PREPARED BY: Douglas Gibbs & Tom

Bergquist

DATE PREPARED: February 14, 2018 PHONE: 402-471-0051

LB 1022

Revision: 00

## **FISCAL NOTE**

LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT - STATE AGENCIES (See narrative for political subdivision estimates)								
	FY 2018-19 FY 2019-20							
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE				
GENERAL FUNDS	See Below	See Below	See Below	See Below				
CASH FUNDS		See Below		See Below				
FEDERAL FUNDS								
OTHER FUNDS								
TOTAL FUNDS	See Below	See Below	See Below	See Below				

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

LB 1022 creates the Irrigation Tax Act and amends a number of sections of statute dealing with the valuation of agricultural and horticultural land.

The Irrigation Tax Act imposes a tax upon the use of water to irrigate agricultural and horticultural land at a rate of one cent for every ten gallons of water pumped from a covered water well. The tax is due annually on or before November 1 and is to be paid by the property owner.

The revenue received from the irrigation tax is to be credited to the School Aid Fund, which is created by the bill.

Section 77-201 is amended to provide that agricultural and horticultural land shall be valued at 75% of its value as dryland and that any added value as a result of the land being irrigated shall be disregarded for purposes of determining its taxable value.

Section 77-1343 is amended regarding special valuation to mean the value when the land is used as dryland and any added value due to irrigation is to be disregarded.

Section 77-1363 is amended to strike "irrigated cropland" from the listing of agricultural and horticultural land classes.

The School Aid Fund is created and consists of irrigation tax revenue. The Fund is to be administered by the State Board of Education and used to provide payments to school districts that did not receive equalization aid under the Tax Equity and Educational Opportunities Support Act in the most recently completed school fiscal year. It is to be distributed proportionately based on formula students attributed to the school district for such school fiscal year.

The bill has an operative date of January 1, 2019.

The Department of Natural Resources indicates no fiscal impact to the budget of the Department. The Department registers well ownership but has no authority for regulating or metering the amounts of groundwater pumped for irrigation purposes.

The Department of Education indicates that since all agricultural land would be based on a dryland valuation, there will be school districts experiencing a drop in valuation which will cause the district to increase their tax levy to make up the difference in revenue if they have available levy authority. They cannot ascertain fiscal impact at this time.

The Department of Revenue estimates the fiscal impact to the School Aid Fund will average \$2.1 billion.

The Department of Revenue indicates they will require a one-time programming charge of \$126,000 paid to the Office of the CIO for development costs. They will also require 2.0 FTE Revenue Operations Clerk II, a 0.5 FTE Office Clerk II, and 0.5 FTE Fiscal Compliance Analyst to implement and administer the provisions of LB 1022. PSL would be \$0 for FY2918-19 and \$95,500 for FY2019-20. Total expenditures for FY2018-19 would be \$126,000 and for FY2019-20 would be \$142,000.

We have no basis to disagree with the above state agencies estimates of fiscal impact and cost. We would note that the Department of Revenue's estimate is an average and from year to year, dependent on weather conditions and amount of water pumped, the amount credited to the School Aid Fund will vary and could vary widely.

## **TEEOSA Impact:**

The change in land classification will have an impact on TEEOSA that will vary from school district to school district. Land values for irrigated land and dryland vary widely across the state. In general, irrigated cropland has a higher value than dryland. In 2016 in McPherson County the average value of irrigated land was \$2,100 while the average value of dryland was \$725. In Gosper County the average value of irrigated land was \$4,671 and the average value of dryland was \$1,789.

In 2016, statewide there were 9,301,956 irrigated acres and 10,164,688 acres of dryland. By way of example as to the variance, in Otoe County there were 6,092 irrigated acres and 273,565 dryland acres. In Hamilton County there were 270,404 irrigated acres and 23,074 dryland acres.

We estimate a loss of \$19.7 billion in valuation, resulting in an additional General Fund expenditure of \$38,857,295 for school aid. There would still be 153 non-equalized school districts with a total of 62,135 formula students.

## **IMPACT TO LOCAL POLITICAL SUBDIVISIONS:**

The Lower Platte South Natural Resources District indicates that assessed valuation of property in the NRD will be reduced if irrigated cropland is now assessed as dryland cropland. The Lower Platte South's total irrigated acres is only 27,000, smallest of all 23 NRDs so the impact is much smaller as compared to more heavily irrigated NRDs (over one million acres) in more arid/western NRDs where the assessed valuation difference between dryland and irrigated land is much greater. In the Lower Platte South NRD, the difference between the assessed valuation of irrigated and dryland is approximately \$1,425 /acre. LB 1022 would result in a reduction of total NRD valuation of \$38,500,000. Assuming the tax levy stayed the same, the tax revenue would decrease by \$12,345.

