regardless of the estimated reduction in permits. There are certain economies of scale that exist within the Criminal Identification Division. For example, there are maintenance contracts in existence for required equipment that could not be eliminated. (2) A core level of staffing will be required to remain in place despite the estimated permit reductions in order to ensure that the division can provide the minimum level of service needed for individuals who decide to continue to pursue a state-issued permit. Certain core levels of staffing are also required to ensure that statutory timelines can continue to be met. For all of the above reasons, the Agency does not anticipate that expenses will be reduced by the same amount as the reduction in revenues.

As a result of the estimated decreased revenues exceeding the decreased reductions, the Agency will need to evaluate the ongoing appropriation and cash fund balances to ensure a shortfall does not occur. In the event

that should occur, an additional offsetting budget request may be needed for future periods.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023-24</u>	<u>2024-25</u>
	<u>23-24</u>	<u>24-25</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Office Specialists	(1-2)	(1-2)	(\$36,972)- (\$73,944)	(\$36,972)- (\$73,944)
Office Specialists Overtime Reduction			(\$20,000)	(\$20,000)
Benefits.....			(\$12,940)- (\$25,881)	(\$12,940)- (\$25,881)
Operating.....			(\$31,178)- (\$103,716)	(\$31,178)- (\$103,716)
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
<b>TOTAL.....</b>			(\$101,090)- (\$223,541)	(\$101,090)- (\$223,541)