PREPARED BY: DATE PREPARED: PHONE: Eric Kasik February 10, 2025 402-471-0053

LB 29

Revision: 00

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)							
	FY 202	5-26	FY 2026-27				
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE			
GENERAL FUNDS	See Below		See Below				
CASH FUNDS	See Below		See Below				
FEDERAL FUNDS							
OTHER FUNDS							
TOTAL FUNDS	See Below		See Below				

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

LB 29 amends the Administrative Procedure Act. It mandates all state agencies conduct a review of existing and pending rules and regulations beginning in January of 2026 and every 3 years thereafter. The reviews findings are to be submitted to the Clerk of the Legislature by June 30th each year it is conducted. Each rule and regulation are to be evaluated in the following ways:

- Is it essential for health, safety or welfare of the public?
- · Do the costs of the rule outweigh the benefit?
- Can effectiveness of the rule be measured?
- Has a less restrictive alternative been considered?
- Is there a supporting statute, federal mandate, or court decision?

Once received by the Legislature, the reference committee is to disperse the agency's report to the corresponding committee. Those committees are to review and electronically submit a report based on that review back to the Clerk. These reports are to contain:

- Suggested legislation to clarify rules
- · Recommendations for clarifications to the rules.

The bill suspends agency rule making during this review process unless the rule affects health, safety and welfare of the public, is time sensitive or has a state or federal deadline.

This bill will have a fiscal impact. The Department of Administrative Services (DAS) submitted a fiscal note with estimates of additional costs for the Department of Correctional Services, The Department of Health and Human Services, and the Department of Environment and Energy. DAS furthermore estimates costs associated with the bill can be absorbed by the Department of Banking and Finance, the Department of Revenue and the State Patrol.

The estimate from the Department of Health and Human Services indicates the need to hire additional FTE's, 5 in FY2025-26 and 2 more in FY2026-27, and estimate a cost of \$451,387 in FY2025-26 and 631,943 in FY2026-27.

The Real Property Appraiser Board indicated an inability to absorb the cost of this bill and estimated a cost of \$18,000 in FY2025-26 for consultants.

Several other agencies indicated the ability to absorb the costs associated with this bill in their current appropriation. For some agencies, additional funds will be required. This fiscal note will be revised if additional information is received.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE						
LB: 29	AM:	AGENCY/POLT. SUB: Secretary of State				
REVIEWED BY:	Ryan Yang	DATE: 1/12/25	PHONE: (402) 471-4178			
COMMENTS: No basis to disagree with the Secretary of State.						

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: 29 AM: AGENCY/POLT. SUB: Department of Health and Human Services

REVIEWED BY: Jacob Leaver DATE: 2/7/2025 PHONE: (402) 471-4173

COMMENTS: Concur with the Department of Health and Human Services' estimated fiscal impact as a result of LB 29.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: 29 AM: AGENCY/POLT. SUB: Department of Transportation

REVIEWED BY: Jacob Leaver DATE: 1/23/2025 PHONE: (402) 471-4173

COMMENTS: Concur with the Department of Transportation's statement that current appropriations can absorb any costs as a result of LB 29.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: 29 AM: AGENCY/POLT. SUB: Nebraska Real Estate Commission

REVIEWED BY: Ryan Yang DATE: 1/16/25 PHONE: (402) 471-4178

COMMENTS: No basis to disagree with the Nebraska Real Estate Commission.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: 29 AM: AGENCY/POLT. SUB: Nebraska Real Property Appraiser Board

REVIEWED BY: Ryan Yang DATE: 1/12/25 PHONE: (402) 471-4178

COMMENTS: No basis to disagree with the Nebraska Real Property Appraiser Board.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: 29 AM: AGENCY/POLT. SUB: University of Nebraska System

REVIEWED BY: Ryan Yang DATE: 1/15/25 PHONE: (402) 471-4178

COMMENTS: No basis to disagree with the University of Nebraska System.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: 29 AM: AGENCY/POLT. SUB: Department of Administrative Services

REVIEWED BY: Jacob Leaver DATE: 1/23/2025 PHONE: (402) 471-4173

COMMENTS: Concur with the Department of Administrative Services' estimate of no fiscal impact as a result of LB 29.