The Central Platte Natural Resources District indicates that the reduction in property tax revenue as a result of the provisions of LB 1022 will be \$991,178 in FY2018-19 assuming the same valuation, levy, and property tax request for the next two fiscal years. The Central Platte NRD has 1,020,000 irrigated acres. The valuation difference between irrigated acres and dryland acres is \$3,000.

The Papio-Missouri River Natural Resources District indicates that LB 1022 would reduce property tax collection on agricultural land in the district by at least 20%. They estimate a reduction in property tax revenue of approximately \$300,000 to \$500,000 per fiscal year.

The Nebraska Association of County Officials indicates that the fiscal impact to counties in unknown. There would be an anticipated reduction in the valuation of taxes for agricultural land without the value added for irrigated land. There would also be a reduction in the workload required in the county assessors' offices for performing the appraisal process of valuing agricultural and horticultural land that is irrigated; therefore, there would be a potential for lessened requirements to counties where irrigation is utilized.

ADMINISTRA	TIVE SERVICES	STATE BUDGET DIVISION: REV	EW OF	AGENCY & POLT. SUB. RESPONSE
LB: 1022	AM:	AGENCY/POLT. SUB:	Depart	tment of Natural Resources
REVIEWED BY:	Gary Bush	DATE: 02	2/16/18	PHONE: (402) 471-4161
COMMENTS: Co	ncur.			

ADMINISTRA	ATIVE SERVICES	STATE BUDGET DIVISION: REVIEW OF AGE	ENCY & POLT. SUB. RESPONSE
LB: 1022	AM:	AGENCY/POLT. SUB: Department	nt of Education
REVIEWED BY:	Gary Bush	DATE: 02/16/18	PHONE: (402) 471-4161
COMMENTS: No	basis to commer	nt on an estimate of the impact to the state as no	o estimate is provided.

ADMINISTRA	ATIVE SERVICES	STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPO	NSE
LB: 1022	AM:	AGENCY/POLT. SUB: Department of Revenue	
REVIEWED BY:	Gary Bush	DATE: 02/16/18 PHONE: (402) 471-416	<u>31</u>
COMMENTS: Ag		provided for the impact to the agency to implement the bill. No basis to disage e School Aid Fund.	gree with

ADMINISTRA	TIVE SERVICES	STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE	
LB: 1022	AM:	AGENCY/POLT. SUB: Lower Platte South NRD	
REVIEWED BY:	Gary Bush	DATE: 02/16/18 PHONE: (402) 471-4161	
COMMENTS: No	basis to disagree	with estimate provided.	

	ADMINISTR	RATIVE SERVICES	STATE BUDGET DIVISION: RE	VIEW OF	AGENCY & POLT. SUB. RESPONSE
LB:	1022	AM:	AGENCY/POLT. SUI	3: Centra	al Platte NRD
RE	VIEWED BY:	Gary Bush	DATE: (	)2/16/18	PHONE: (402) 471-4161
СО	MMENTS: N	lo basis to disagree	with estimate provided.		

ADMINISTRA	TIVE SERVICES	STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE
LB: 1022	AM:	AGENCY/POLT. SUB: Papio-Missouri River NRD
REVIEWED BY:	Gary Bush	DATE: 02/16/18 PHONE: <u>(402) 471-4161</u>
COMMENTS: No	basis to disagree	with estimate provided.

ADMINISTRA	TIVE SERVICES	STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE
LB: 1022	AM:	AGENCY/POLT. SUB: Nebraska Association of County Officials
REVIEWED BY:	Gary Bush	DATE: 02/16/18 PHONE: <u>(402) 471-4161</u>
COMMENTS: No	basis to disagree	with estimate provided.

