

BDR 19-560

SB 170

EXECUTIVE AGENCY FISCAL NOTE

AGENCY'S ESTIMATES

Date Prepared: March 10, 2017

Agency Submitting: State Department of Conservation and Natural Resources

Items of Revenue or Expense, or Both	Fiscal Year 2016-17	Fiscal Year 2017-18	Fiscal Year 2018-19	Effect on Future Biennia
Environmental Protection (Expense)		\$23,397	\$23,397	\$46,794
Water Resources (Expense)		\$4,620	\$4,620	\$9,240
Total	0	\$28,017	\$28,017	\$56,034

Explanation

(Use Additional Sheets of Attachments, if required)

The Department of Conservation and Natural Resources (DCNR) has reviewed BDR 19-560 and determined that it has a fiscal impact. The attached document provides fiscal note explanation from the Division of Environmental Protection and the Division of Water Resources. Other agencies within DCNR have determined that the fiscal impact is minimal (less than \$500 per year).

Name Kelly M. Williams

Title ASO IV

GOVERNOR'S OFFICE OF FINANCE COMMENTS

Date Monday, March 06, 2017

The agency's response appears reasonable.

Name Susan Brown

Title Budget Officer

Attachment to BDR 19-560 Fiscal Note

Environmental Protection

The Division of Environmental Protection (NDEP) has determined that the proposal in BDR 19-560 will have a fiscal impact. Included below is an itemized description of the estimated costs to NDEP that would result from this legislation.

As written, Section 7 of BDR 19-560 would not permit the Division to charge a fee for providing records that are not a commercial request, or which do not require the agency to make extraordinary use of its personnel or technological resources. With the new definitions, the Division believes the vast majority of requests we receive are “public benefit” requests. We provide electronic documents to requesters using external devices (flash drives, hard drives) provided by the requester. On average NDEP processes 528 electronic requests per year. If the Division were to purchase and provide flash drives the cost is estimated at **\$5,280.00** per year.

Further, even if a non-commercial request is determined to require the extraordinary use of personnel or technological resources, the fee is capped at .10 cents per page, which is less than Nevada Blue charges. Nevada Blue is an outside copy service we use for requests over 50 pages. Their costs include fees to transfer files, .10 to .25 cents per page to copy/scan and processing/shipping fees. Based on our existing files requests, where we receive 104 requests for a total of 201,300 pages, the increased cost for the Division to absorb the expense would be **\$18,117.00**.

The Division estimates that the total expense per fiscal year is **\$23,397.00**.

Water Resources

The Division of Water Resources has determined that the proposal in BDR 19-560 will have a fiscal impact. As written, Section 7 of BDR 19-560 would not permit the Division to charge a fee for copies of books or records that are not a commercial request, or which do not require the agency to make extraordinary use of its personnel or technological resources. NRS 533.435 requires the Division charge \$1.00 for the first page, plus .20 cents per each additional page for copies of such books or records; however, BDR 19-560 does not appear to authorize the Division to collect such fees, even by statute, where the request is not a commercial request. Further, even if a non-commercial request is determined to require the extraordinary use of personnel or technological resources, the fee is capped at .10 cents per page which is significantly less than that currently authorized by NRS 533.435. In 2016, the Division’s receipts for record copies totaled nearly \$4,600.00; thus, the Division anticipates being required to absorb the cost of those lost receipts.

In addition, the Division anticipates an increase in mailing costs due to increased noticing requirements required by Section 5 of BDR 19-560.

The Division estimates that the total expense per fiscal year is **\$4,620.00**.

State Lands

Although less than \$500 per year, the Division of State Lands does anticipate a fiscal impact. As written, Section 7 of BDR 19-560 would not permit the Division to charge a fee for copies of books or records that are not a commercial request, or which do not require the agency to make extraordinary use of its personnel or technological resources. NRS 321.065 requires the State Land Registrar to charge fees for making copies of public records and maps in the custody of the State Land Office, so BDR 19-560 conflicts with the State Lands NRS requirement.