

**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>	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS	See Below	See Below	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 365 changes provisions related to public records.

Section 1 allows for nonresidents of Nebraska to pay the actual added cost used as the basis for the calculation of a fee for records including a charge for the existing salary or pay obligation to the public officers or employees, including a charge for the services of an attorney to review the requested public records.

A survey of all keepers of public records would be too cumbersome so a sampling of several agencies was performed.

Agencies reported either no fiscal impact or a higher level of Cash Fund revenue with corresponding Cash Fund Expenditure. Since a survey of all agencies was not conducted, agencies that require a higher Cash Fund expenditure level due to the bill's provisions will need to address those costs through the normal budget and deficit processes.

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSES</b>			
LB: 365	AM:	AGENCY/POLT. SUB: Nebraska State Historical Society	
REVIEWED BY: Lee Will		DATE: 01/26/2017	PHONE: <a href="tel:4024714175">(402) 471-4175</a>
COMMENTS: No basis to disagree with Nebraska State Historical Society's assessment of fiscal impact.			

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSES</b>			
LB: 365	AM:	AGENCY/POLT. SUB: Nebraska Secretary of State's Office	
REVIEWED BY: Lee Will		DATE: 01/20/2017	PHONE: <a href="tel:4024714175">(402) 471-4175</a>
COMMENTS: Concur that additional revenue is probable with the passage of LB 365, but overall impact cannot be determined at this time.			

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSES</b>			
LB: 365	AM:	AGENCY/POLT. SUB: University of Nebraska	
REVIEWED BY: Lee Will		DATE: 01/23/2017	PHONE: <a href="tel:4024714175">(402) 471-4175</a>
COMMENTS: Concur with the University of Nebraska's estimate of no fiscal impact.			

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

**2017**

**LB<sup>(1)</sup> 365**

**FISCAL NOTE**

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

Prepared by: <sup>(3)</sup> Michelle Furby Date Prepared: <sup>(4)</sup> January 24, 2017 Phone: <sup>(5)</sup> (402) 471-3171

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

	<u>FY 2017-18</u>		<u>FY 2018-19</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	<u>15,000</u>	<u>15,000</u>	<u>15,000</u>	<u>15,000</u>
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	<u>15,000</u>	<u>15,000</u>	<u>15,000</u>	<u>15,000</u>

**Explanation of Estimate:**

Provisions of this bill could possibly increase the amount of cash revenue generated by the Reference Room that funds the supply/operational expenses of the Library/Archives program of the Nebraska State Historical Society in its fulfillment of its statutory mandate to ensure preservation of and public accessibility to public records. Based on a one year reduction in fees from LB363 (2013) there was a loss of nearly \$15,000 from research, reproduction, and use fees that had previously been charged for NSHS collections materials. Charging non-residents these fees under LB365 revisions to the public records statutes could potentially increase revenues, but there's no way to predict the number of research and materials requests that will be received. Requests from publishers and media producers in particular vary with industry economic conditions and cultural trends.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2017-18</u>	<u>2018-19</u>
	<u>17-18</u>	<u>18-19</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	<u>15,000</u>	<u>15,000</u>
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	<u>15,000</u>	<u>15,000</u>

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

**2017**

**LB<sup>(1)</sup> 365**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Nebraska Secretary of State's Office

Prepared by: <sup>(3)</sup> Joyce Woofter Date Prepared: <sup>(4)</sup> 1/19/2017 Phone: <sup>(5)</sup> 402-471-2384

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

	<u>FY 2017-18</u>		<u>FY 2018-19</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 365 changes provisions relating to fees for public information requests for nonresidents. The fiscal impact cannot be determined, because we cannot predict the nature and number of requests we will get. There is a potential increase in revenue as a result of LB 365.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2017-18 EXPENDITURES</u>	<u>2018-19 EXPENDITURES</u>
	<u>17-18</u>	<u>18-19</u>		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

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

**2017**

**LB<sup>(1)</sup> 365**

**FISCAL NOTE**

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

Prepared by: <sup>(3)</sup> Michael Justus Date Prepared: <sup>(4)</sup> January 19, 2017 Phone: <sup>(5)</sup> 402-472-2191

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

	<u>FY 2017-18</u>		<u>FY 2018-19</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:

The bill, dealing with public records, will have no fiscal impact on the University.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2017-18</u>	<u>2018-19</u>
	<u>17-18</u>	<u>18-19</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

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

**2017**

**LB<sup>(1)</sup> 365**

**FISCAL NOTE**

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

Department of Administrative Services (DAS)

Prepared by: <sup>(3)</sup> Bo Botelho

Date Prepared: <sup>(4)</sup> January 18, 2017

Phone: <sup>(5)</sup> 402-471-0972

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

	<u>FY 2017-18</u>		<u>FY 2017-18</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

**Explanation of Estimate:**

LB365 seeks to allow a separate method of determining the actual added cost of making copies of public records available for nonresidents of Nebraska. The actual added cost used as the basis for the calculation of a fee for in producing copies of public records for nonresidents of Nebraska may include a charge for existing salary or pay obligation to the public officers or employees, including a charge for the services of an attorney to review the requested public records. The bill defines a resident as a person domiciled in Nebraska and includes news media without regard to domicile.

The bill as written, increases the potential of the Department of Administrative Services to recoup expenses and actual added costs for responding to the public records requests made by nonresidents. There is no additional fiscal impact to the Department of Administrative Services.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2017-18</u>	<u>2018-19</u>
	<u>17-18</u>	<u>18-19</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

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

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

Prepared by: (3) Pat Weber

Date Prepared:(4) 1-17-17

Phone: (5) 471-6351

	<u>FY 2017-2018</u>		<u>FY 2018-2019</u>	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
<b>GENERAL FUNDS</b>				
<b>CASH FUNDS</b>				
<b>FEDERAL FUNDS</b>				
<b>OTHER FUNDS</b>				
<b>TOTAL FUNDS</b>	\$ 0	\$ 0	\$ 0	\$ 0

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

**Explanation of Estimate:**

The fiscal impact would be on revenue. And the revenue impact would depend on the number and scope of non-resident requests received. As an example, if the cost of first four hours of staff/attorney time required to respond to non-resident requests was \$25,000, then the fiscal impact would be \$25,000.

**MAJOR OBJECTS OF EXPENDITURE**

PERSONAL SERVICES:	NUMBER OF POSITIONS		2017-2018	2018-2019
	POSITION TITLE	17-18	18-19	EXPENDITURES
Benefits.....				
Operating.....				
Travel.....				
Capital Outlay.....				
Aid.....				
Capital Improvements.....				
<b>TOTAL.....</b>			<b>\$ 0</b>	<b>\$ 0</b>