Eric Kasik February 10, 2025 402-471-0053

Revision: 00 FISCAL NOTE LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)						
	FY 2025-26 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	f Health and Human Services
REVIEWED	D 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

Jacob Leaver

REVIEWED BY:

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

DATE: 1/23/2025

LB: 29	AM:	AGENCY/POLT. SUB: Nebraska Real Estate Commission				
REVIEWED BY:	Ryan Yang	DATE: 1/16/25	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	ska 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 B	Y: 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					I	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	Phone: ⁽⁵⁾	402-419-4229	
	ESTIMAT	E PROVIDED	BY STATE AGEN	ICY OR POLITICAL	SUBDIVIS	ION	
		FY 2025	-96		FY 2026-	-97	
	EXPEND		<u>REVENUE</u>	EXPENDITU		<u>REVENUE</u>	
GENERAL FUN	DS \$682	,102		\$873,294			
CASH FUNDS							
FEDERAL FUNI REVOLVING FUNDS	08						
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	Expenditure	S
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

BREAKI	DOWN BY MAJ	OR OBJECTS O	F EXPENDITURE	
Personal Services:				
	NUMBER OF	F POSITIONS	2025-26	2026-27
POSITION TITLE	25-26	26-27	EXPENDITURES	EXPENDITURES
		<u> </u>		
Benefits				
Operating				
Travel				
Capital outlay				
Aid				
Capital improvements				

TOTAL			
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LB (1) <u>29</u>

FISCAL NOTE

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

State Agency or Political Subdivision Name:(2) Department of Health and Human 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.

MAJOR OBJECTS OF EXPENDITURE					
NUMBER O	F POSITIONS	2025-2026	2026-2027		
26-26	26-27	EXPENDITURES	EXPENDITURES		
4.5	6.0	\$233,700	\$327,181		
.75	1.0	\$45,451	\$63,631		
	NUMBER 0 26-26 4.5	NUMBER OF POSITIONS 26-26 26-27 4.5 6.0	NUMBER OF POSITIONS 2025-2026 26-26 26-27 EXPENDITURES 4.5 6.0 \$233,700		

Benefits	\$97,703	\$136,784
Operating	\$74,533	\$104,347
Travel		
Capital Outlay		
Aid		
Capital Improvements		
TOTAL	\$451,387	\$631,943

LB ⁽¹⁾ 29			FISCAL NOTE
State Agency OR Political Subdivision Na	$_{\mathrm{me:}^{(2)}}$ Board of Geologis	sts	
Prepared by: ⁽³⁾ Jean Lais	Date Prepared: ⁽⁴⁾	1/16/2025 Phone: ⁽⁵⁾	402-471-3061
ESTIMATE]	PROVIDED BY STATE AGE	NCY OR POLITICAL SUBDIVIS	SION
	<u>FY 2025-26</u>	<u>FY 2026</u>	<u>5-27</u>
<u>EXPENDI</u>	<u>'URES</u> <u>REVENUE</u>	EXPENDITURES	<u>REVENUE</u>
GENERAL FUNDS			
CASH FUNDS 0	0	0	0
FEDERAL FUNDS			
OTHER FUNDS			
TOTAL FUNDS			

Explanation of Estimate:

The Board of Geologists does not anticipate any significant increase in expenditures or revenue as a result of the reporting requirements in LB29.

<u>BREAKD</u>	<u>OWN BY MAJ</u>	<u>OR OBJECTS O</u>	<u>F EXPENDITURE</u>	
Personal Services:				
	NUMBER OF	POSITIONS	2025-26	2026-27
POSITION TITLE	<u>25-26</u>	26-27	EXPENDITURES	EXPENDITURES
Benefits	•			
Operating				
Travel				
Capital outlay				
Aid				
Capital improvements				
TOTAL				

		FISCAL NOTE
State Board of Lar	ndscape Architects	
Date Prepared: ⁽⁴⁾		e: (5) 402-471-3061
IDED BY STATE AGEN	NCY OR POLITICAL SUBD	IVISION
<u>2025-26</u> 5 <u>REVENUE</u>	<u>FY 2</u> <u>EXPENDITURES</u>	<u>026-27</u> <u>REVENUE</u>
0	0	0
=		
	Date Prepared: ⁽⁴⁾ IDED BY STATE AGEN 2025-26 <u>REVENUE</u>	IDED BY STATE AGENCY OR POLITICAL SUBD 2025-26 FY 2 S REVENUE EXPENDITURES

Explanation of Estimate:

The State Board of Landscape Architects does not anticipate any significant increase in expenditures or revenue as a result of the reporting requirements in LB29.