LB ⁽¹⁾ 29				FISCAL NOTE			
State Agency OR Political Subdivision Name: (2)		Department of Administrative Services (DAS) - REVISED ENTERPRISE					
Prepared by: (3)	Sarah Skinner	Date Prepared: (4)	02/05/2025 Phon	ne: (5) 402-419-4229			
	ESTIMATE PROV	IDED BY STATE AGEN	ICY OR POLITICAL SUBI	DIVISION			
	FY	2025-26	FY	<u> 2026-27</u>			
	EXPENDITURES	<u>REVENUE</u>	EXPENDITURES	<u>REVENUE</u>			
GENERAL FUNI	\$682,102	<u> </u>	\$873,294				
CASH FUNDS							
FEDERAL FUND REVOLVING FUNDS	s						
TOTAL FUNDS	\$682,102		\$873,294				

Explanation of Estimate:

LB 29 proposed to implement a review of all existing and pending rules and regulations every three years beginning January 1, 2026. The agency head is to designate an individual responsible for the oversight and review and each agency is to submit a detailed report electronically to the Clerk of the Legislature on or before June 30 of the year the review is conducted.

The report is to include whether the rule or regulation is essential to the health, safety or welfare of the public; whether the costs outweigh the benefits; whether the agency has a process to measure the effectiveness of the rule or regulation; whether a less restrictive alternative has been considered; and whether the rule or regulation was promulgated as a result of a statutory requirement, federal mandate or court decision. The operative date for this bill is three months after the adjournment of the Legislature.

The requirements of this bill can be completed utilizing the existing resources of the **Department of Administrative Services** there is no fiscal impact.

The **Department of Banking & Finance** expects to be able to absorb the additional legal resources required and would not have a fiscal impact.

The **Nebraska Department of Correctional Services** would need to hire a legislative coordinator. The minimum salary is \$26.509 X 40 hours X 52 weeks = \$55,138.72.

The **Department of Health & Human Services** would require additional full-time employees to complete the requirements of LB29. The total personnel costs are estimated to be \$481,983 the first fiscal year and \$671,505 the second fiscal year for seven staff to be added across the Agency. Current staff from across all of the Divisions would have to dedicate significant time to complete the required reviews, absorbing an estimated five hundred hours of work. Additional staff may be required if the workload cannot be sufficiently managed by the current and new staff.

In accordance with Nebraska Revised Statute 84-901 (1), the **Nebraska Military Department** would not be subject to LB29 and there is no fiscal impact.

It is estimated that there will be minimal costs to the **Department of Revenue** to implement this bill.

LB29 would not have a fiscal impact on the **Nebraska State Patrol**.

The table below summarizes the associated costs for agencies to hire employees to fulfill the requirements of LB29.

		Number Positions	of	Expenditures	
Agency	Position Title	FY25- 26	FY26- 27	FY25-26	FY26-27
Dept. of Correctional Services	Legislative Coordinator	1.0	1.0	\$55,139	\$56,933
Benefits				\$40,733	\$45,199
Operating				\$6.421	\$4,796
TOTAL				\$102,293	\$106,929
Dept. of Environment & Energy	Attorney III	1.0	1.0	\$75,400	\$79,170
Benefits				\$23,940	\$25,136
Operating				\$29,082	\$30,116
TOTAL				\$128,422	\$134,422
Dept. of Health & Human Services	V73210 - Program Specialists	4.5	6.0	233,700	\$327,181
	G78791 - Program Manager I	0.75	1.0	\$45,451	\$63,637
Benefits	-			\$97,703	\$136,784
Operating				\$74,533	\$104,47
TOTAL				\$451,387	\$631,943
TOTALS (GF)				\$682,102	\$873,294

BREAKE	OOWN BY MA.	JOR OBJECTS O	F EXPENDITURE	
Personal Services:				
	NUMBER O	F POSITIONS	2025-26	2026-27
POSITION TITLE	<u>25-26</u>	<u>26-27</u>	EXPENDITURES	EXPENDITURES
				
Benefits				
Operating	••			
Travel				
Capital outlay				
Aid				
	•••			 -
Capital improvements	•••			

TOTAL		

	ESTIMATE PROVIDI	ED BY STATE AGEN	ICY OR	POLITICAL SUBDIVISION		
State Agency or Political Su	ıbdivision Name:(2) Departr	ment of Health and	Humai	n Services		
Prepared by: (3) John Meals	Date Prepared 2-7-2025		Phone: (5) 471-6719			
	FY 2025-2026			FY 2026-2027		
_	EXPENDITURES	REVENUE		EXPENDITURES	REVENUE	
GENERAL FUNDS	\$451,387			\$631,943		
CASH FUNDS						
FEDERAL FUNDS						
OTHER FUNDS						
TOTAL FUNDS	\$451,387	(\$0	\$631,943		\$0
=						

