

**FISCAL NOTE**  
 LEGISLATIVE FISCAL ANALYST ESTIMATE

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES</b> (See narrative for political subdivision estimates)				
	<b>FY 2025-26</b>		<b>FY 2026-27</b>	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	\$51,585		\$9,036	
CASH FUNDS			\$100,000	\$100,000
FEDERAL FUNDS				
OTHER FUNDS				
<b>TOTAL FUNDS</b>	<b>\$51,585</b>		<b>\$109,036</b>	<b>\$100,000</b>

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

LB309 creates the Safe Battery Collection and Recycling Act (SBCRA).

LB309 sets the act under the Department of Environment and Energy (DEE), sets definitions under the act, and would require the following:

- Beginning 1/1/2028, restricts producers and retailers from selling, offering, or distributing any covered battery or battery containing product unless the producer of the covered battery or battery containing product is a member of the Battery Stewardship Organization (BSO) and provides other exemptions;
- Beginning 1/1/2029, restricts producers and retailers from selling, offering, or distributing any covered battery or battery containing product unless the battery or battery containing product is marked to ensure proper collection and recycling and enumerates the process of proper collection and recycling markings;
- Requires BSO to submit a battery stewardship plan to DEE for review and approval by 1/1/2027, describes the required contents of the plan;
- Requires BSOs to submit new plans at least once every five years. If corrective measures under the plan haven't been met, the new plan is to include corrective measures;
- Requires BSOs to submit plan amendments when material changes should occur;
- Requires DEE to approve, conditionally approve, or deny plans within 120 days of receipt;
- Places requirements and an appeal process on DEE for denied plans;
- Requires a BSO to pay a fee of \$100,000 once a plan is approved, funds would be credited to the Battery Stewardship Fund;
- Creates requirements for BSOs approved under the act;
- Creates requirements for posted materials on DEE's website;
- Creates requirements for individuals beginning 1/1/2028 for disposal methods and procedures of certain batteries defined under the act;
- Creates penalties under the act (civil and felony);
- Creates review and reporting requirements of DEE;
- Allows for civil suits by and between BSOs;
- Creates the Battery Stewardship Cash Fund, lists the uses; and
- Allows NDEE to promulgate rules and regulations under the Act.

Administrative impact resulting from this legislation appears reasonable.

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</b>			
LB: 309	AM:	AGENCY/POLT. SUB: 05 Supreme Court	
REVIEWED BY: Joe Massey	DATE: 2/10/2025	PHONE: (402) 471-4181	
COMMENTS: No basis to disagree with the 05 Supreme Court assessment of minimal fiscal impact from LB 309.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 309	AM:	AGENCY/POLT. SUB: Attorney General
REVIEWED BY: Joe Massey	DATE: 1/28/2025	PHONE: (402) 471-4181
COMMENTS: No basis to disagree with the Attorney General assessment of no fiscal impact from LB 309.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 309	AM:	AGENCY/POLT. SUB: Department of Environment and Energy
REVIEWED BY: Joe Massey	DATE: 1/24/2025	PHONE: (402) 471-4181
COMMENTS: Department of Environment and Energy assessment of fiscal impact from LB 309 appears reasonable using the assumptions provided.		

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

2025

LB<sup>(1)</sup> 309

FISCAL NOTE

State Agency OR Political Subdivision Name: <sup>(2)</sup> Attorney General

Prepared by: <sup>(3)</sup> Justin Lavene Date Prepared: <sup>(4)</sup> 1-27-25 Phone: <sup>(5)</sup> 402-471-2687

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2025-26		FY 2026-27	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

Explanation of Estimate:

No Fiscal Impact.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2025-26 EXPENDITURES	2026-27 EXPENDITURES
	25-26	26-27		
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				

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

**2025**

**LB<sup>(1)</sup> 309**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Department of Environment and Energy

Prepared by: <sup>(3)</sup> Kevin Stoner Date Prepared: <sup>(4)</sup> January 23, 2025 Phone: <sup>(5)</sup> 402 471-2186

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

	<u>FY 2025-26</u>		<u>FY 2026-27</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>\$51,585</u>	<u>                    </u>	<u>\$9,036</u>	<u>                    </u>
CASH FUNDS	<u>                    </u>	<u>                    </u>	<u>\$100,000</u>	<u>\$100,000</u>
FEDERAL FUNDS	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
OTHER FUNDS	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
<b>TOTAL FUNDS</b>	<u><b>\$51,585</b></u>	<u><b>                    </b></u>	<u><b>\$109,036</b></u>	<u><b>\$100,000</b></u>

**Explanation of Estimate:**

LB309 adopts the Safe Battery Collection and Recycling Act. This act would require each battery stewardship organization to submit a battery stewardship plan by January 1, 2027 to NDEE for review and approval/denial based upon the requirements in the statute. The battery stewardship organizations must submit a report covering several items to NDEE for review each year starting June 1, 2029. LB309 requires the NDEE to prepare an annual report to the legislature assessing other states programs and recommendations for additional legislative additions or revisions. It requires NDEE to put several things on its website including the plans, members covered, brands of covered batteries, and annual reports. LB309 requires the battery stewardship organization to pay of a fee of \$100,000 to NDEE upon approval of the plan or on January 1, 2027 and every year thereafter. These funds shall be placed in the Battery Stewardship Fund. LB309 does not include any funding for FY 25-26 to develop the program and adopt and promulgate rules and regulations as allowed in the statute.

NDEE estimates it will take one half of additional staff in FY 25-26 and one full staff thereafter to adequately implement the Safe Battery Collection and Recycling Act. Additional funding of \$51,585 would be needed in FY 25-26 and \$9,036 needed every year after to implement this act. No additional funds are needed beyond the \$9,036 in FY 26-27 even though the \$100,000 fee wouldn't be received until January 1, 2027. Although not specifically stated, NDEE believes the fee is intended to be used to pay the reasonable direct and indirect costs required to develop and administer this program, so the additional funding needed was reduced by \$100,000 in FY 26-27. If that is not accurate, then this fiscal note may need amended.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2025-26</u>	<u>2026-27</u>
	<u>25-26</u>	<u>26-27</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Environmental Specialist III	<u>0.5</u>	<u>1</u>	<u>\$30,264</u>	<u>\$63,554</u>
Benefits.....			<u>9,609</u>	<u>20,179</u>
Operating.....			<u>11,712</u>	<u>24,176</u>
Travel.....				<u>1,127</u>
Capital outlay.....				
Aid.....				
Capital improvements.....				
<b>TOTAL.....</b>			<u><b>\$51,585</b></u>	<u><b>\$109,036</b></u>

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

**2025**

**LB<sup>(1)</sup> 309**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> 05 Supreme Court

Prepared by: <sup>(3)</sup> Eric Asboe Date Prepared: <sup>(4)</sup> 2/8/2025 Phone: <sup>(5)</sup> 402-326-9215

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

	<u>FY 2025-26</u>		<u>FY 2026-27</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:**

Minimal fiscal impact to provide judicial education. No additional resources required. Any potential impact on judicial workload is not estimated to be significant.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2025-26</u>	<u>2026-27</u>
	<u>25-26</u>	<u>26-27</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____