

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

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES</b> (See narrative for political subdivision estimates)				
	<b>FY 2021-22</b>		<b>FY 2022-23</b>	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	See Below			
CASH FUNDS				
FEDERAL FUNDS	(\$732,037)		(\$732,037)	
OTHER FUNDS				
TOTAL FUNDS	(\$732,037)		(\$732,037)	

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

This bill would adopt the Second Amendment Preservation Act.

The Nebraska State Patrol (NSP) states it will lose federal funds in the amount of \$732,037 per year for six employees, benefits, and related costs. They propose replacing a portion of these lost federal funds with \$375,925 in General Funds to retain the six employees.

There is nothing in the bill requiring that the General Fund replace any lost federal funds. Therefore, this fiscal note only shows the amount of the lost federal funds.

See the agency response attached for additional details not included in this fiscal note.

The Crime Commission estimates no fiscal impact from this bill.

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</b>		
<b>LB: 188</b>	<b>AM:</b>	<b>AGENCY/POLT. SUB: Nebraska State Patrol (64)</b>
REVIEWED BY: Joe Wilcox	DATE: 02/01/2021	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska State Patrol estimate of potential Fiscal Impact to the Agency from LB 188.		

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</b>		
<b>LB: 188</b>	<b>AM:</b>	<b>AGENCY/POLT. SUB: Nebraska Commission on Law Enforcement and Criminal Justice (78)</b>
REVIEWED BY: Joe Wilcox	DATE: 01/20/2021	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Commission on Law Enforcement and Criminal Justice (Crime Commission) estimate of No Fiscal Impact to the Agency from LB 188.		

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

2021

LB<sup>(1)</sup> 188

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> 1/28/2021 Phone: <sup>(5)</sup> \_\_\_\_\_

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	\$375,925		\$375,925	
CASH FUNDS				
FEDERAL FUNDS	(\$732,037)	(\$732,037)	(\$732,037)	(\$732,037)
OTHER FUNDS				
TOTAL FUNDS	<u>(\$356,112)</u>	<u>(\$732,037)</u>	<u>(\$356,112)</u>	<u>(\$732,037)</u>

Explanation of Estimate:

LB 188 requires that no agency or political subdivision of this state or employee of an agency or political subdivision of the state acting in such employee's official capacity shall knowingly and willingly participate in any way in the enforcement of any federal act, law, order, rule, or regulation regarding a firearm, a firearm accessory, or ammunition if the act, law, order, rule, or regulation does not exist under the laws of the state.

The passing of this bill would result in the loss of federal funding to the Agency due to federal mandates and grant requirements the Agency would be unable to comply with as a result of the passing of this legislation. The continued implementation of the Gun Control Act of 1968, the Fix NICS Act of 2018, and associated federal NICS Act Record Improvement Program (NARIP) grant funding would become criminalized to continue. This in-turn would jeopardize public safety as federal firearms prohibitors would not be properly entered into the appropriate databases to ensure firearms do not end up in the possession of individuals who are not legally entitled to possess such weapons. The loss of federal NARIP funding, and resulting loss of FTEs, would considerably slow the Agency's issuance of concealed handgun permits well below the time period permitted by state statute for issuance of such permits. The resulting loss of FTEs funded by NARIP sources would unquestionably raise the chances of firearms ending up in the hands of felons, the mentally ill, perpetrators of domestic violence, or those prohibited by protection orders from possessing such firearms. Accordingly, the fiscal note shows a shift in the FTE's from Federal Funds to General Funds so that these employees may be retained.

The award for the federal NARIP grant totals \$732,037. A reduction in federal funds gross revenues would result from the loss of this grant award. The budget for the NARIP grant award consists of the following supported expenditures:

- (1) The funding of 6 FTEs, plus 250 hours of overtime – Salaries totaling \$279,239, and benefits totaling \$96,686;
- (2) Travel for Training Purposes - \$8,551;
- (3) Subawards (maintenance for the Protection Order Portal and related costs) - \$74,314;
- (4) Procurement Contracts (maintenance costs for the Misdemeanor Crime of Domestic Violence & Felony Automated Reporting Projects and the upgrade of the mental health reporting system - \$207,828;
- (5) Other (MiFi Hotspot fees for training presentation purposes) - \$1,080;
- (6) Indirect Costs (administrative overhead) - \$64,339.

The NARIP grant currently funds 6 FTEs. Accordingly, the Agency would require additional General Funds in order to fund 6 FTEs needed to comply with statutory mandates.

It is important to note that the federal funds from this award are not a part of the Agency's regular annual budget appropriations. The funds are administratively added to the Agency's appropriations by the State Budget Office at the time the award is received, as provided for in the biennial budget bills (for example, LB 294, Section 257).

**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>
Staff Assistant I	2	2	\$65,106	\$65,106
NICS Crime Analyst	1	1	\$48,966	\$48,966
DSV Crime Analyst	2	2	\$105,668	\$105,668
NICS Program Manager	1	1	\$59,499	\$59,499
Benefits.....			\$96,686	\$96,686
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....			\$375,925	\$375,925

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

**2021**

**LB<sup>(1)</sup> 188**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> NE Commission on Law Enforcement and Criminal Justice  
(Crime Commission)

Prepared by: <sup>(3)</sup> Bruce Ayers Date Prepared: <sup>(4)</sup> 1-19-2021 Phone: <sup>(5)</sup> 402-471-0359

**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: LB 188 has no fiscal impact on the Crime Commission.

**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.....	_____	_____	_____	_____