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

Explanation of Estimate:

The Department of Health and Human Services (DHHS) would require additional FTEs to complete the requirements of this bill. The total personnel costs are estimated to be \$451,387 the first fiscal year and \$631,943 the second fiscal year for seven staff to be added across the Agency. Current staff from across all of the Divisions would have to dedicate significant time to complete the required reviews, absorbing an estimated five hundred hours of work. Additional staff may be required if the workload cannot be sufficiently managed by the current and new staff.

MAJO	R OBJECTS OF EXPEND	ITURE		
PERSONAL SERVICES:				
		FPOSITIONS	2025-2026	2026-2027
POSITION TITLE	26-26	26-27	EXPENDITURES	EXPENDITURES
K73210 – DHHS Program Specialist	4.5	6.0	\$233,700	\$327,181
V78791 – DHHS Program Manager I	.75	1.0	\$45,451	\$63,631
Benefits			\$97,703	\$136,784
Operating			\$74,533	\$104,347
Travel				
		_		
Travel Capital Outlay Aid		_		
Capital Outlay		 		

LB ⁽¹⁾ 29				FISCAL NOTE
State Agency OR Polit	ical Subdivision Name: (2)	Board of Geologis		
Prepared by: (3) Je	ean Lais	Date Prepared: (4)	1/16/2025 P	hone: (5) 402-471-3061
	ESTIMATE PROVI	DED BY STATE AGEN	ICY OR POLITICAL SI	IBDIVISION
	<u>FY :</u> EXPENDITURES	<u>2025-26</u> <u>REVENUE</u>	<u>EXPENDITURE</u>	<u>FY 2026-27</u> <u>S REVENUE</u>
GENERAL FUNDS				
CASH FUNDS	0	0	0	0
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				
Explanation of Estin		·		
Personal Services:	BREAKDOW	N BY MAJOR OBJECT	S OF EXPENDITURE	
POSITION		UMBER OF POSITIONS 25-26 26-27	S 2025-26 EXPENDITURE	2026-27 EXPENDITURES
Benefits			•	-
			_	
Capital outlay				
Aid				
Capital improvement	ts			_
TOTAL				

TOTAL.....

LB ⁽¹⁾ 29			FISCAL NOTE			
State Agency OR Political Subdivision Name: (2)	State Board of Landscape Architects					
Prepared by: ⁽³⁾ Jean Lais	Date Prepared: (4)	1/16/2025 Phone:	(5) 402-471-3061			
ESTIMATE PROV	IDED BY STATE AGEN	NCY OR POLITICAL SUBDI	VISION			
EV	0007.00	EV 00	200 05			
<u>EXPENDITURES</u>	<u>2025-26</u> <u>REVENUE</u>	EXPENDITURES	026-27 <u>REVENUE</u>			
GENERAL FUNDS						
CASH FUNDS 0	0	0	0			
FEDERAL FUNDS						
OTHER FUNDS						
TOTAL FUNDS	-					
Explanation of Estimate:						
RREAKDOV	WN BY MAJOR OBJECT	S OF EXPENDITURE				
Personal Services:						
N POSITION TITLE	UMBER OF POSITIONS 25-26 26-27	S 2025-26 EXPENDITURES	2026-27 EXPENDITURES			
Benefits						
Operating						
Travel						
Capital outlay						
Aid						
Capital improvements						

LB ⁽¹⁾ 29					FISCAL NOTE
State Agency OR Political Subdivision Name: (2	Legislativ	e Council			
Prepared by: (3) Shelley Reed	Date Pre	epared: (4)	02/11/2025	Phone: (5)	402-471-2226
ESTIMATE PROV	/IDED BY STA	TE AGENC	Y OR POLITICAL	SUBDIVIS	ION
FY	<u> 2025-26</u>			FY 2026	-9.7
<u>EXPENDITURE</u>		<u>VENUE</u>	EXPENDITU		REVENUE
GENERAL FUNDS					
CASH FUNDS	_				
FEDERAL FUNDS					
OTHER FUNDS		_			
TOTAL FUNDS	_				
Explanation of Estimate:					
2					
No fiscal impact on the Legislative Cou	ncil.				
Current staffing would absorb these du	ties				
Current staming would absorb those du	uos.				
	WN BY MAJO	R OBJECTS	OF EXPENDITU	<u>RE</u>	
Personal Services:	NUMBER OF P	OSITIONS	2025-26		2026-27
POSITION TITLE	<u>25-26</u>	<u>26-27</u>	EXPENDITU	RES	EXPENDITURES
Benefits					
Operating					
Travel Capital outlay			-		
Aid			-		
Capital improvements					
TOTAL					