<u>BREAKD</u>	<u>OWN BY MAJ</u>	<u>OR OBJECTS O</u>	<u>F EXPENDITURE</u>	
Personal Services:				
	NUMBER OF	POSITIONS	2025-26	2026-27
POSITION TITLE	25-26	26-27	EXPENDITURES	EXPENDITURES
		,		
		<u> </u>		
Benefits				
Operating				
Travel	••			
Capital outlay				
Aid				
Ald				
Capital improvements				
TOTAL				
	••			

LB ⁽¹⁾ 29				I	FISCAL NOTE
State Agency OR P	olitical Subdivision Name: ⁽²⁾	Legislative Counc	1		
Prepared by: (3)	Shelley Reed	Date Prepared: ⁽⁴⁾	02/11/2025	Phone: (5)	402-471-2226
	ESTIMATE PROVI	DED BY STATE AGEN	ICY OR POLITICA	L SUBDIVIS	ION
		2025-26		<u>FY 2026-</u>	
	EXPENDITURES	<u>REVENUE</u>	EXPENDIT	<u>URES</u>	<u>REVENUE</u>
GENERAL FUNI	DS				
CASH FUNDS			<u> </u>		
FEDERAL FUNI	DS		<u> </u>		
OTHER FUNDS					
TOTAL FUNDS					
Explanation of Es	stimate:				

No fiscal impact on the Legislative Council.

Current staffing would absorb these duties.

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

LB ⁽¹⁾ 29				FISCAL NOTE
State Agency OR P	olitical Subdivision Name: (2)	Nebraska Departm	nent of Transportation	
Prepared by: ⁽³⁾	Jenessa Boynton	Date Prepared: ⁽⁴⁾	1/16/2025 Phone	e: (5) 402-479-4691
	ESTIMATE PROVI	DED BY STATE AGEN	ICY OR POLITICAL SUBD	IVISION
	FY	2025-26	FY Ø	2026-27
	EXPENDITURES	<u>REVENUE</u>	EXPENDITURES	<u>REVENUE</u>
GENERAL FUNI	DS			
CASH FUNDS				
FEDERAL FUND	DS			
OTHER FUNDS				
TOTAL FUNDS				

Explanation of Estimate:

LB29 would require each agency to conduct a review of all existing and pending rules and regulations beginning January 1, 2026 and every three years thereafter. Each agency shall submit electronically a detailed report of its findings along with any supporting documentation to the Clerk of the Legislature on or before June 30 in the year the review is conducted.

If enacted, NDOT has assumed that about 30 rules and regulations will be reviewed in 2026. Based on that assumption, the agency would need to hire a consultant during FY 2025-26 and every three years thereafter to assist in review, analysis, data collection and reporting. NDOT estimates this effort would take approximately 300-500 hours to accomplish, the cost of the consultant would be approximately \$50,000 and can be absorbed within the Department's current appropriation.

<u>BREAKI</u>	<u>DOWN BY MA.</u>	<u>IOR OBJECTS O</u>	<u>FEXPENDITURE</u>	
Personal Services:				
	NUMBER OI	F POSITIONS	2025-26	2026-27
POSITION TITLE	25-26	26-27	EXPENDITURES	EXPENDITURES
	·			
Benefits				
Operating			50,000	
Travel				
Capital outlay				
Aid				
Capital improvements				
TOTAL			50,000	
			·	

LB ⁽¹⁾ 29					FISCAL NOTE
State Agency OR Politic	cal Subdivision Name: ⁽²⁾	Nebraska Real Es	tate Commissio	n	
Prepared by: ⁽³⁾ <u>Jos</u>	seph D. Gehrki	Date Prepared: ⁽⁴⁾	01/15/2025	Phone: (5)	402-471-2004
	ESTIMATE PROVI	DED BY STATE AGEN	ICY OR POLITICA	L SUBDIVIS	ION
	EV	2025-26		FY 2026	97
	EXPENDITURES	<u>REVENUE</u>	EXPENDIT		<u>REVENUE</u>
GENERAL FUNDS					
CASH FUNDS	0		0		
FEDERAL FUNDS					
OTHER FUNDS					
TOTAL FUNDS					
Explanation of Estima	ate:				

Any extra fees can be absorbed into the current agency budget.