<b>LB</b> <sup>(1)</sup> 1022				FISCAL NOTE
State Agency OR Political S	Subdivision Name: (2)	epartment of Natura	al Resources	
Prepared by: (3) Ron T	heis	Date Prepared: (4) 2/	8/2018 Phone: (	5) 402 471 0577
E	STIMATE PROVIDED	BY STATE AGENCY	OR POLITICAL SUBDIV	ISION
	FY 201			019-20
	<b>EXPENDITURES</b>	<b>REVENUE</b>	<b>EXPENDITURES</b>	<u>REVENUE</u>
GENERAL FUNDS	0	0	0	0
CASH FUNDS	0	0	0	0
FEDERAL FUNDS	0	0	0	0
OTHER FUNDS	0	0	0	0
TOTAL FUNDS	0	0	0	0
There is no impact upor no authority for regulating			department registers we er pumped for irrigation p	
Personal Services:	BREAKDOWN BY	Y MAJOR OBJECTS O	F EXPENDITURE	
1 ersonar services:	NUM	BER OF POSITIONS	2018-19	2019-20
POSITION TIT	<u>ΓLE</u> <u>18-</u>	<u>19-20</u>	EXPENDITURES	EXPENDITURES
Benefits				
Operating				
Travel				
Capital outlay				

Capital improvements......

TOTAL.....

Benefits....

LB <sup>(1)</sup> 1022				ı	FISCAL NOTE
State Agency OR Political Sub-	division Name: (2)	Dept of Education			
Prepared by: (3) Bryce Wi	ilson	Date Prepared: (4)	2/8/17	Phone: (5)	402-471-4320
EST	TIMATE PROVIDE	– D BY STATE AGENO	Y OR POLITICAL	SUBDIVISIO	N
	FY 20	018-19		FY 2019-	20
<u>E</u>	EXPENDITURES	REVENUE	EXPENDIT		<u>REVENUE</u>
GENERAL FUNDS					
CASH FUNDS					
FEDERAL FUNDS					
OTHER FUNDS					
TOTAL FUNDS			<u> </u>		
<b>Explanation of Estimate:</b>					
provide revenue for a new School Aid Fund to provide This bill would tax farmer Tax of 1¢ per 10 gallons property tax purposes to day would be subject to the Affected landowners would be fach year. By December 1 of each year. By December 1 of each year and the property tax purposes to day would be subject to the Affected landowners would be based on the number of Since all agricultural land valuation which will caus available levy authority.	rs for the undergraunderground water the same rate as done in the Irrigation Tax.  In the required to subser 15, the Departization aid in the post formula student would be based on the district to in	ound water used to iter pumped. The bill lryland valuation. Ir pay the annual Irrigation would be required school year. The for the prior school on a dryland valuation crease their tax levy	rrigate their farml lowers irrigated a rigation wells that attion Tax to the Tuired to distribute the distribution rat I year.	and by estable griculture large pump at least ax Commission the funds aver for each elicities at the funds aver for each elicities experi	Ishing the Irrigation and valuation for st 5000 gallons per oner by November ailable to districts gible district would encing a drop in
Fiscal impact cannot be d	etermined at this	time.			
Personal Services:	BREAKDOWN	BY MAJOR OBJECT	S OF EXPENDITU	<u>JRE</u>	
POSITION TITL		MBER OF POSITIONS 8-19 19-20	S 2018-1 <u>EXPENDIT</u>		2019-20 EXPENDITURES

Operating	 
Travel	 
Capital outlay	 
Aid	 
Capital improvements	 
TOTAL	 

**LB 1022** Fiscal Note 2018

levenue				Date Due LFA:	2/20/2018
	Date Prepared:	2/16/2018		Phone: 471-5896	
FY 2018	-2019	FY 2019	-2020	FY 202	20-2021
<b>Expenditures</b>	Revenue	<b>Expenditures</b>	Revenue	<u>Expenditures</u>	Revenue
\$126,000	See Below	\$142,000	See Below	\$129,000	See Below
	See Below		See Below		See Below
\$126,000	See Below	\$142,000	See Below	\$129,000	See Below
	FY 2018 Expenditures \$126,000	Date Prepared:	Date Prepared: 2/16/2018   FY 2018-2019   FY 2019-   Expenditures   Revenue   Expenditures     \$126,000   See Below   \$142,000     See Below   See B	Date Prepared:   2/16/2018	Date Prepared:         2/16/2018         Phone: 471-5896           FY 2018-2019         FY 2019-2020         FY 202           Expenditures         Revenue         Expenditures           \$126,000         See Below         \$142,000         See Below         \$129,000           See Below         See Below         See Below         \$129,000

LB 1022 would adopt the Irrigation Tax Act. This bill would impose a tax upon the use of water to irrigate agricultural and horticultural land of \$0.01/10 gallons of water pumped from a covered water well, to be paid by the owner of the land being irrigated. The owner would be required to submit a return to the Tax Commissioner, along with the amount of tax due, on or before November 1 of each year. The taxes collected would be remitted to the State Treasurer for the School Aid Fund. The School Aid Fund would be created and would be administered by the State Board of Education to provide payments to school districts, based on the districts' number of "formula students", which did not receive equalization aid under TEEOSA. Failing to file the return, filing late, failing to remit the tax due, or remitting the tax late will result in a penalty of 10% of the amount of tax not paid by the due date or \$25, whichever is greater.

