Tom Bergquist February 09, 2011 471-0062

Revision: 00

## FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

	ESTIMATE OF FISC	CAL IMPACT - STA	ATE AGENCIES *	
	FY 2011	-12	FY 20	12-13
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	182,000		0	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	182,000		0	

<sup>\*</sup>Does not include any impact on political subdivisions. See narrative for political subdivision estimates.

LB 617 would create the Administrative Rules Review Committee, which would consist of the chairpersons of the Legislature's standing committees. The committee would be staffed by a combination of staff from standing committees and the Clerk of the Legislature. The Clerk of the Legislature would serve as an ex-officio member of the committee. State agencies would submit to the committee a copy of all proposed rules and regulations and amendments to existing rules and regulations. The committee would have 30 days to review the proposed rules and regulations as to their statutory authority and to notify the agency of its approval or disapproval. Rules and regulations would be deemed approved by the committee if no action is taken to approve the rules and regulations within 30 days of receipt. Under LB 617, rules and regulations could only be adopted or amended between the adjournment sine die of a legislative session and November 30 of the same calendar year.

Under current law, agencies file proposed rules with the Legislature. The standing committees are then notified and have the opportunity to respond and/or object. Under LB617 there would be some additional information required to be filed but for the most part the same information would be filed. There could be additional costs if the standing committees were required to meet more often due to these new provisions. However, it's unknown how many instances the standing committee would not meet and simply let the rule go into effect after 30 days without any response.

A major cost impact could be as noted in the Secretary of State's fiscal note response relating to programming costs for the existing public rulemaking docket. Under the existing process the Legislature can have its input prior to or at the public hearing on the rule. Their input is advisory but has no legal standing in the rulemaking approval process. Under LB617 the legislative input would have legal standing in the approval process and therefore should be incorporated into the public rulemaking docket. No basis to disagree with the Secretary of States estimate of \$182,000 one-time reprogramming costs.

### DEPARTMENT OF ADMINISTRATIVE SERVICES

	DEI / III III EI II OI / IEI III	MOTHER DELITIONS	
REVIEWED BY	Gary Bush	DATE 2/2/11	PHONE 471-2526

COMMENTS

NEBRASKA DEPARTMENT OF EDUCATION: Concur.

ENVIRONMENTAL QUALITY: No basis to disagree with estimate of impact.

DEPARTMENT OF REVENUE: The Department of Revenue makes no estimate of costs at this time. No basis to dispute agency analysis.

### LB 617 FISCAL NOTE

JAN 2 2011 2011

State Agency OR Political Subdivision Name:

Nebraska Department of Education

Prepared by: Margaret Worth Date Prepared: 1/27/11 Phone: 471-0312

### ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

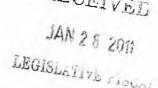
	FY 2011-12		FY 20	12-13
	<b>EXPENDITURES</b>	REVENUE	<b>EXPENDITURES</b>	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

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

**Explanation of Estimate: None.** 

MAJOR OBJECTS OF EXPENDITURES					
Personal Services:		31 331			
	NUMBER O	F POSITIONS	2011-12	2012-13	
POSITION TITLE	<u>11-12</u>	<u>12-13</u>	EXPENDITURES	EXPENDITURES	
Benefit					
Operating					
Travel					
Capital outlay					
Aid					
Capital improvements					
TOTAL					

# FISCAL NOTE LB617 Environmental Quality



Prepared By	Lamberson, Thomas
Date Prepared	1/24/2011
Prepared Phone	402-471-4235

Estimate Provided By State Agency or Political Subdivision

	FY 201	FY 2011-2012		012-2013
	Expenditures	Revenue	Expenditures	Revenue
General Funds				
Cash Funds				
Federal Funds				
Other Funds				
Total Funds				

### **Explanation of Estimate:**

The impact of LB 617 is minimal. It requires certain information to be provided to the Administrative Rules Committee of the Legislature. Copies of all exhibits or rulemaking hearings, as well as a tape recording of the hearing will have to be made to provide the committee. The department typically does not create transcripts of rulemaking hearings.

NOTE: Section 7 only allows rules and regulations to be adopted between the date of adjourment of a legislative session and November 30. This provision appears to be inconsistent with Nebraska Revised Statute Section 81-1503(6), which requires the Environmental Quality Council to meet quarterly. The purpose of the Council meetings is to hold hearings on proposed rules and regulations.

Major Objects of Expenditure

	Number	of Positions	FY 2011-2012	FY 2012-2013
Position Title	FY 2011-2012	FY 2012-2013	Expenditures	Expenditures
		Benefits		
		Operating		
		Travel		
		Capital outlay		
		Aid		
		Capital improvements		
		Total		

### FEB 0 8 2011

LB 617

Fiscal Note 2011

	מתמוסתים	11 v ∴State Agenc	y Estimate			
State Agency Name: Department					Date Due LFA:	2/9/11
Approved by: Douglas Ewald		Date Prepared	d: 2/4/11		Phone: 471-5700	
	FY 2011	1-2012	FY 2012	2-2013	FY 20	13-2014
	Expenditures	Revenue	<u>Expenditures</u>	Revenue	<u>Expenditures</u>	Revenue
General Funds		\$ 0		\$ 0		\$0
Cash Funds						
Federal Funds						
Other Funds						
Total Funds		\$ 0		\$0		\$ 0

LB 617 amends the Administrative Procedures Act to change the procedures followed by state agencies when adopting rules and regulations. The bill creates the Administrative Rules Review Committee (Committee) made up of the chairpersons of all Standing Committees of the Legislature. The Committee would review all proposed rules and regulations after the review by the Attorney General and the Policy Research Office, but before submission to the Secretary of State.