LB ⁽¹⁾ 29						FISCAL NOTE
State Agency OR Political Subdivi	sion Name: (2)	Nebraska	a Departm	nent of Transp	ortation	
Prepared by: (3) Jenessa Bo	ynton	Date Pr	epared: (4)	1/16/2025	Phone: (5)	402-479-4691
ESTIN	MATE PROVII	DED BY ST.	ATE AGEN	CY OR POLITI	CAL SUBDIVIS	SION
<u>exp</u>	<u>FY 2</u> ENDITURES	025-26 <u>RE</u>	VENUE	EXPEND	<u>FY 2026</u> ITURES	= <u>27</u> <u>REVENUE</u>
GENERAL FUNDS						
CASH FUNDS						
FEDERAL FUNDS						
OTHER FUNDS						
TOTAL FUNDS						
LB29 would require each ag beginning January 1, 2026 a report of its findings along w 30 in the year the review is If enacted, NDOT has assurassumption, the agency wo assist in review, analysis, da 300-500 hours to accomplis within the Department's cur	and every thre vith any support conducted. med that about uld need to hi ata collection h, the cost of rent appropria	ee years th orting docu at 30 rules re a consu and reporti the consul ation.	ereafter. E mentation and regula Itant during ing. NDO tant would	ach agency sh to the Clerk of ations will be re g FY 2025-26 a Γ estimates this	all submit elect the Legislature viewed in 202 and every three s effort would tely \$50,000 a	etronically a detailed e on or before June 6. Based on that e years thereafter to take approximately
Personal Services:	<u>BREARDO W</u>	N D1 MAJO	OK OBJECT	S OF EXTENDI	<u>TUKE</u>	
POSITION TITLE	_	MBER OF I <u>25-26</u>	POSITIONS <u>26-27</u>	S 2025 <u>EXPEND</u>		2026-27 EXPENDITURES
Benefits						
Operating				50,0	000	
Travel	•••••					
Capital outlay						
Aid						
Capital improvements						
TOTAL				50,0	000	

LB ⁽¹⁾ 29					FISCAL NOTE
State Agency OR Political Subdivisio	n Name: (2)	Nebraska Real Es	tate Commissio	า	
Prepared by: (3) Joseph D. Geh	nrki	Date Prepared: (4)	01/15/2025	Phone: (5)	402-471-2004
ESTIMA	TE PROVIDI	ED BY STATE AGEN	NCY OR POLITICA	L SUBDIVIS	ION
	FY 20:	ar ae		FY 2026	07
EXPEN	DITURES	REVENUE	EXPENDIT		REVENUE
GENERAL FUNDS					
CASH FUNDS	0		0		
FEDERAL FUNDS					
OTHER FUNDS	-				
TOTAL FUNDS					
Explanation of Estimate:					
Personal Services:	<u>REAKDOWN</u>	BY MAJOR OBJECT	<u>IS OF EXPENDITU</u>	<u>JRE</u>	
POSITION TITLE		BER OF POSITION 6-26 26-27	S 2025-20 <u>EXPENDIT</u>		2026-27 EXPENDITURES
Benefits					
Operating					
Travel			-		
Capital outlay					
Capital improvements					
TOTAL					

LB ⁽¹⁾ 29					FISCAL NOTE
State Agency OR Politic	cal Subdivision Name: (2)	Nebraska Real Pro	operty Appraiser	Board	
Prepared by: (3) Tyl	er Kohtz	Date Prepared: ⁽⁴⁾	January 10, 2025	Phone: (5)	402-471-9025
	ESTIMATE PROVI	DED BY STATE AGEN	ICY OR POLITICAL	SUBDIVIS	ION
	<u>FY 9</u> EXPENDITURES	2025-26 <u>REVENUE</u>	EXPENDITU	<u>FY 2026</u> <u>RES</u>	<u>-27</u> <u>REVENUE</u>
GENERAL FUNDS					
CASH FUNDS	18,000	0	0		0
FEDERAL FUNDS					
OTHER FUNDS					
TOTAL FUNDS					
Explanation of Estima	nte:				

