

**FISCAL NOTE**  
**LEGISLATIVE FISCAL ANALYST ESTIMATE**

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES</b> (See narrative for political subdivision estimates)				
	<b>FY 2017-18</b>		<b>FY 2018-19</b>	
	<b>EXPENDITURES</b>	<b>REVENUE</b>	<b>EXPENDITURES</b>	<b>REVENUE</b>
GENERAL FUNDS	56,424		56,424	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
<b>TOTAL FUNDS</b>	<b>56,424</b>		<b>56,424</b>	

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

LB 67 is the Fair Repair Act.

Section 2 provides definitions for the Act.

Section 3 requires that for equipment sold and used in this state, the original equipment manufacturer shall:

- Make available to any independent repair provider or owner diagnostic and repair documentation, including repair technical updates and updates and corrections to embedded software for no charge.
- Make available for purchase by the owner, his or her authorized agent, or any independent repair provider, equipment inclusive of any updates to the embedded software of the equipment, upon fair and reasonable terms.
- Make available for purchase by owners and independent repair providers all diagnostic repair tools incorporating the same diagnostic, repair, and remote communications capabilities that such original equipment manufacturer makes available to its own repair or engineering staff or any authorized repair provider.
- For original equipment manufacturer equipment sold or used in this state for the purpose of providing security-related functions may not exclude diagnostic, service, and repair documentation necessary to reset a security-related electronic function from information provided to an owner or independent repair provider.

Section 8 makes violations of the Act liable to a civil penalty of not more than five hundred dollars (\$500) for each violation. Such penalty may be recovered in a civil action by the Attorney General and remitted to the State Treasurer for distribution in accordance with Article VII, section 5, of the Constitution of Nebraska.

The Attorney General states that if their office would decide to bring an enforcement action against a company, significant resources would be required. In such an event, the Attorney General estimates the need for 0.5 FTE. There is no basis to disagree with this estimate.

<b>ADMINISTRATIVE SERVICE STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</b>			
LB: 67	AM:	AGENCY/POLT. SUB: Attorney General	
REVIEWED BY: Gary Bush		DATE: 1/24/17	PHONE: <a href="tel:4024714161">(402) 471-4161</a>
COMMENTS: The bill provides the Attorney General with the discretion to take civil action. The bill does not require the Attorney General to do so. The estimate provided does not discuss how many actions is expected nor how much time it would take to bring an action. Therefore, it is difficult to determine if the fiscal impact provided is reasonable for the cost to bring these actions.			

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2017

LB<sup>(1)</sup> 67

FISCAL NOTE

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

Prepared by: <sup>(3)</sup> Abby Stempson

Date Prepared: <sup>(4)</sup> 1-12-17

Phone: <sup>(5)</sup> 471-2687

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2017-18		FY 2018-19	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	56,423.75		57,321.92	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	<u>56,423.75</u>		<u>57,321.92</u>	

Explanation of Estimate:

This Bill would require a significant dedication of resources if our office would decide to bring an enforcement action against a company.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services: POSITION TITLE	NUMBER OF POSITIONS		2017-18	2018-19
	17-18	18-19	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
AAG	.50	.50	32,500.00	32,500.00
Benefits.....			23,923.75	23,923.75
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....			<u>56,423.75</u>	<u>56,423.75</u>

*Handwritten signature and date: 1-23-17*