

PREPARED BY: Mike Lovelace  
 DATE PREPARED: February 13, 2013  
 PHONE: 471-0050

**LB 387**

Revision: 00

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

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES</b> (See narrative for political subdivision estimates)				
	<b>FY 2013-14</b>		<b>FY 2014-15</b>	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
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 387 would repeal the following section:

“39-1802 – The county board shall have the authority to construct, maintain and improve drainage facilities on the public roads of the county. The county board also shall have the authority to make channel changes, control erosion, and provide stream protection or any other control measures beyond the road right-of-way limits wherever it is deemed necessary in order to protect the roads and drainage facilities from damage. The county board and any person acting in its behalf shall have the authority to enter upon private or public property for the above purposes. In case of any damage to the premises, the county board shall pay the owner of the premises the amount of the damages. Upon failure of the landowner and county board to agree upon the amount of damages, the landowner, in addition to any other available remedy, may file a petition as provided for in section [76-705](#).”

To the extent the repeal of this statute prevents a county from being able to protect a county road from damage due to erosion there could be an expenditure impact related to road repairs. Any such future impact is indeterminate. The fiscal note received from the Nebraska Association of County Officials (NACO) also indicates the fiscal impact is undetermined (see attached).

<b>ADMINISTRATIVE SERVICES-STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSES</b>			
LB: <b>LB 387</b>	AM:	AGENCY/POLT. SUB: <b>Nebraska Association of County Officials</b>	
REVIEWED BY: Joe Wilcox		DATE: February 15 <sup>th</sup> , 2013	PHONE: <a href="#">(402) 471-4178</a>
COMMENTS: The Nebraska Association of County Officials (NACO) estimates the fiscal impact on Nebraska counties from LB 387 is undetermined.			

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

**2013**

**LB<sup>(1)</sup> 387 FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Nebraska Association of County Officials (NACO)

Prepared by: <sup>(3)</sup> Elaine Menzel Date Prepared: <sup>(4)</sup> 1/23/2013 Phone: <sup>(5)</sup> 402.434.5660, ext 225

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

	<u>FY 2013-14</u>		<u>FY 2014-15</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

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

Explanation of Estimate:

LB 387 would outright repeal section 39-1802 that provides county boards with the authority to construct, maintain and improve drainage facilities on the public roads of the county. This section also provides the county board with the authority to make channel changes, control erosion, and provide stream protection or any other control measures beyond the road right-of-way limits wherever it is deemed necessary in order to protect the roads and drainage facilities from damage. The fiscal impact of eliminating the provisions of section 39-1802 is undetermined.

**MAJOR OBJECTS OF EXPENDITURE**

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2013-14</u>	<u>2014-15</u>
	<u>13-14</u>	<u>14-15</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____