This bill would also change the valuation of agricultural and horticultural land to 75% of its actual value as dryland. The definition of special valuation would likewise be changed to also disregard any added value associated with irrigation. Neb. Rev. Stat. § 77-1363 would be amended to remove irrigated cropland as a subclass of agricultural land and horticultural land. Section 77-1371 would be amended to remove consideration of well capacity from the county assessor's analysis of comparability. Section 77-5023 would be amended to change the acceptable range for agricultural land and horticultural land to 69-75% of the actual value such land has as dryland. Section 79-1016 would be amended to change the school aid formula to define state aid value for agricultural land and horticultural land to 72% of the actual value such land has as dryland.

The operative date for this bill is January 1, 2019.

LB 1022 will require a one-time programming charge of \$126,000 paid to the OCIO for development costs. The Department will require 2 FTEs Revenue Operations Clerk II, 0.5 FTE Office Clerk III, and 0.5 FTE Fiscal Compliance Analyst to implement and administer the provisions of this bill.

This bill will have an effect on TEEOSA, which will have a corresponding impact on General Fund expenditures.

Annual receipts to the School Aid Fund are expected to average \$2,100,000,000.

Major Objects of Expenditure							
		18-19	19-20	20-21	18-19	19-20	20-21
Class Code	Classification Title	FTE	FTE	FTE	<b>Expenditures</b>	<b>Expenditures</b>	<b>Expenditures</b>
R29112	Revenue Operations Clerk II	0	2	2	\$0	\$62,900	\$63,900
R01113	Office Clerk III	0	0.5	0.5	\$0	\$12,900	\$13,100
A21211	Fiscal Compliance Analyst	0	0.5	0.5	\$0	\$19,700	\$20,000
Renefits					\$0	\$31.500	\$32,000
Operating Costs.				\$126,000	ψ51,500	ψ32,000	
Travel							
Capital Outlay					\$0	\$15,000	
Capital Improvem	nents						
Total					\$126,000	\$142,000	\$129,000

**FISCAL NOTE** 

State Agency OR Political Subdivision Name: (2)

**LB**(1)

1022

Prepared by: (3)	Paul D. Zillig, GM	Date	Prepared: (4)	February 8, 2018	Phone: (5)	402.4776.2729
	ESTIMATE PE	ROVIDED BY S	TATE AGEN	CY OR POLITIC	AL SUBDIVIS	SION
	EXPENDITU	FY 2018-19 RES F	REVENUE	EXPENDIT	<u>FY 2019</u> <u>FURES</u>	2-20 REVENUE
GENERAL FUN	DS		9,502,263			9,489,918
CASH FUNDS						
FEDERAL FUN	DS			-		
OTHER FUNDS	· · · · · · · · · · · · · · · · · · ·					-
TOTAL FUNDS	n					
of irrigated and	en dryland and irrigate dryland is approximatel acres x \$1,425/ac). Ass	y \$1,425/acre. ¯	LB 1022 wou	ld result in a redu	ction in total l	NRD valuation of
	BREAK	DOWN BY MA	JOR OBJECT	S OF EXPENDIT	<u>URE</u>	
Personal Service	S:	NUMBER O	E DOCUTION	S 2018-	10	2019-20
POSIT	ION TITLE	18-19	19-20	EXPENDI'		EXPENDITURES
		-				
Benefits			-			
Operating		•••				
Travel						
Capital outlay		•••				
Aid		•••				
Capital improve	ments			1-		<del></del>
TOTAL		••••		0		0

It does not appear that the NRD's are responsible for additional work related to determining irrigation water pumped,

insuring meters are installed and operating properly and accurate reports are filed.

Lower Platte South NRD

TOTAL.....

