

FISCAL NOTE
Requested by Legislative Council
03/30/2011

Amendment to: Reengrossed
HB 1269

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

| | 2009-2011 Biennium | | 2011-2013 Biennium | | 2013-2015 Biennium | |
|----------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | | | | | |
| Expenditures | | | | \$585,859 | \$181,634 | |
| Appropriations | | | | \$585,859 | \$181,634 | |

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

| 2009-2011 Biennium | | | 2011-2013 Biennium | | | 2013-2015 Biennium | | |
|--------------------|--------|------------------|--------------------|--------|------------------|--------------------|--------|------------------|
| Counties | Cities | School Districts | Counties | Cities | School Districts | Counties | Cities | School Districts |
| | | | | | | | | |

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill requires North Dakota courts to disclose information regarding civil commitment proceedings to the Bureau of Criminal Investigation to verify if an individual is eligible to purchase/possess weapons.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

If a court determines an individual has been involuntarily committed for mental illness or chemical dependency treatment at any facility, the individual's information is reported by the court to the Office of Attorney General's Bureau of Criminal Investigation (BCI) Division, which then reports such information to the FBI's National Instant Criminal Background Check System (NICS) to prevent the individual from obtaining a concealed weapon license. The bill also contains a "relief provision" (subsection 3 of section 3), required if the state is eligible for certain federal grants, to allow a civilly committed individual who is no longer dangerous to have their rights to possess firearms restored.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

This revision appears to move the state closer to reciprocity with other states that do not recognize reciprocity with North Dakota, which would likely result in an increase in concealed weapon license applications. Currently, state residents who want reciprocity with states that do not have reciprocity North Dakota will purchase other states' concealed weapon permits or licenses. As a result of the uncertainty as to when a concealed weapon license would be renewed and when North Dakota residents would purchase their licenses in North Dakota if this bill passes, the revenue impact of this bill is indeterminable.

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The anticipated impact of this bill on the Office of Attorney General's Bureau of Criminal Investigation Division workload would require 1.5 administrative support FTE's to manage the information from the courts and submit it to the FBI's National Instant Criminal Background Check System (NICS). The staff would enter and forward information to NICS, remove information from NICS as necessary, and research problems due to incomplete/insufficient data.

The 2011-13 biennium other funds amount reflected here includes \$141,285 in salaries and wages, \$37,849 in operating expenses, and \$175,000 in information technology costs to build a data entry screen and an interface with NICS. The 2013-15 biennium amount removes the \$175,000 for information technology services.

The 2011-13 biennium other funds fiscal impact to the Judicial Branch would be \$231,725 for information technology costs which is reflected in the expenditures and appropriations amounts above. System enhancements would be necessary within the court's case management system to compile the required information and to integrate with the Office of Attorney General's electronic transmission reporting system. If the information was manually submitted to the Attorney General's office, the cost to the Judicial Branch would be minimal, however this would require more Office of Attorney General staffing and expenses.

Section 5 of the bill makes subsections 2 and 5 of section 3 (nonclinical court information reported to BCI which would report the information to the FBI for inclusion in the NICS system database) contingent on the Attorney General certifying to the Secretary of State, Office of Management and Budget, and the Legislative Council that the state has received the NICS grant and has implemented the software and system to carryout these provisions.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The bill includes a \$585,859 other funds appropriation to the Office of Attorney General.

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