

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2021-22		FY 2022-23	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	\$214,998		\$206,640	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$214,998		\$206,640	

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

LB 344 amends the One-Call Notification System Act.

Section 4 creates the Underground Excavation Safety Committee and specifies its membership. The Committee shall meet not less than quarterly each year. When initiated by the State Fire Marshal, the Committee shall review complaint proceedings pursuant to section 76-2325

Section 5 requires the State Fire Marshal to initiate review proceedings when complaints are filed or upon the State Fire Marshal's own complaint alleging violations of certain sections of statute. A hearing shall be held and, within thirty days following the hearing, the Committee shall submit written findings and recommendations to the Attorney General.

Section 6 requires the Attorney General to provide a status report to the Committee on each active complaint filed under section 76-2325 in not less than a quarterly basis.

The Attorney General estimates the need for 1.0 additional Assistant Attorney General to comply with the provisions of LB 344. No mention of anticipated additional workload is made. The number and complexity of complaint reviews is indeterminate. It is possible that the additional workload will require an additional FTE.

The State Fire Marshal provides two levels of anticipated need based on the nature of Committee findings. If the findings are to represent a legal basis for review by the Attorney General, a para-legal will need to be added to the Fire Marshal staff. If the findings do not require that level of expertise, a staff assistant will be required. For purposes of this fiscal note, the higher dollar amount is being used. In addition to funding a new FTE and benefits, the Fire Marshal estimates operational costs such as: monthly IT services, phone service and equipment. There is no basis to disagree with these estimates.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 344	AM:	AGENCY/POLT. SUB: Nebraska Attorney General (11)
REVIEWED BY: Joe Wilcox	DATE: 01/21/2021	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Attorney General estimate of potential Fiscal Impact to the Agency from LB 344.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 344	AM:	AGENCY/POLT. SUB: Nebraska State Fire Marshal (21)
REVIEWED BY: Joe Wilcox	DATE: 01/26/2021	PHONE: (402) 471-4178
COMMENTS: Given the assumptions provided by the State Fire Marshal in the Agency fiscal note to LB 344, Do not disagree with the estimated potential Fiscal Impact to the Agency from LB 344.		

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

2021

LB⁽¹⁾ 344

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Attorney General

Prepared by: ⁽³⁾ Milissa Johnson-Wiles Date Prepared: ⁽⁴⁾ 1-20-21 Phone: ⁽⁵⁾ 402-471-2687

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	<u>107,300.</u>	<u> </u>	<u>109,028.</u>	<u> </u>
CASH FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
FEDERAL FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
OTHER FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL FUNDS	<u>107,300.</u>	<u> </u>	<u>109,028.</u>	<u> </u>

Explanation of Estimate:

This bill would require at least one additional attorney.

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>
Assistant Attorney General	<u>1.0</u>	<u>1.0</u>	<u>75,000.</u>	<u>76,500.</u>
Benefits.....			<u>32,300.</u>	<u>32,528.</u>
Operating.....			<u> </u>	<u> </u>
Travel.....			<u> </u>	<u> </u>
Capital outlay.....			<u> </u>	<u> </u>
Aid.....			<u> </u>	<u> </u>
Capital improvements.....			<u> </u>	<u> </u>
TOTAL.....			<u>107,300.</u>	<u>109,028.</u>

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2021

LB⁽¹⁾ 344

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ State Fire Marshal Agency

Prepared by: ⁽³⁾ Deb Hostetler/Regina Shields

Date Prepared: ⁽⁴⁾ 1/22/2021

Phone: ⁽⁵⁾ (402) 471-9479
(402) 471-9477

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	* \$94,565 **\$107,698		*\$26,716 **\$40,112	
CASH FUNDS				
FEDERAL FUNDS			\$57,500	
OTHER FUNDS				
TOTAL FUNDS	*\$94,565 **\$107,698		*\$84,216 **\$97,612	

Explanation of Estimate:

LB 344 would establish the Underground Excavation Safety Committee.

