

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

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)</b>				
	<b>FY 2020-21</b>		<b>FY 2021-22</b>	
	<b>EXPENDITURES</b>	<b>REVENUE</b>	<b>EXPENDITURES</b>	<b>REVENUE</b>
GENERAL FUNDS	265,250 – 293,934		257,750 – 286,434	
CASH FUNDS	see below		see below	
FEDERAL FUNDS				
OTHER FUNDS				
<b>TOTAL FUNDS</b>	<b>265,250 – 293,934</b>		<b>257,750 – 286,434</b>	

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

LB1201 states legislative declarations and intent related to historic flooding in 2019 as well as creating the Flood Mitigation and Planning Task force that will cease to exist on December 31, 2021.

The task force is to be housed within the Nebraska Emergency Management Agency (NEMA). Members of the task force are:

- Director of Natural Resources/Designee
- Direct of Environment and Energy/Designee
- Director-state engineer of the Department of Transportation/Designee
- Adjutant General as the director of NEMA/Designee (Chairperson)
- Director of Agriculture/Designee
- One representative from a natural resources district (to be appointed by governor)
- Chairperson of the Natural Resources Committee of the Legislature/Designee (non-voting)
- One at-large member of the Legislature appointed by the Executive Board of the Legislative Council (non-voting)

The members of the task for would not receive compensation but are entitled to receive reimbursement for actual expenses incurred for service as provided by 81-1174 through 81-1177. Meetings of the task force will be held at the discretion of the chairperson. Advisory groups may provide technical expertise and advice to assist the task force, if requested. Such groups may be comprised of individuals from various political subdivisions and stakeholder groups.

The task force is charged with reporting its findings to the Executive Board of the Legislative council in two (2) separate annual reports to be submitted no later than November 1 of 2020 and 2021. The bill also details what the report is to include as well as the activities the task force will undertake.

The Military Department, which houses NEMA, has provided a fiscal note (see attached) indicating General Fund expenditures in the amount of \$265,520 in FY21 and \$257,750 in FY22. The costs are related to procuring a contractor to provide the technical services to accomplish the requirements of the study, and to hire a single FTE to assist NEMA and the Department of Natural Resources with the coordination of the contractor and related activities. NEMA has indicated that lack of staff time and PSL are what precipitated the need for a contractor and PSL and associated for the single FTE. Based on current budget reports, the need does exist. The agency has clarified the annual amounts differ as the first year includes initial start-up costs of employing the single FTE (ex. Office Equipment). Based on current budget reports, the need does exist.

The Department of Natural Resources (DNR) indicates (see attached) increased expenditures by assuming the department will be responsible for completing the requirements of Section 3, (1)(i) and (1)(j). The costs would be for staff time to complete these technical aspects required of the Task Force. Through clarification received from the department, General Funds are necessary as the individuals who would complete the work are federally-funded and the type of work to be completed would not be an allowable use of the federal funds. The agency has several Cash Funds which could be considered in place of General Funds, one example is the Department of Natural Resources Cash Fund.

With regard to the fiscal notes provided by the Military Department and the DNR; the Military Department has indicated it is not entirely known if the contractor that NEMA indicates would be hired to provide technical services would perform all the requirements which the DNR indicates precipitated the estimated expenditures for staff time. Because of this uncertainty, a range of estimated expenditures is shown.

The Department of Transportation and Department of Environment and Energy have indicated no fiscal impact is anticipated (see attached). Costs related to meeting attendance would be incurred, however the existing appropriations are able to absorb the costs.

The Department of Agriculture provided a fiscal note (see attached) where minimal costs related to attending meetings of the Task Force are anticipated. It is presumable these costs will be accommodated within the department's existing appropriation.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 1201</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Nebraska Military Department (031)</b>
REVIEWED BY: Joe Wilcox	DATE: 1/30/2020	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Military Department estimate of potential fiscal impact to the Agency from LB 1201, with one technical note: The total annual impact reflected in the fiscal note table is \$265,250 but the total reflected in the detail line item of costs by category only totals \$115,250. The difference of \$150,000 per year appears to be the cost of a consultant, which the narrative identifies as \$300,000 (taken over the two year period).		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 1201</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Nebraska Department of Natural Resources (029)</b>
REVIEWED BY: Joe Wilcox	DATE: 1/30/2020	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Department of Natural Resources estimate of potential fiscal impact to the Agency from LB 1201.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 1201</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Nebraska Department of Transportation (027)</b>
REVIEWED BY: Joe Wilcox	DATE: 2/03/2020	PHONE: (402) 471-4178
COMMENTS: No disagreement with the Nebraska Department of Transportation (NDOT) estimate of No fiscal impact to the Agency from LB 1201.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 1201</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Nebraska Department of Agriculture (018)</b>
REVIEWED BY: Joe Wilcox	DATE: 1/31/2020	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Department of Agriculture estimate of potential, but Minimal fiscal impact to the Agency from LB 1201.		