The Committee is to review all proposed rules and regulations as to the statutory authority for the rules or regulations. The bill limits the Attorney General's review to constitutionality. Currently, the Attorney General is to review the rules and regulations for statutory authority.

The agency would be required to submit testimony, written comments, memoranda, and a fiscal impact statement to the Committee along with the proposed rules or regulations. The Committee may approve the proposed rules or regulations or return them to the agency to consider its objections. If no action is taken, the rules or regulations are considered approved after 30 days. No rules or regulations would be effective until approved by the Committee.

The bill states that rules or regulations may only be offered for adoption after adjournment of the Legislature sine die and before November 30th. LB 617 would repeal outright §84-907.07 (which requires agencies to send proposed rules and regulations to the Executive Board for consideration by Standing Committees) and §84-907.10 (which sets out a regulations complaint process through the Legislature).

It is estimated that there will be no General Fund revenue impact due to LB 617.

It is estimated that the costs to the Department to implement this bill will be minimal.

2.2	Maj	or Objects of I	Expendit	ure			
Class Code	Classification Title	11-12 <u>FTE</u>	12-13 <u>FTE</u>	13-14 <u>FTE</u>	11-12 Expenditures	12-13 Expenditures	13-14 Expenditures
Benefits.							
Operating Costs							
Capital Outlay							
							4

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## **FISCAL NOTE**

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2011

	ESTIMATE PROVID	ED BY STATE AGENCY OR PO	DLITICAL SUBDIVISION	
	Subdivision Name 2 Depa	rtment of Health and Human	Services	
Prepared by: (3) Willard Bo	ouwens Date Prepa	red:(4) February 9, 2011	Ph	one: (5) 471-8072
	(\ FY 2011-:	2012	FY 2012-2	2013
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$0	\$0	\$0	\$0
	72 hours prior to public hearing,	whichever is earlier.		
Explanation of Estim	nate:			
There will be unintered	al finantinament to the De	name dilaalib and	Human Candana	
There will be minima	al fiscal impact to the De	epartment of nearth and	numan services.	
	MA	JOR OBJECTS OF EXPENDITUR	E	
PERSONAL SERVICES:	MA			2012-2013
PERSONAL SERVICES:	MA POSITION TITLE	NUMBER OF PO		2012-2013 EXPENDITURES
PERSONAL SERVICES:		NUMBER OF PO	SITIONS 2011-2012	
PERSONAL SERVICES:		NUMBER OF PO	SITIONS 2011-2012	
PERSONAL SERVICES:		NUMBER OF PO	SITIONS 2011-2012	
PERSONAL SERVICES:		NUMBER OF PO	SITIONS 2011-2012	
PERSONAL SERVICES:		NUMBER OF PO	SITIONS 2011-2012	
Benefits	POSITION TITLE	NUMBER OF PO 11-12	SITIONS 2011-2012	
Benefits	POSITION TITLE	NUMBER OF PO 11-12	SITIONS 2011-2012	
BenefitsOperating	POSITION TITLE	NUMBER OF PO 11-12	SITIONS 2011-2012	
Benefits	POSITION TITLE	NUMBER OF PO 11-12	SITIONS 2011-2012	
Benefits Operating Travel Capital Outlay	POSITION TITLE	NUMBER OF PO 11-12	SITIONS 2011-2012	
Benefits Operating Travel Capital Outlay Aid	POSITION TITLE	NUMBER OF PO 11-12	SITIONS 2011-2012	
Benefits	POSITION TITLE	NUMBER OF PO 11-12	SITIONS 2011-2012 12-13 EXPENDITURES	

# FISCAL NOTE LB617 Secretary of State

FEB 9 8 2011

LEGISLATIVE

	Hinzman, Suzanne
Date Prepared	2/8/2011
Prepared Phone	402-471-2384

### Estimate Provided By State Agency or Political Subdivision

	FY 2011-2012		FY 2012-2013	
	Expenditures	Revenue	Expenditures	Revenue
General Funds	182,000			
Cash Funds				
Federal Funds	_			
Other Funds				
Total Funds	182,000			

### **Explanation of Estimate:**

Currently, all public notices regarding rulemaking hearings must be submitted to the Secretary of State 30 days prior to the hearing to inform the public of a proposed change to a rule or the creation of a new rule. Pursuant to 84-906.04 the Secretary of State must maintain a current public rulemaking docket. This docket is currently maintained online and is commonly referred to as the rules tracking website. All rulemaking hearing notices along with the proposed rules and agency contacts are placed on the online proposed rules and regulations docket. The online docket tracks the rule through the adoption process and is completed in cooperation with the Attorney General's Office, the Governor's Office, and our office. The site also allows a user to set up email notifications to track regulations through the adoption process and also allows the user to submit online comments to the agency about a particular rule. Here is a link to the proposed rules and regulations docket: http://www.sos.ne.gov/rules-and-regs/regtrack/index.cgi

LB 617 creates an Administrative Rules Review Committee and requires all proposed rules to be submitted to the committee for consideration and provides that no rule or regulation shall be effective until it has been approved by the committee. It would appear that this review and approval would have to be added to the docket pursuant to 84-906.04(h) which requires the docket to indicate the current status of the proposed rule or regulation and any agency determinations with respect thereto.

Our vendor estimates that programming costs to rework the Rules and Regulations tracking application would be approximately \$182,000. This would be a one-time cost.

#### Major Objects of Expenditure

	Number of Positions		FY 2011-2012	FY 2012-2013
Position Title	FY 2011-2012	FY 2012-2013	Expenditures	Expenditures
		Benefits		
		Operating	182,000	
		Travel		
		Capital outlay		
		Aid		
		Capital improvements		
		Total	182,0000	