<u>BREAKI</u>	<u>DOWN BY MAJ</u>	OR OBJECTS O	<u>F EXPENDITURE</u>	
Personal Services:				
	NUMBER OF	POSITIONS	2025-26	2026-27
POSITION TITLE	25-26	26-27	EXPENDITURES	EXPENDITURES
Benefits				
Operating				
Travel				
I ravei				
Capital outlay				
Aid				
Conital improvements				
Capital improvements				
TOTAL	••••			

LB ⁽¹⁾ 29					FISCAL NOTE
State Agency OR Pol	litical Subdivision Name: ⁽²⁾	Nebraska Real Pro	operty Appraiser E	Board	
Prepared by: ⁽³⁾	Tyler 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 2</u> <u>EXPENDITURES</u>	2025-26 <u>REVENUE</u>	<u>EXPENDITUR</u>	<u>FY 2026</u> RES	<u>-27</u> <u>REVENUE</u>
GENERAL FUNDS	s				
CASH FUNDS	18,000	0	0		0
FEDERAL FUNDS					
OTHER FUNDS					
TOTAL FUNDS					

Explanation of Estimate:

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; 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 OI	F POSITIONS	2025-26	2026-27
POSITION TITLE	25-26	26-27	EXPENDITURES	EXPENDITURES
Benefits				
Operating			18,000	0
Travel				
Capital outlay				
Aid				
Capital improvements				
TOTAL			18,000	0

Please complete \underline{ALL} (5) blanks in the first three lines.

LB ⁽¹⁾ 29				FISCAL	NOTE
State Agency OR Polit	ical Subdivision Name: ⁽²⁾	Secretary of State			
Prepared by: ⁽³⁾ Jo	oan Arnold	Date Prepared: ⁽⁴⁾	1-10-2025 P	² hone: (5) 402-471-2	2384
	ESTIMATE PROVI	DED BY STATE AGEN	ICY OR POLITICAL S	UBDIVISION	
	<u>FY 2</u> EXPENDITURES	2025-26 <u>REVENUE</u>	EXPENDITURE	<u>FY 2026-27</u> <u>CS REVEN</u>	<u>IUE</u>
GENERAL FUNDS					
CASH FUNDS					
FEDERAL FUNDS					
OTHER FUNDS					
TOTAL FUNDS					
Explanation of Estin	nate:				
No Fiscal Impact					

BREAKI Personal Services:	DOWN BY MA.	IOR OBJECTS O	<u>DF EXPENDITURE</u>	
POSITION TITLE	NUMBER OI <u>25-26</u>	F POSITIONS <u>26-27</u>	2025-26 <u>EXPENDITURES</u>	2026-27 <u>EXPENDITURES</u>
Benefits				
Operating				
Travel				
Capital outlay				
Aid				
Capital improvements				
TOTAL				

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

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	L SUBDIVISION		
		2025 - 26			FY 2026 - 27	
GENERAL FUNDS	EXPENDITURES	REVENUE 0.00			<u>REVENUE</u> 0.00	
CASH FUNDS	0.00	0.00	0.0	00	0.00	
FEDERAL FUNDS	0.00	0.00	0.0	00	0.00	
OTHER FUNDS	0.00	0.00	0.0	00	0.00	
TOTAL FUNDS	0.00	0.00	0.0	00	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.

Personal Services: BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE					
POSITION TITLE	NUMBER OF POSITIONS <u>25 - 26</u> <u>26 - 27</u>		2025 - 26 EXPENDITURES	2026 - 27 <u>EXPENDITURES</u>	
_	0	0			
_	0	0			
Benefits					
Operating					
Travel					
Capital outlay					
Aid					
Capital improvements					
TOTAL					