

Revised due to adoption of amendments on General File

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2020-21		FY 2021-22	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				\$10,880
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				\$10,880

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. As amended on General File, 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 2021;
- 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;
- Imposes a criminal penalty for certain acts of unauthorized practice;
- 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 enhanced criminal penalties for certain unlawful acts in Neb. Rev. Stat. sec. 81-8,205 are amended by AM 302. This bill, as amended, increases the penalty only second or subsequent offenses from a Class III misdemeanor to a Class II misdemeanor. The increased penalty for second or subsequent offenses could impact the costs to counties because misdemeanor sentences are generally served in county jails if jail time is imposed. The increased penalty for second or subsequent offenses also carries the possibility of a higher fine being imposed, and any such fine assessed pursuant to convictions will accrue to the county where the violation occurs to be used for the support of public schools.

The State Board of Landscape Architects estimates does not estimate any additional costs to administer the provisions of the bill. The board estimates any increase in revenue because the bill allows licensure by experience to be minimal. Similarly, the board does not estimate any large civil penalties to be collected in the next two years.

In FY 21-22, the amount of licensee revenue is estimated to be higher because certain licensees will pay a renewal fee for one year and certain licensees will pay a renewal fee for two years during that fiscal year. The board has not yet set the fee for the two-year license, but estimates, if the fee is double the current one-year fee, that the maximum one-time gain in revenue from switch to a two-year license renewal period for all licensees to be \$10,800. There is no basis to disagree with this estimate.

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2020

LB⁽¹⁾ 30 (AM302 & AM2050)

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ State Board of Landscape Architects

Prepared by: ⁽³⁾ Eric Casper, Chairperson Date Prepared: ⁽⁴⁾ 1/16/2020 Phone: ⁽⁵⁾ 402-471-2407

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2020-21</u>		<u>FY 2021-22</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	10,880
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	10,880

Explanation of Estimate:

Proposed changes to the Professional Landscape Architects Act in LB 30 would allow licensure of professional landscape architects by experience. Any increase in revenue for this provision is expected to be minimal.

LB 30 authorizes the State Board of Landscape Architects to impose a civil penalty of not more than \$10,000 for violations specified in the Professional Landscape Architects Act. Although the Board has no way of knowing when a member of the public will file a complaint, imposing a civil penalty for violation of the Act is not anticipated in the next two years. Civil penalties collected by the Board are not retained since they must be remitted to the State Treasurer for distribution to the common schools as outlined in Article VII, Section 5, of the Nebraska State Constitution.

LB 30 establishes a two-year renewal period for licenses of professional landscape architects. To ensure yearly revenue is stabilized in the future, approximately half of the active licensees will pay for a license renewal for one year, while the other half will pay for a license renewal for two years during FY 2021-22. Because of this transition, a higher amount of revenue will be received during FY 2021-22. All subsequent licenses after FY 2021-22 will be for a two-year period.

Impact on revenue is calculated using the current yearly renewal fee of \$170. The Board has not yet set the two-year license renewal fee and reduction of this fee is being considered in preparation for promulgation of the Board's rules and regulations.

FY 2021-22	Description of one-time revenue increase
\$10,030	Estimated renewal fees from licensees with last names beginning with A-L One-year renewal – 59 licensees projected to renew @ \$170 per renewal
21,760	Estimated renewal fees from licensees with last names beginning with M-Z Two-year renewal – 64 licensees projected to renew @ \$340 per renewal
(20,910)	Estimated fees collected if all licensees renewed their license for one-year 123 licensees projected that would have renewed @ \$170 per renewal
\$10,880	Projected maximum one-time gain in revenue

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2020-21</u>	<u>2021-22</u>
	<u>20-21</u>	<u>21-22</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				