

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2014-15		FY 2015-16	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
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.

LB 909 requires that on or before July 1 of each year, each state agency must submit to the Performance Review and Audit Committee a listing of all rules and regulations that are in effect and have been in effect for more than five years. The agencies must also identify any legislative bill or bills, by year of enactment that required the rule and regulation to be adopted or promulgated.

It's difficult to ascertain whether there will be any additional costs for agencies to comply with this new provision of law. In some cases complying with this new requirement could be simple and relatively quick. In other instances it could be a time consuming process.

Currently all rules and regulations are already available on the Secretary of States' website. For each agency there is first a listing of "Titles" and then individual Chapters. Inside of each chapter, you have the specific rule and regulations. In most cases the rule and regulation already has reference to the statutory authority under which the rule and regulation was promulgated but that does indicate the bill and year which enacted or amended that statute. Also many of the rules and regulations include an effective date but that may or may not be relevant for purposes of being in effect more than five years. In any case the data is not necessarily compiled in a format that may be established by the Performance Review and Audit Committee.

It's very likely that agencies with a very large number of rules and regulations could occur increased costs especially if there is difficulty in researching the bill and year of enactment. The fiscal note from the Department of Health and Human Services provides an example. There could also be some data processing costs for staff of the Performance Review and Audit. In any of these cases, the cost would likely be a one-time for establishing the listing. After that annual changes would be relatively minimal.

ADMINISTRATIVE SERVICES-STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES			
LB: 909	AM:	AGENCY/POLT. SUB: Department of Environmental Quality	
REVIEWED BY: Lyn Heaton		DATE: 1/29/2014	PHONE: 402.471.4181
COMMENTS: Concur. Minimal fiscal impact on the Dept. of Environmental Quality.			

ADMINISTRATIVE SERVICES-STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES			
LB: 909	AM:	AGENCY/POLT. SUB: Health and Human Services	
REVIEWED BY: Lyn Heaton		DATE: 2/3/2014	PHONE: 402.471.4181
COMMENTS: Given the extent of the rules and regulations promulgated by the Department of Health and Human Services and the Department's assumptions, including that individual sections of regulations would need to be researched and analyzed to determine their age and originating legislative bill(s), the estimate by the Department to create the initial annual listing appears reasonable.			

ADMINISTRATIVE SERVICES-STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES		
LB: 909	AM:	AGENCY/POLT. SUB: Department of Revenue
REVIEWED BY: Lyn Heaton	DATE: 2/5/2014	PHONE: 402.471.4181
COMMENTS: The Department of Revenue has a relatively limited number of regulations that are required by statute. As a result, the Department's conclusion that the cost to implement the requirements of the bill are minimal and can be performed within existing resources appears reasonable.		

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

2014

LB⁽¹⁾ 909

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾

Department of Environmental Quality

Prepared by: ⁽³⁾ Thomas Lamberson

Date Prepared: ⁽⁴⁾ January 16, 2014

Phone: ⁽⁵⁾ 402.421.2607

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2014-15</u>		<u>FY 2015-16</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 909 would not have significant fiscal impact for the Department.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2014-15</u>	<u>2015-16</u>
	<u>14-15</u>	<u>15-16</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

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

Prepared by: (3) Steve Shively

Date Prepared:(4) 1-23-14

Phone: (5) 471-0676

	FY 2014-2015		FY 2015-2016	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	\$52,800			
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$52,800	\$0	\$0	\$0

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

Explanation of Estimate:

DHHS has approximately 440 chapters of regulations. In order to comply with LB909, a staff member or contractor would need to review each of these chapters in depth in order to determine (1) whether all or part of the chapter has been in effect for more than five years; (2) the authorizing statute(s); (3) the legislative bill(s) that enacted those authorizing statutes; and (4) whether such legislative bill(s) "required" the regulations. These tasks require legal research and analysis, and therefore would require staff or a contractor at the attorney level. DHHS would likely contract with an attorney for this work.

Conservatively estimating two hours for each chapter of regulations, it will take a contracted attorney approximately 880 hours to complete these tasks and finalize the report in the first year. Based on prior contracts, DHHS estimates a rate of \$60/hour for these services for a total cost of \$52,800 in FY14-15.

After the first year of implementation maintenance and updates of the report could be carried out by existing staff.

MAJOR OBJECTS OF EXPENDITURE

PERSONAL SERVICES:	NUMBER OF POSITIONS		2014-2015	2015-2016
	POSITION TITLE	14-15	15-16	EXPENDITURES
Benefits.....				
Operating.....			\$52,800	
Travel.....				
Capital Outlay.....				
Aid.....				
Capital Improvements.....				
TOTAL.....			\$52,800	\$0

