

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

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES</b> (See narrative for political subdivision estimates)				
	<b>FY 2024-25</b>		<b>FY 2025-26</b>	
	<b>EXPENDITURES</b>	<b>REVENUE</b>	<b>EXPENDITURES</b>	<b>REVENUE</b>
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.**

LB1335 amends §37-802 to:

- Define an exempted party to the Nongame and Endangered Species Conservation Act (NESCA) as:
  - Any state agency;
  - Political subdivision; or
  - Any agent, employee, consultant, or contractor of a state agency or political subdivision.
  
- Describe transportation infrastructure to include any:
  - Road, street, highway, or right-of-way of a road, street, or highway;
  - Interdependent or interrelated contractor use site;
  - Actions permitted by a state agency or political subdivision within any road, street, highway, or right-of-way of any road, street, or highway controlled by the state agency or political subdivision;
  - Pedestrian or bicycle trail, lane, or bridge;
  - Technology with the primary purpose of benefitting the traveling public; and
  - Broadband infrastructure placed by the Nebraska Department of Transportation (NDOT).
  
- Provide that the NESCA:
  - Does apply to an initial action of an exempted party when creating new transportation infrastructure on areas not previously dedicated or any subsequent action that increases the area of the existing transportation infrastructure;
  - Does not apply to any action of an exempted party in furtherance of lawful designing, constructing, reconstructing, repairing, operating, or maintenance duties of transportation infrastructure; and
  - Does not consider manmade public roads, streets, highways, or right-of-way's to be critical habitat of threatened or endangered species.
  
- Allow for exempted parties to:
  - Take into consideration the impact of transportation infrastructure changes to the habitat of threatened or endangered species when designing, constructing, reconstructing, repairing, operating, or maintaining the transportation infrastructure (to the extent that is practical and compatible with the purpose);
  - Request the assistance of the Nebraska Game and Parks Commission (NGPC) to provide support and recommendations relating to any potential impact to threatened or endangered species; and
  - Enter into a written agreement with the NGPC or any other governmental entity, for the purpose of providing aid in the conservation of threatened or endangered species.

Expenditures:

The NDOT has indicated a probable reduction in expenses due to a quicker project delivery time, which is indeterminate at this time.

The NGPC is not anticipating a fiscal impact from this bill.

Additionally, as LB1335 directly affects political subdivisions, a sampling of these were asked to respond to a fiscal note request. Based upon those who responded (which includes NACO, the Lancaster County Weed Authority, and the City of Kearney) it appears that there would either be a positive fiscal impact related to streamlining transportation infrastructure projects covered under this bill, or no fiscal impact.

There is no basis to disagree with neither the positive nor lack of fiscal impact, if this bill were to pass.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 1335	AM:	AGENCY/POLT. SUB: Department of Transportation	
REVIEWED BY:	Jacob Leaver	DATE: 2/16/2024	PHONE: (402) 471-4173
COMMENTS: The Department of Transportation's estimate of indeterminable fiscal impact to the agency as a result of LB 1335 appears reasonable.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 1335	AM:	AGENCY/POLT. SUB: City of Kearney	
REVIEWED BY:	Jacob Leaver	DATE: 1/22/2024	PHONE: (402) 471-4173
COMMENTS: Concur with the City of Kearney's estimate of no fiscal impact as a result of LB 1335.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 1335	AM:	AGENCY/POLT. SUB: Lancaster County Weed Authority	
REVIEWED BY:	Jacob Leaver	DATE: 1/22/2024	PHONE: (402) 471-4173
COMMENTS: Concur with the Lancaster County Weed Authority's estimate of no fiscal impact as a result of LB 1335.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 1335	AM:	AGENCY/POLT. SUB: Nebraska Association of County Officials	
REVIEWED BY:	Jacob Leaver	DATE: 1/23/2024	PHONE: (402) 471-4173
COMMENTS: No basis to dispute Nebraska Association of County Officials' estimate of indeterminable fiscal impact as a result of LB 1335.			

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

**2024**

**LB<sup>(1)</sup> 1335**

**FISCAL NOTE**

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

Prepared by: <sup>(3)</sup> Jenessa Boynton Date Prepared: <sup>(4)</sup> 2/14/2024 Phone: <sup>(5)</sup> 402-479-4691

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

	<u>FY 2024-25</u>		<u>FY 2025-26</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	See below	_____	See below	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	<u>See below</u>	_____	<u>See below</u>	_____

**Explanation of Estimate:**

LB 1335 amends Neb. Rev. Stat. §37-802 to include definitions for exempt party and transportation infrastructure as part of the Nongame and Endangered Species Conservation Act (NESCA). An exempt party is defined as any state agency, political subdivision, or any agent, employee, consultant, or contractor of any state agency or political subdivision. As proposed sections 3 to 5 are added to the Act and adds language stating NESCA does not apply to any action of an exempt party associated with designing, constructing, reconstructing, repairing, operating, or maintaining transportation infrastructure. NESCA does apply to any initial action of any exempted party which creates new transportation infrastructure on areas not previously dedicated or any subsequent action that increases the area of the existing transportation infrastructure.