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

**2020**

**LB<sup>(1)</sup> 1201**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Agency 31 – Nebraska Military Department

Prepared by: <sup>(3)</sup> Bryan Tuma Date Prepared: <sup>(4)</sup> 28-Jan-2020 Phone: <sup>(5)</sup> 402-471-7401

**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	\$265,250.00	\$ -0-	\$ 257,750.00	\$ -0-
CASH FUNDS	\$ -0-	\$ -0-	\$ -0-	\$ -0-
FEDERAL FUNDS	\$ -0-	\$ -0-	\$ -0-	\$ -0-
OTHER FUNDS	\$ -0-	\$ -0-	\$ -0-	\$ -0-
TOTAL FUNDS	\$265,250.00	\$ -0-	\$257,750.00	\$ -0-
		\$ -0-	\$ -0-	\$ -0-

**Explanation of Estimate:**

LB 1201 proposes to create a Flood Mitigation and Planning Task Force to evaluate flood mitigation strategies, enhance coordination and communication between state and local entities, and maximize federal dollars available to implement mitigation strategies. The proposed legislation would house the Task Force in the Nebraska Emergency Management Agency. Due to the complexity and technical nature of the study NEMA recommends a general fund appropriation to secure a contractor to provide the technical services required for this study. It is estimated a qualified contractor could be hired for approximately \$300,000 through the competitive bid process. NEMA does not have sufficient staff available within the current FTE or PSL to address the requirements of LB 1201. Therefore, one FTE is required to assist NEMA and the Department of Natural Resources with the coordination of the contractor and related activities. This position would be a temporary full-time position dedicated exclusively to the activities outlined in LB 1201 and would end upon conclusion of the project. Salary, benefits, travel, operating expenses, and other costs associated with this position are outlined in the fiscal impact note.

**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>
To be determined/classification required by DAS State Personnel	1	1	\$70,000.00	\$70,000
Benefits.....			\$ 24,500.00	\$ 24,500.00
Operating.....			\$ 15,000.00	\$ 15,000.00
Travel.....			\$ 5,750.00	\$ 5,750.00
Capital outlay.....			\$ -0-	\$ -0-
Aid.....			\$ -0-	\$ -0-
Capital improvements.....			\$ -0-	\$ -0-
TOTAL.....			\$115,250.00	\$115,250.00

State Agency OR Political Subdivision Name: <sup>(2)</sup> Dept. of Natural Resources

Prepared by: <sup>(3)</sup> Ron Theis Date Prepared: <sup>(4)</sup> Jan. 29, 2020 Phone: <sup>(5)</sup> 402 471 0577

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2020-21		FY 2021-22	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	28,684		28,684	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	28,684		28,684	

Explanation of Estimate:

Certain duties of the bill's proposed task force are directly related to NeDNR duties, including those for flood plain mapping, setting state minimum standards for local flood plain planning, and coordination with responsible local planning jurisdictions and will necessarily require the efforts of NeDNR staff for implementing. Although no additional personnel will be hired for these efforts on behalf of the Task Force, substantial time is estimated as needed for task force work by skilled and costly staff. The costs are chiefly estimated based upon 1,080 personnel hours and relevant hourly personnel costs applicable to specific task force components through the task force's duration until Dec. 31, 2021. For purposes of this note only, these costs are broken down equally into the estimated applicable fiscal years. Specific personnel hourly costs are available if requested.

Assumptions

- 17 month Task Force (8/1/2020 – 12/31/2021)
- Monthly progress meetings
- Proposed section 3 (1) i and j will be completed by NeDNR

General Participation

- 20 – 2 hour meetings = 40 hours
- 16 hours of review per task force duty not led by NeDNR = 160 hours
- Department oversight = 80 hours
- 5 regional meetings to meet with local partners = 80 hours
  - (Example locations: Scottsbluff, Valentine, Norfolk, Beatrice, North Platte)
- Engineer IV will attend the meetings, Engineer V will provide oversight
  - Total Hours = 280 hours

Section 3(1)i Review Floodplain Rules

- Review of current Statutes and Rules (they go hand in hand) = 160 hours (1 month)
- Review higher standards from other states = 160 hours (1 month)
- Write the report = 80 hours
- Address Comments and Finalize = 40 hours
- Flood Plain Division Planning Coordinator and Engineer IV will primarily work on this portion
  - Total Hours = 440 hours

Section 3(1)j – Technology Investments

- Review the current platforms and datasets that are already available to the State = 40 hours

- Review the current platforms available in other States = 40 hours
- Identify the gaps, provide options to fulfill the gaps, include cost estimates = 160 hours
- Write the report = 80 hours
- Address Comments and Finalize = 40 hours
- Natural Resources specialist III, Engineer III, and Engineer IV will primarily work on this portion
  - Total Hours = 360 hours

**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>
			19,344	19,344
Benefits.....			7,732	7,732
Operating.....			300	300
Travel.....			1,308	1,308
Capital outlay.....			0	0
Aid.....				
Capital improvements.....				
<b>TOTAL.....</b>			<b>28,684</b>	<b>28,684</b>

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

**2020**

**LB<sup>(1)</sup> 1201**

**FISCAL NOTE**

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

Prepared by: <sup>(3)</sup> Jenessa Boynton Date Prepared: <sup>(4)</sup> 1/30/2020 Phone: <sup>(5)</sup> 402-479-4691

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	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate:

LB 1201 creates the Flood Mitigation and Planning Task Force. The bill would require the Director-State Engineer or his or her designee to be included as a member of the task force.

No fiscal impact is anticipated to the Department.

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.....	_____	_____	_____	_____

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

**2020**

**LB<sup>(1)</sup> 1201**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Environment and Energy (084)

Prepared by: <sup>(3)</sup> Dennis Burling Date Prepared: <sup>(4)</sup> 02/2/2020 Phone: <sup>(5)</sup> 402-471-4214

**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	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate:  
No Fiscal Impact

**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.....	_____	_____	_____	_____

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

**2020**

**LB<sup>(1)</sup> 1201**

**FISCAL NOTE**

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

Prepared by: <sup>(3)</sup> Ashley Bonebright Date Prepared: <sup>(4)</sup> 1/30/2020 Phone: <sup>(5)</sup> 402-429-2487

**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	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

**Explanation of Estimate:**

There will be minimal cost for expenses associated in attending meetings of the Flood Mitigation and Planning Task Force.

**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.....	_____	_____	_____	_____