

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

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)</b>				
	<b>FY 2019-20</b>		<b>FY 2020-21</b>	
	<b>EXPENDITURES</b>	<b>REVENUE</b>	<b>EXPENDITURES</b>	<b>REVENUE</b>
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 30 amends the Professional Landscape Architects Act. The bill:

- Redefines terms;
- Clarifies membership of the State Board of Landscape Architects;
- Provides for maintenance of a roster of professional landscape architects;
- Establishes fees of no more than \$300 for applications, initial certificates and renewals, and intern enrollments and renewals;
- Requires expenditures paid from the State Board of Landscape Architects Cash Fund do not exceed fees collected under the act;
- Provides for eligibility for licensure;
- Clarifies seal requirements and use;
- Provides for certificates of licensure and renewals on a biennial basis beginning in 2020;
- Provides for administrative enforcement of the act, specifies the hearing process for reviewing any complaint, and authorizes certain actions by the Board, including imposing civil penalties up to \$10,000 per offense, based upon the severity of the violation;
- Increases the criminal penalty for certain acts of unauthorized practice from a Class III misdemeanor to a Class I misdemeanor for the first offense and a Class IV felony for subsequent offenses;
- Provides for landscape architect interns;
- Provides for designated coordinating professionals for landscape architecture design projects involving more than one design professional; and
- Outright repeals several sections of statute replaced by new provisions in the bill.

The State Board of Landscape Architects estimates the impact to revenue to be minimal because even though the bill authorizes civil penalties for violations of the act up to \$10,000, the Board does not anticipate penalties of such a large amount in the upcoming biennium. The Board also estimates the costs to implement the bill to be minimal.

Persons violating certain provisions of this bill are guilty of a Class I misdemeanor for the first offense and a Class IV felony for the second or any subsequent offense.

This bill could impact county jails. Misdemeanor sentences are generally served in county jails if jail time is imposed. This could result in additional costs to counties.

Under state law, probation is presumed for a Class IV felony unless certain provisions are met. See section 29-2204.02 for details. If a person is placed on probation, this could result in additional costs to Probation Administration. This amount, if any, is not known at this time.

Additionally, a Class IV felony does carry the potential for prison time: Maximum — two years imprisonment and twelve months post-release supervision or ten thousand dollars fine, or both; Minimum — none for imprisonment and nine months post-release supervision if imprisonment is imposed.

If the impact of this bill is to increase the inmate prison population by more than current law, NDCS could incur additional per diem costs. For every inmate, the Department of Correctional Services (NDCS) incurs per diem costs for food, medical care, inmate wages, clothing, cleaning supplies, food service supplies, cell and dorm supplies, other inmate related supplies, laundry, inmate property, miscellaneous contractual services, and inmate transportation. The FY18 per diem cost for an individual inmate was \$8,226 per year, which includes NDCS inmates in county jails. For informational purposes, NDCS estimates the cost per offender (All facilities including

Parole) at \$31,271 for FY16. This cost represents an average cost of all General, Cash, and Federal expenditures excluding aid, depreciation, and Capital Construction expenditures.

If the impact of this bill is to increase the inmate prison population by more than current law, then this bill could impact facility capacity. As of July-September 2018, the prison population was 156% of design capacity. Additionally, NDCS contracts with some counties to temporarily house prison inmates. If those inmates are included in the prison population numbers, then the prison population would be 158% of design capacity.

Any fines assessed pursuant to convictions will accrue to the county where the violation occurs to be used for the support of public schools. This amount is not known at this time.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE				
LB: 30	AM:	AGENCY/POLT. SUB: Nebraska State Board of Landscape Architects		
REVIEWED BY:	Ann Linneman	DATE:	1-16-19	PHONE: (402) 471-4180
COMMENTS: The Nebraska State Board of Landscape Architects' assessment of fiscal impact seems reasonable given the assumptions used.				

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**2019**

**LB<sup>(1)</sup> 30**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> State Board of Landscape Architects

Prepared by: <sup>(3)</sup> Eileen Bergt, Chairperson Date Prepared: <sup>(4)</sup> 1/15/2019 Phone: <sup>(5)</sup> 402-471-2407

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

	<u>FY 2019-20</u>		<u>FY 2020-21</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
<b>TOTAL FUNDS</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>

**Explanation of Estimate:**

Proposed changes to the Professional Landscape Architects Act in LB 30 would allow enrollment of landscape architect interns and licensure of professional landscape architects by experience. Any increase in revenue or impact to expenditures from these provisions is expected to be minimal. LB 30 also gives the Board of Landscape Architects the ability to impose a civil penalty of not more than \$10,000 for violations as specified in the Act. Although the Board has no control over the timing of compliance cases, imposing a civil penalty for a violation of the Act is not anticipated in the next two years.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2019-20</u>	<u>2020-21</u>
	<u>19-20</u>	<u>20-21</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
<b>TOTAL.....</b>	<b>_____</b>	<b>_____</b>	<b>_____</b>	<b>_____</b>