It will be comprised of the State Fire Marshal, two representatives of excavators, and two representatives of operators. Each member of the committee shall be reimbursed for expenses as provided in sections 81-1174 to 81-1177. The committee shall meet not less than quarterly each year, and also at such times as the business of the committee requires and at such places as may be established by the chairperson.

The State Fire Marshal shall initiate review proceedings before the committee to hear evidence from both the complainant and the respondent regarding the alleged violation. To initiate these proceedings all parties will be served notice by either personal service or certified mail. The notice shall state time and place, and allow for evidence to be presented. The committee shall submit its written findings to the Attorney General's office. In the case of a unanimous decision, a recommendation for a civil fine amount and possible continuing education on the One Call System will sent to the Attorney General. The Agency will provide notice to all parties by certified mail or in person service.

There is some ambiguity in the bill language regarding the nature of the "findings" that will be presented to the Attorney General's office. The bill states this will be done by the committee, but it is assumed that support personnel will need to be assigned. If not other items such as how long the meeting room is needed, the reimbursement costs for each member, and office supply equipment costs will need to be adjusted.

If the findings are a simple restatement of the final decision of the committee the Agency feels all the duties of notice service, finding and setting up rooms for the hearings, receiving and filing the complaints, and all other associated tasks could be accomplished by a full time staff assistant position. If the findings are to represent a legal basis for review by the Attorney General (thus having to detail all the evidence presented, statements of facts, issues, decision, reasoning, separate opinions, and analysis) then a full time para-legal position FTE will be required. Each option is presented in the note. The salary and benefits amount for a staff assistant FTE is \$62,094.65 in FY 21-22 and \$63,845.39 for FY22-23. If a para-legal FTE is required the salary and benefits in FY 21-22 is \$75,277.48 and \$77,240.91 in FY22-23.

The additional costs associated with onboarding and maintaining an additional staff member (FTE) include items such as: monthly IT services; phone service; and equipment for office space. This will total \$2,898 for FY21-21 and \$2,698 in FY22-23 (equipment for the office space will have already been purchased).

Other expenses for the operation of the new program will include: postage, publications and printing; Data storage set up (first year and ongoing maintenance thereafter); office supplies; non capitalized equipment; accounting and auditing; and purchasing assessment for a yearly total of \$13,545 in FY21-22 and \$ 3,595 in FY22-23.

The Attorney general’s office was contacted regarding the current case load of complaints. Based on a five year average of new and closed cases it was determined that an average complaint load for a year would be 86 complaints. If the committee is meeting quarterly that was 22 complaints for each meeting; a two hour hearing time was estimated for each case for a total of 44 hours. This will require the committee to meet for a week at each quarter. Room rental was figured at \$500.00 four time a year for a total of \$2000.00 (it should be noted that the Chairman of the committee sets the meeting place so it could move often). The reimbursement for the Committee members and Agency staff (assigned support personnel and a subject matter expert) were figured as follows: Board and Lodging \$7,680; Per Diem Meals \$3,460.00; Person vehicle mileage (again it should be noted that the meeting locations can change for each meeting) \$2,688.00; and state owned transport \$200.00 for a total of \$14,028 each year. (It should be noted that these costs will rise if the number of complaints increases as the program is utilized.)

Based on all projected costs, if a staff assistant FTE is utilized, the total expenditures in FY21-22 are \$94,565.65 and \$84,216.39 in FY2-23. If a para-legal FTE is utilized the total expenditures in FY21-22 is \$107,698.48 and \$97,612.91 in FY22-23. Based on the implementation date of the bill and federal grant application dates there should be some federal grant funds available in FY22-23.

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>
*Staff Assistant I	1	1	*\$30,992	*\$31,612
**Paralegal I	1	1	**\$42,397	**\$43,245
			*\$31,102	*\$32,233
Benefits.....			**\$32,830	**\$33,996
Operating.....			\$18,443	\$ 6,343
Travel.....			\$14,028	\$14,028
Capital outlay.....				
Aid.....				
Capital improvements.....				
			*\$94,565	*\$84,216
TOTAL.....			**\$107,698	**\$97,612