In addition, the bill would allow for exempt party to request support and recommendations from the Game and Parks Commission relating to the potential impact of actions of the exempt party on threatened or endangered species. Exempt party may enter into any written agreement with the Game and Parks Commission or any other governmental entity for the purpose of providing aid in the conservation of any threatened or endangered species.

If enacted, LB 1335 will have a positive fiscal impact to NDOT by streamlining the environmental review process when assessing transportation projects as it relates to threatened and endangered species therefore reducing project delivery time. The total fiscal impact to NDOT cannot be determined at this time.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2024-25 EXPENDITURES</u>	<u>2025-26 EXPENDITURES</u>
	<u>24-25</u>	<u>25-26</u>		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

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

**2024**

**LB**<sup>(1)</sup> 1335 – Changes to Nongame & Endangered Species Cons. Act

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Nebraska Game & Parks Commission

Prepared by: <sup>(3)</sup> Christina Peters Date Prepared: <sup>(4)</sup> January 22, 2024 Phone: <sup>(5)</sup> (402) 471-5403

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

	<u>FY 2024-25</u>		<u>FY 2025-26</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:**

The legislation states that the Nongame & Endangered Species Conservation Act applies to initial actions of any Agency or political subdivision, or its agent, when creating new transportation infrastructure.

However, further lawful duties of that exempted party in maintaining the now existing infrastructure do not necessarily have to comply to the Act. It is stated that the manmade structure is not critical habitat for purposes of the Act.

The exempted party is to take into consideration the impact of changes to the habitat, and may adjust their practices accordingly. Game and Parks Commission may also assist in making recommendation upon request of the party.

There is no fiscal impact with the bill.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2024-25</u> <u>EXPENDITURES</u>	<u>2025-26</u> <u>EXPENDITURES</u>
	<u>24-25</u>	<u>25-26</u>		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

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

**2024**

**LB<sup>(1)</sup> 1335**

**FISCAL NOTE**

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

Prepared by: <sup>(3)</sup> Taylor Jaeger Date Prepared: <sup>(4)</sup> 1/22/2024 Phone: <sup>(5)</sup> 308-233-3674

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

	<u>FY 2024-25</u>		<u>FY 2025-26</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>2024-25</u>	<u>2025-26</u>
	<u>24-25</u>	<u>25-26</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.

2024

LB<sup>(1)</sup> 1335

FISCAL NOTE

State Agency OR Political Subdivision Name: <sup>(2)</sup> LANCASTER COUNTY WEED AUTHORITY

Prepared by: <sup>(3)</sup> BRENT MEYER Date Prepared: <sup>(4)</sup> 1/22/2024 Phone: <sup>(5)</sup> 402-441-7817

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2024-25</u>		<u>FY 2025-26</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	\$0	\$0	\$0	\$0
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$0	\$0	\$0	\$0

Explanation of Estimate:

Lancaster County Weed Authority does not anticipate and fiscal cost to our Department with LB1335.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2024-25</u>	<u>2025-26</u>
	<u>24-25</u>	<u>25-26</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.

**2024**

**LB<sup>(1)</sup> 1335**

**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> 1/22/2024 Phone: <sup>(5)</sup> 402.434.5660

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

	<u>FY 2024-25</u>		<u>FY 2025-26</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
<b>TOTAL FUNDS</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>

**Explanation of Estimate:**

LB 1335 would change provisions of and provide duties and exemptions from the Nongame and Endangered Species Conservation Act (Act) relating to transportation infrastructure.

Political subdivisions, including counties, would be exempted parties with some exception for its lawful duties associated with designing, constructing, reconstructing, repairing, operating, or maintaining transportation infrastructure.

The Nongame and Endangered Species Conservation Act applies to any initial action of any exempted party that creates new transportation infrastructure on areas not previously dedicated to the exempted party's lawful duties or any subsequent action that increases the area of existing transportation infrastructure.

The fiscal impact is unknown; however, it is expected to save counties money and be favorable in terms of paying costs due to the bill's exemption related to various projects under the Act.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2024-25</u>	<u>2025-26</u>
	<u>24-25</u>	<u>25-26</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
<b>TOTAL.....</b>	<b>_____</b>	<b>_____</b>	<b>_____</b>	<b>_____</b>