A significant time burden would be placed on the Board's staff to review each rule or regulation, including any pending rule or regulation, to determine if each rule or regulation is essential to the health, safety, or welfare of the public; to determine if the costs of each rule or regulation outweigh the benefits; to identify and report if the agency has a process in place to measure the effectiveness of each rule or regulation; to determine and identify if less restrictive alternative have been considered for each rule or regulation; and to identify and report if each rule or regulation was promulgated as the result of a state statutory requirement, federal mandate, or court decision. As the Board's staff lacks the resources to conduct such review within its standard allocation of time, it is likely that the Board would have to contract with a third party to be responsible for such review. It is estimated that such review would require approximately 80 hours of work for the first report, and 20 hours of work for each report after. At an estimated contract rate of \$225.00 per hour for an individual qualified to conduct such review, the cost to the Board would be approximately \$18,000.00 for the first year, and \$4,500.00 for each report year after.

BREAKI	DOWN BY MA.	OR OBJECTS O	F EXPENDITURE	
Personal Services:				
	NUMBER OF	POSITIONS	2025-26	2026-27
POSITION TITLE	<u>25-26</u>	<u>26-27</u>	EXPENDITURES	EXPENDITURES
				
Benefits	••			
Operating			18,000	0
Travel	•••			
Capital outlay				
Aid				
Capital improvements				
TOTAL			18,000	0

TOTAL.....

LB ⁽¹⁾ 29			FISCAL NOTE
State Agency OR Political Subdivision Name: (2)	Secretary of State		
Prepared by: (3) Joan Arnold	Date Prepared: (4)	1-10-2025 Phone:	(5) 402-471-2384
ESTIMATE PROV	IDED BY STATE AGEN	NCY OR POLITICAL SUBDIV	ISION
EV	2027 20	EV 40	00.05
EXPENDITURES	2025-26 REVENUE	<u>FY 20</u> EXPENDITURES	REVENUE
GENERAL FUNDS			
CASH FUNDS			
FEDERAL FUNDS			
OTHER FUNDS			
TOTAL FUNDS	<u> </u>		
Explanation of Estimate:			
No Fiscal Impact			
	VN BY MAJOR OBJECT	TS OF EXPENDITURE	
Personal Services:	UMBER OF POSITION	S 2025-26	2026-27
POSITION TITLE	<u>25-26</u> <u>26-27</u>	<u>EXPENDITURES</u>	EXPENDITURES
		.	
Benefits			
Operating			
Travel		<u> </u>	
Capital outlay		<u> </u>	
Aid			
Capital improvements			

LB (1) 0029 Create a review process for agency rules and regulations

2025 **FISCAL NOTE**

State Agency OR Political Subdivision Name: (2)		University of Nebraska System				
Prepared by: ⁽³⁾ Anne B	arnes	Date Prepared: (4)	01/14/2025	Phone: ⁽⁵⁾	(402) 559-6300	
	ESTIMATE PROV	/IDED BY STATE AG	ENCY OR POLITICAL	SUBDIVISION		
	FY	′ 2025 - 26		FY 2026 -	27	
GENERAL FUNDS	EXPENDITURES 0.00	REVENUE 0.00	EXPENDITU 0.00		<u>REVENUE</u> 0.00	
CASH FUNDS	0.00	0.00	0.0	0_	0.00	
FEDERAL FUNDS	0.00	0.00	0.00	0_	0.00	
OTHER FUNDS	0.00	0.00	0.00	0_	0.00	
TOTAL FUNDS	0.00	0.00	0.0	0_	0.00	

Explanation of Estimate:

Although the University is a state agency for some purposes, it does not engage in rule and regulation making like traditional state agencies. Thus, we do not have "rules" or "regulations" that would be subject to review.

No fiscal impact.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

POSITION TITLE	NUMBER OI <u>25 - 26</u>	F POSITIONS <u>26 - 27</u>	2025 - 26 EXPENDITURES	2026 - 27 EXPENDITURES
	0	0		
<u> </u>	0	0		
Benefits				
Operating				
Travel				
Capital outlay				
Aid				
Capital improvements				
TOTAL				