

PREPARED BY: Suzanne Houlden  
 DATE PREPARED: February 08, 2022  
 PHONE: 402-471-0057

**LB 1026**

Revision: 00

**FISCAL NOTE**  
 LEGISLATIVE FISCAL ANALYST ESTIMATE

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES</b> (See narrative for political subdivision estimates)				
	<b>FY 2022-23</b>		<b>FY 2023-24</b>	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

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

LB 1026 would adopt the Unlawful Restrictive Covenant Act. The Act would require county attorneys to review modifications to unlawful restrictive covenants prior to their filing. The bill would also limit the fee for filing covenants to \$10.00 per filing. The number of previously filed unlawfully restrictive covenants is unknown, and it is also unknown how many modifications would be filed as a result of LB 1026. As such, the fiscal impact is not readily determined.

Note that the capping of the fees at \$10 per filing differs from the current fee structure for filing documents with the Register of Deeds. Nebraska Revised Statute 33-109 allows for additional per-page charges after the first page, along with other ancillary fees.

It is reasonable to assume that additional revenues attributed to an increase in the number of filings could be offset by the reduction in ancillary fees.

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</b>			
LB: 1026	AM:	AGENCY/POLT. SUB: Nebraska Association of County Officials (NACO)	
REVIEWED BY: Jacob Leaver	DATE: 1/19/2022	PHONE: (402) 471-4173	
COMMENTS: No basis to dispute the Nebraska Association of County Officials' estimate of no fiscal impact to the association as a result of LB 1026.			

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

**2021**

**LB<sup>(1)</sup> 1026**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Nebraska Association of County Officials (NACO)

Prepared by: <sup>(3)</sup> Elaine Menzel Date Prepared: <sup>(4)</sup> 1/15/2022 Phone: <sup>(5)</sup> 402.434.5660

**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	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

**Explanation of Estimate:**

LB 1026 would adopt the Unlawful Restrictive Covenant Act. The Act would require county attorneys to review modifications to unlawful restrictive covenants prior to their filing. Further, the bill would cap the filing of covenants at \$10.00. The number of previously filed unlawfully restrictive covenants is unknown; it is further unknown how many modifications would be filed as a result. As a result, the fiscal impact is not readily determined.

It should be further noted that capping the filing of corrected covenants at \$10 differs from the current fee structure for filing documents with the Register of Deeds.

**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>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____