

Corrected fiscal note

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

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES</b> (See narrative for political subdivision estimates)				
	<b>FY 2014-15</b>		<b>FY 2015-16</b>	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS	1,275,000		1,275,000	
FEDERAL FUNDS				
OTHER FUNDS				
<b>TOTAL FUNDS</b>	<b>1,275,000</b>		<b>1,275,000</b>	

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

LB 890 changes provisions related to procedures for acquiring private property for public use.

Section 3 requires that on and after January 1, 2015, any agency that proposes to acquire private property for a public purpose shall:

- Include the pamphlet that is developed by the Attorney General describing the private property owner's rights relating to the matter; and,
- Make it clear that the notice is for negotiations for acquisition of the property and the compensation to be paid by the agency for such acquisition, and eminent domain will not be an issue unless good faith negotiations fail.

The original fiscal note was in error due to a misreading by the fiscal office. That note discounted the Department of Roads (DOR) estimate. The exemption for DOR found in section 25-2501 is removed in the bill's provisions. The exemption that is subsequently inserted is for subsection 2 of section 25-2504. That being the case, DOR will be required to provide a notice to every property owner from whom a property was needed and prohibit DOR from beginning negotiations for at least 45 days. DOR estimates the cost of delaying projects 45 days to be \$1,275,000. There is no basis to disagree with this estimate.

<b>ADMINISTRATIVE SERVICES-STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSES</b>			
LB: 890 (revised)	AM:	AGENCY/POLT. SUB: Dept. of Roads	
REVIEWED BY: Gary Bush	DATE: February 18, 2014	PHONE: 471-4161	
COMMENTS: No basis to disagree with the department's estimate of impact. Estimate appears to be reasonable.			

<b>ADMINISTRATIVE SERVICES-STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSES</b>			
LB: 890	AM:	AGENCY/POLT. SUB: Dept. of Administrative Services	
REVIEWED BY: Gary Bush	DATE: January 24, 2014	PHONE: 471-4161	
COMMENTS: Agree with the Agency's estimate of impact.			



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

2014

LB<sup>(1)</sup> 890

FISCAL NOTE

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

Prepared by: <sup>(3)</sup> Lynne Fritz Date Prepared: <sup>(4)</sup> 1-17-14 Phone: <sup>(5)</sup> 471-2687

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2014-15		FY 2015-16	
	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		2014-15	2015-16
	14-15	15-16	EXPENDITURES	EXPENDITURES
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

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

**2014**

**LB<sup>(1)</sup> 890 REVISED**

**FISCAL NOTE**

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

Nebraska Dept of Roads

Prepared by: <sup>(3)</sup> Becky Fleming

Date Prepared: <sup>(4)</sup> 2/10/14

Phone: <sup>(5)</sup> (402) 479 4692

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

	<u>FY 2014-15</u>		<u>FY 2015-16</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS				
CASH FUNDS	\$1,275,000		\$1,275,000	
FEDERAL FUNDS				
OTHER FUNDS				
<b>TOTAL FUNDS</b>	<u>\$1,275,000</u>		<u>\$1,275,000</u>	

**Explanation of Estimate:**

LB 890 changes provisions relating to procedures for acquiring private property for public use. This legislation removes NDOR's exemption and would require NDOR to provide a notice to every property owner from whom a property was needed and prohibit NDOR from beginning negotiations for at least 45 days after giving notice.

If this legislation passes, this would delay NDOR's acquisition of land purchases for road projects. This could cause an increase in the costs of projects that are currently scheduled for construction within the next two years. For future projects, NDOR will incorporate the 45 days into the planning of the project.

The impact to NDOR would be:

Percentage of the delay of a construction season:	45/365 days = 12.33%
Average costs of projects that require purchase of right of way:	\$207.0 million
Total costs of project by percentage delayed:	\$207 X 12.33% = \$25.5 million
Apply 5% inflation for delaying:	\$25.5 X 5% = \$1.275 million

The fiscal impact to NDOR would be \$1.275 million.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2014-15 EXPENDITURES</u>	<u>2015-16 EXPENDITURES</u>
	<u>14-15</u>	<u>15-16</u>		
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....			\$1,275,000	\$1,275,000
Aid.....				
Capital improvements.....				
<b>TOTAL.....</b>			<u>\$1,275,000</u>	<u>\$1,275,000</u>

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

**2014**

**LB<sup>(1)</sup> 890**

**FISCAL  
NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Administrative Services - State Building Division

Prepared by: <sup>(3)</sup> Jeff Jensen Date Prepared: <sup>(4)</sup> 01/20/2014 Phone: <sup>(5)</sup> 402-471-0422

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

	<u>FY 2014-15</u>		<u>FY 2015-16</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
CASH FUNDS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
FEDERAL FUNDS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
OTHER FUNDS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>TOTAL FUNDS</b>	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>

**Explanation of Estimate:**

LB890 provides that on or after January 1, 2015, the notice of a proposed acquisition given to each owner of property over or across which any right or interest is to be acquired shall include a pamphlet to be developed by the Attorney General describing a private property owner's rights and shall make it clear that the notice is for negotiations for acquisition of the property and the compensation to be paid by the agency for such acquisition.

LB 890 has no determinable impact on the State Building Division or the properties overseen by us.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2014-15 EXPENDITURES</u>	<u>2015-16 EXPENDITURES</u>
	<u>14-15</u>	<u>15-16</u>		
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
<b>TOTAL.....</b>				