

Updated to reflect adopted amendments.

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2013-14		FY 2014-15	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	78,000		78,000	
CASH FUNDS		(78,000)		(78,000)
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	78,000	(78,000)	78,000	(78,000)

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. There is no basis to disagree with this estimate.

The Secretary of State, University of Nebraska and the Department of Administrative Services estimate no additional costs associated with the bill.

As amended, the fee for records shall not include any charge for the services of an attorney to review the requested public records seeking a legal basis to withhold the public records from the public.

ADMINISTRATIVE SERVICES-STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES		
LB: 363	AM:166	AGENCY/POLT. SUB: Department of Administrative Services
REVIEWED BY: David Spatz	DATE: March 11, 2013	PHONE: 471-4179
COMMENTS: Concur, LB 363 as amended by AM 166 would not have a fiscal impact on Department of Administrative Services.		

ADMINISTRATIVE SERVICES-STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES		
LB: 363	AM:166	AGENCY/POLT. SUB: University of Nebraska
REVIEWED BY: David Spatz	DATE: March 11, 2013	PHONE: 471-4179
COMMENTS: Concur as amended by AM 166 the bill has minimal fiscal impact on University of Nebraska		

ADMINISTRATIVE SERVICES-STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES		
LB: 363	AM: 166	AGENCY/POLT. SUB: Secretary of State
REVIEWED BY: David Spatz	DATE: March 11, 2013	PHONE: 471-4179
COMMENTS: Concur, as amended by AM 166 the bill has no fiscal impact on Secretary of State.		

2013 Legislative Bill Proposal Fiscal Note

Bill #: LB363 AM166

State Agency: Administrative Services

Prepared by: Jeannie O'Meara

Date Prepared: 2-26-13

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 with amendment 166 changes 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) allowing the custodian of the public records to include a portion of the cost of supplies (paper, toner, equipment, etc.); 3) prohibiting inclusion of the cost of salary for the first six hours of searching, identifying, physically redacting, or copying a public records request; 4) allowing a service charge for public records requests that require longer than 6 hours to fulfill; 5) establishing timelines for providing an estimated cost to the requesting party and a response from the requesting party; and 6) not allowing the fee for records to include any charge for the services of an attorney to review the requested public records seeking a legal basis to withhold the public records.

The bill as amended would not have a 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					
TOTAL					

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

2013

LB⁽¹⁾ 363
AM
166 **FISCAL NOTE**

State Agency OR Political Subdivision Name: ⁽²⁾ University of Nebraska

Prepared by: ⁽³⁾ Michael Justus Date Prepared: ⁽⁴⁾ March 5, 2013 Phone: ⁽⁵⁾ 402-472-2191

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:

The University did not submit a fiscal note for LB 363, which would have provided the basis for a fiscal note on AM 166. The University did testify in a neutral capacity at the Committee Hearing.

AM 166 appears to only slightly modify the original bill and therefore the AM would likely have approximately the same fiscal impact as the original bill.

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.....	_____	_____	_____	_____

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

2013

LB⁽¹⁾ 363 FISCAL NOTE AM166

State Agency OR Political Subdivision Name: ⁽²⁾ Secretary of State

Prepared by: ⁽³⁾ Colleen Byelick Date Prepared: ⁽⁴⁾ 3/7/2013 Phone: ⁽⁵⁾ 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.....	_____	_____	_____	_____

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

2013

LB⁽¹⁾ 363 FISCAL NOTE

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

Prepared by: ⁽³⁾ Michelle Furby Date Prepared: ⁽⁴⁾ 3/4/2013 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>78,000</u>	<u></u>	<u>78,000</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>78,000</u>	<u>-78,000</u>	<u>78,000</u>	<u>-78,000</u>

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

Explanation of Estimate:

Provisions of the bill would reduce the amount of cash revenue generated by the Reference Room that funds the supply/operational expenses of the Library/Archives division of the Nebraska State Historical Society in its fulfillment of obligations association with statutorily required preservation of and public accessibility to public records. These cash funds would need to be replaced with general fund appropriation.

MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2013-14 EXPENDITURES</u>	<u>2014-15 EXPENDITURES</u>
	<u>13-14</u>	<u>14-15</u>		
Benefits.....				
Operating			<u>78,000</u>	<u>78,000</u>
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....			<u>78,000</u>	<u>78,000</u>