

**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>	
	<b>EXPENDITURES</b>	<b>REVENUE</b>	<b>EXPENDITURES</b>	<b>REVENUE</b>
GENERAL FUNDS	219,080		221,078	
CASH FUNDS		(78,000)		(78,000)
FEDERAL FUNDS				
OTHER FUNDS				
<b>TOTAL FUNDS</b>	<b>219,080</b>	<b>(78,000)</b>	<b>221,078</b>	<b>(78,000)</b>

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

LB 363 changes provisions related to requests for copies of public records.

Section 1 specifies that a custodian is not required to copy any public records that are available on the custodian’s website. Provision is made for requesters who do not have access to the website. In addition, when determining the cost of making photocopies, the custodian may include a reasonably apportioned cost of the supplies such as paper, toner, and equipment.

Under the bill, the added cost used to calculate a fee for records shall not include any charges for the existing salary or pay obligation with respect to the first six hours of searching, identifying, or copying.

LB 363 has the possibility to impact all state agencies that act as custodians of public records. The degree to which this potential impact is felt will vary widely. Not all state agencies can be contacted to provide information regarding the bill’s impact, so the reader of this note should be aware that any impact identified here is at best a sampling of statewide impact. If agencies realize additional costs, they will address these in future budget and deficit requests.

The Nebraska State Historical Society (NSHS) estimates that the bill’s provisions will have some impact on that agency. Currently, in the Library/Archives, the NSHS has a fee structure that includes search fees. Under the “six hour” provision, this fee cannot be charged as it is currently utilized. That revenue loss is estimated at \$78,000 per year. This revenue will have to be made up with General Funds in order to provide the same level of service.

The NSHS further estimates that the elimination of fees for the first six hours of work may increase the amount of requests received. Currently, there are some requestors who do not proceed with search request due to the current fees. If the first six hours are “free” to requestors, the amount of work for the NSHS will likely increase. Since the NSHS works with historical records and preservation of them is required, appropriately trained staff must perform the searches. The NSHS estimates the need for up to 2.5 FTE with related benefits. The General Fund cost identified in the table above includes this cost in addition to the \$78,000 fund shift identified in the paragraph above. There is no basis to disagree with these estimates.

While the NSHS has identified costs, this may be largely due to the nature of the organization and the types of documents it handles. The Secretary of State and the Department of Administrative Services estimate no additional costs associated with the bill.

ADMINISTRATIVE SERVICES-STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES		
LB: 363	AM:	AGENCY/POLT. SUB: Nebraska State Historical Society
REVIEWED BY: David Spatz	DATE: February 4, 2013	PHONE: 471-4179
<p>COMMENTS: The \$78,000 lost revenue fiscal impact submitted by the Nebraska State Historical Society is the estimated total annual cash revenue received by the Reference Room of the Library/Archives division from fees charged per research request of public records. LB 363 amends portions of the statute pertaining to public records to include changes in the charges that can be assessed for a research request that prohibits charging for costs of existing salary for the first six hours of searching, identifying, or copying of a public record request which the agency relied upon for the operational expenses of the division. It is unlikely that the State Historical will lose all the estimated annual revenue. Lack of sufficient data information in the fiscal note does not allow a determination to be made of an estimate of decreased revenue based on requests taking six hours or less to process.</p> <p>The eliminating of the cost of existing salary for the first six hours of searching, identifying, or copying of public record may result in a greater demand for a research request of reference materials and necessitate additional staff but not likely the increased expenditures fiscal impact established by the Nebraska State Historical Society.</p>		

ADMINISTRATIVE SERVICES-STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES		
LB: 363	AM:	AGENCY/POLT. SUB: Department of Administrative Services
REVIEWED BY: David Spatz	DATE: February 3, 2013	PHONE: 471-4179
<p>COMMENTS: Concur with Department of Administrative Services analysis and estimate of no fiscal impact.</p>		

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

**2013**

**LB<sup>(1)</sup> 363 FISCAL NOTE**

State Agency OR Political Subdivision Name: (2) Nebraska State Historical Society

Prepared by: (3) Michelle Furby Date Prepared: (4) 1/31/2013 Phone: (5) (402) 471-3171

**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	<u>219,080</u>	<u></u>	<u>221,078</u>	<u></u>
CASH FUNDS	<u></u>	<u>-78,000</u>	<u></u>	<u>-78,000</u>
FEDERAL FUNDS	<u></u>	<u></u>	<u></u>	<u></u>
OTHER FUNDS	<u></u>	<u></u>	<u></u>	<u></u>
TOTAL FUNDS	<u>219,080</u>	<u>-78,000</u>	<u>221,078</u>	<u>-78,000</u>

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

Explanation of Estimate:

This bill would eliminate the cash revenue for the Reference Room that funds the supply/operational expenses of the Library/Archives division of the Nebraska State Historical Society. General fund dollars would be required to provide the operations costs associated with statutorily required preservation of and public accessibility to public records.

It is likely that eliminating fees for processing research requests will lead to a greater demand for reference material. In order to meet the possible demands in the reference room and K Street Government Records Facility/State Archives in the statutorily required turn-around time, NSHS may need to hire additional assistant curators of government records and/or reference staff (potentially up to 2.5 FTE).

**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>
Reference Staff	<u>1.5</u>	<u>1.5</u>	<u>46,935</u>	<u>47,991</u>
Assistant Curator of Govt. Records	<u>1</u>	<u>1</u>	<u>30,150</u>	<u>30,829</u>
Benefits.....			<u>63,995</u>	<u>64,258</u>
Operating.....			<u>78,000</u>	<u>78,000</u>
Travel.....			<u></u>	<u></u>
Capital outlay.....			<u></u>	<u></u>
Aid.....			<u></u>	<u></u>
Capital improvements.....			<u></u>	<u></u>
TOTAL.....			<u>219,080</u>	<u>221,078</u>

# 2013 Legislative Bill Proposal Fiscal Note

**Bill #: LB 363**

**State Agency: Administrative Services**

**Prepared by: Jeannie O'Meara**

**Date Prepared: 1-24-13**

**Phone: 402-471-8292**

## Estimate of Fiscal Impact – State Agencies

	FY 2013-14		FY 2014-15	
	Expenditures	Revenue	Expenditures	Revenue
General Funds	0		0	
Cash Funds				
Federal Funds				
Other Funds				
Total Funds	0		0	

**Explanation of Estimate:** LB 363 amends portions of the statute pertaining to public records. Changes include:  
 1) not requiring a custodian to copy public records if the records are available on the web site; 2) allows the custodian of the public records to include a portion of the cost of supplies (paper, tone, equipment, etc.); prohibits including the cost of salary for the first six hours of searching, identifying, or copying a public records request; 4) allows a service charge for public records requests that require longer than 6 hours to fulfill; and 4) establishes timelines for providing an estimated cost to the requesting party and a response from the requesting party.

These changes have no fiscal impact on Administrative Services.

## Major Objects of Expenditure

**Personal Services:**

Position Title:	Number of Positions			FY 2013-14	FY 2014-15
	13-14	14-15		Expenditures	Expenditures
Benefits					
Operating					
Travel					
Capital Outlay					
Aid					
Capital Improvements					
<b>TOTAL</b>					

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

**2013**

**LB<sup>(1)</sup> 363 FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Secretary of State

Prepared by: <sup>(3)</sup> Colleen Byelick Date Prepared: <sup>(4)</sup> 1/29/13 Phone: <sup>(5)</sup> 402-471-8076

**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	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

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

Explanation of Estimate:

This bill has no fiscal impact for the Secretary of State.

**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.....	_____	_____	_____	_____