

Revised to reflect Committee AM2947.

FISCAL NOTE
 LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2024-25		FY 2025-26	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
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 as amended by the Committee amendment AM2947 does the following:

- Defines critical habitat and exempted parties as it relates to the exemption of transportation infrastructure projects from the Nongame and Endangered Species Conservation Act (NESCA);
- Covered transportation infrastructure would include:
 - Roads, streets, highways, or rights-of-way of a road, street, or highway;
 - Previously approved and utilized interdependent/interrelated contractor-use sites recognized by the Nebraska Department of Transportation (NDOT) on their website, like stockpiles or construction debris sites;
 - Actions permitted by a state agency/political subdivision within roads, streets, highways, or rights-of-way of roads, streets, or highways controlled by state agencies or political subdivisions;
 - Pedestrian or bicycle trails, lanes, or bridges;
 - Technology in place to benefit the traveling public; and
 - Broadband infrastructure placed by the NDOT;
- Specifies the listing, downlisting, removal, or uplisting of wildlife and wild plants to a different state-listed status through a formal listing process must be done reasonably quick;
- Narrows the meaning of exempted parties as those directly connected to a NDOT infrastructure project; and
- Provides a definition that restore means to return to a state which is no less beneficial for endangered/threatened species than prior to an exempted party's actions.

The NDOT has indicated an indeterminate positive fiscal impact from streamlining the environmental review process and speeding up project deliver times. The NGPC has indicated no fiscal impact from this bill.

There is no basis to disagree with either of these estimations of minor to no fiscal impact.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 1335	AM: 2947	AGENCY/POLT. SUB: Game and Parks Commission	
REVIEWED BY:	Jacob Leaver	DATE: 3/15/2024	PHONE: (402) 471-4173
COMMENTS: No basis to dispute the Game and Parks Commission's estimate of no fiscal impact as a result of LB 1335 AM 2947.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 1335	AM: 2947	AGENCY/POLT. SUB: Nebraska Department of Transportation	
REVIEWED BY:	Jacob Leaver	DATE: 3/19/2024	PHONE: (402) 471-4173
COMMENTS: No basis to dispute the Department of Transportation's indeterminable fiscal impact as a result of LB 1335 AM 2947.			

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2024

LB⁽¹⁾ 1335 AM 2947

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Nebraska Department of Transportation (NDOT)

Prepared by: ⁽³⁾ Jenessa Boynton Date Prepared: ⁽⁴⁾ 3/15/2024 Phone: ⁽⁵⁾ 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	<u>See below</u>	_____	<u>See below</u>	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	<u>See below</u>	_____	<u>See below</u>	_____

Explanation of Estimate:

LB 1335 AM 2947 amends Neb. Rev. Stat. §37-801 to include sections 6 and 8 of the act as part of the Nongame and Endangered Species Conservation Act (NESCA). Neb. Rev. Stat. §37-802 is amended to include definitions for critical habitat, restore, and transportation infrastructure as part of NESCA and provide additional language for the definition of exempt party. An exempt party is defined as any state agency, political subdivision with a lawful duty to design, construct, reconstruct, repair, operate, or maintain transportation infrastructure, or any agent, employee, consultant, or contractor of any state agency or political subdivision. Previously approved and utilized interdependent or interrelated contractor-use site that is identified on the website of NDOT, including any borrow, waste, plant, stockpile, or construction debris site is the transportation infrastructure definition provided by the bill.

AM 2947 amends Neb. Rev. Stat. §37-806 to allow the commission within a reasonable time after any species of wildlife or wild plant to receive a different state-listed status through the completion of the formal listing process or by retaining the previous state-listed status following a federal listing, downlisting, removal, or uplisting.

Section 6 under Neb. Rev. Stat. §37-807 amends NESCA to not apply to any action of an exempt party in furtherance of its lawful duties associated with designing, constructing, reconstructing, repairing, operating, or maintaining transportation infrastructure except when the state agency would require consultation as a result of not engaging in designing, constructing, reconstructing, repairing, operating, or maintaining transportation infrastructure or the exempt party is creating new transportation infrastructure in an area not previously dedicated to the exempt party's lawful duties or the subsequent action is increasing the area of existing transportation infrastructure in an area previously dedicated to the exempt party's lawful duties.

Section 8 under Neb. Rev. Stat. §37-807 requires any federally designated critical habitat under the Endangered Species Act to be critical habitat under NESCA.

If enacted, LB 1335 AM2947 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.....	_____	_____	_____	_____

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2024

LB⁽¹⁾ 1335 AM2947 – Changes to Nongame & Endangered Species Cons. Act

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Nebraska Game & Parks Commission

Prepared by: ⁽³⁾ Kay Menci Date Prepared: ⁽⁴⁾ March 15,2024 Phone: ⁽⁵⁾ (402) 471-5189

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, as amended, states that the Nongame & Endangered Species Conservation Act applies to initial actions of any Agency, department, board, bureau, or commission of the state when creating new transportation infrastructure. Exception is given to any state agency or political subdivision with a lawful duty to design, construct, reconstruct, repair, operate, or maintain transportation infrastructure, or any agent, employee, consultant, or contractor of any such state agency or political subdivision.

Section 4 Indicates the commission may determine that a species listing by the formal process identified in this section.

Section 5 States any agency shall consultate with the commission to ensure any action taken will not violate the species and is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or modification of critical habitat.

Section 6 The Nongame and Endangered Species Conservation Act does not apply to any action of an exempt party in furtherance of its lawful duties associated with designing, constructing, reconstructing, repairing, operating, or maintaining transportation infrastructure.

Section 7 Identifies that the exempt party shall consider the impact on endangered or threatened species when designing, constructing, reconstructing, repairing, operating, or maintaining transportation infrastructure.

Section 8 Provides guidance to the commission to determine critical habitat notating any federally designated critical habitat shall be critical habitat under the Nongame and Endangered Species Conservation Act.

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

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>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.....	_____	_____	_____	_____