<b>LB</b> (1)	1022						<b>FISCAL NOTE</b>	
State Ag	gency OR Political	Subdivision Name: (2)	Central Platte Natural Resources District					
Prepare	ed by: (3) Lyndo	on Vogt	Date	Prepared: <sup>(4)</sup>	02/08/18	Phone: (5)	308 385 6282	
	]	ESTIMATE PROVII	DED BY ST	TATE AGEN	CY OR POLITIC	AL SUBDIVISIO	ON	
		FY	2018-19			FY 2019-20		
		EXPENDITURES	]	<u>REVENUE</u>	EXPEND	<u>ITURES</u>	<u>REVENUE</u>	
GENEF	RAL FUNDS			991,178.38)	_		(991,178.38)	
CASH I	FUNDS							
FEDER	AL FUNDS							
OTHEI	R FUNDS							
TOTAL	L FUNDS							
Tax Re CPNRD \$1,020,	quest of \$5,639,1 Dertified irrigat 000.00 x \$3,000.0	ased on actual Fiscal 32.09. ed acres = 1,020,000 00 = \$3,060,000,000. property tax for a los	. Valuatio Adjusted	n difference be valuation = \$2	etween irrigated 14,349,965,131 x	acres and dry la	nd ag = \$3,000.00	
	1.6	BREAKDOV	VN BY MA	JOR OBJECT	S OF EXPENDI	TURE	<del></del>	
Persona	al Services: POSITION TI		UMBER O 18-19	F POSITION 19-20	S 2018 <u>EXPEND</u>		2019-20 EXPENDITURES	
Benefits	s				<u> </u>			
					<del></del>			
Capital	outlay							
Aid								
Capital	improvements							

<b>LB</b> (1)	1022					FISCAL NOTE		
State Agency OR Political Subdivision Name: (2)			Papio-Missouri River Natural Resources District					
Prepared by: (3) John Winkler		Date Prepared: (4)	2/8/2018	Phone: (5)	402-444-6222			
		ESTIMATE PROVI	DED BY STATE AGEN	CY OR POLITICA	L SUBDIVISIO	)N		
					FY 2019			
	EXPENDITURES		<u>Y 2018-19</u> S <u>REVENUE</u>	EXPENDITURES		<u>REVENUE</u> \$350,000 - \$500,000 per		
GENE	RAL FUN	DS	_			year		
CASH	FUNDS		_	_				
FEDEF	RAL FUNI	OS						
OTHE	R FUNDS							
TOTA	L FUNDS							
Evnlan	ation of E	stimate			<del></del>			
•								
would	d lose ro	oughly \$300,000-\$500	),000 in annual reve	enue from the	reduction ir	n ag land value.		
			WN BY MAJOR OBJECT	TS OF EXPENDIT	URE			
Person	al Service		NUMBER OF POSITION	S 2018-	19	2019-20		
	POSIT	ION TITLE	<u>18-19</u> <u>19-20</u>	EXPENDI		EXPENDITURES		
				_				
n C								
	_							
-								
				-				
	•							
		nents						
-	TAL.							

LB <sup>(1)</sup> 1022			FISCAL NOTE				
State Agency OR Political Subdivision Name	Nebraska Associ	Nebraska Association of County Officials (NACO)					
Prepared by: (3) Elaine Menzel	Date Prepared: (4)	1//22/2018 Phone	(5) 402.434.5660				
ESTIMATE PR	OVIDED BY STATE AGEN	CY OR POLITICAL SUBDIV	ISION				
EVDENDITI	FY 2018-19 PEY PREVIOUS		019-20 REVENUE				
EXPENDITU	<u>JRES</u> <u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>				
GENERAL FUNDS	<del></del>	<del>-</del>					
CASH FUNDS							
FEDERAL FUNDS							
OTHER FUNDS							
TOTAL FUNDS							
<b>Explanation of Estimate:</b>							
horticultural land that is irrigated; the where irrigation is utilized.	erefore, there would be a p	ootential for lessened requi	rements to counties				
	DOWN BY MAJOR OBJEC	TS OF EXPENDITURE	<del></del>				
Personal Services:	NUMBER OF POSITION	VS 2018-19	2019-20				
POSITION TITLE	<u>18-19</u> <u>19-20</u>	EXPENDITURES	<b>EXPENDITURES</b>				
	<del></del>	_					
Benefits	<u> </u>						
Operating		<del></del>					
Travel							
Capital outlay							
Aid							
Capital improvements	••••						
TOTAL							