

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2018-19		FY 2019-20	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	\$988,200		\$1,175,000	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$988,200		\$1,175,000	

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

LB857 creates the Campus Confidentiality Act which applies to the University of Nebraska, the Nebraska State Colleges and each community college. Section 3, requires each governing board to adopt, by January 1, 2019, a policy for confidential advisors to whom students can report sexually-oriented criminal offenses and enumerates what that policy must contain. Section 4, requires each governing board to develop, by January 1, 2019, training requirements and materials for and the appointment of the appropriate number of confidential advisors. Section 6, requires each governing board to adopt, by January 1, 2019, an amnesty policy for students who in good faith make reports of sexual violence to the institution.

The University of Nebraska indicates the need for an additional 3 confidential advisors to comply with the requirements of LB857 at a cost of \$268,200 General Funds for FY2018-19 and \$253,000 General Funds for FY2019-20. There is no basis to disagree with the estimate.

The Nebraska State College System indicates that each college would need an additional 2.0 FTE to meet the requirements of LB857. Due to the January 1, 2019 implementation date the 6 FTE would work only 6 months in FY2018-19. In addition, the colleges are estimating an additional one-time cost of \$10,000 to develop training materials and an additional \$2,000 per year to maintain and administer the training. Additional costs are estimated at \$220,000 General Funds for FY2018-19 and \$422,000 General Funds for FY2019-20. There is no basis to disagree with the estimate.

The community college association estimates the cost to be an additional \$500,000 General Funds per year for additional personnel and training. There is no basis to disagree with the estimate.

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

2018

LB⁽¹⁾ 857

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Nebraska Community College Association

Prepared by: ⁽³⁾ Greg Adams Date Prepared: ⁽⁴⁾ 1/11/2018 Phone: ⁽⁵⁾ 402-471-4685

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2018-19</u>		<u>FY 2019-20</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	\$500,000			
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$500,000			

Explanation of Estimate:

The above estimate is based on colleges having to hire and train personnel specifically designated and trained as confidential advisors. The estimate can vary dependent upon an individual college's personnel make up or the availability of community resources.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2018-19</u>	<u>2019-20</u>
	<u>18-19</u>	<u>19-20</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.

2018

LB⁽¹⁾ 857

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Nebraska State College System (NSCS)

Prepared by: ⁽³⁾ Carolyn Murphy Date Prepared: ⁽⁴⁾ 01/11/2018 Phone: ⁽⁵⁾ 402-471-2505

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2018-19</u>		<u>FY 2019-20</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>220,000</u>	<u> </u>	<u>422,000</u>	<u> </u>
CASH FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
FEDERAL FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
OTHER FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL FUNDS	<u>220,000</u>	<u> </u>	<u>422,000</u>	<u> </u>

Explanation of Estimate:

LB857 is noted as the Campus Confidentiality Act and mandates requirements to the NSCS regarding sexually-oriented criminal offenses. The bill varies from the federal Title IX requirements addressing unlawful discrimination, harassment or violence.

The NSCS employs a Systemwide Director of Title IX. One individual at each College serves as the Title IX Coordinator (in addition to other duties) and each College has one or more Licensed Student Counselors available to provide confidential counseling. However, LB857 requirements differ from Title IX requirements and as currently written, would require the NSCS to add staff to serve as "confidential advisors". The current Department of Education guidance regarding Title IX requires that an alleged victim and the alleged perpetrator receive equal access to College resources, services, and interim measures. Therefore, the NSCS would be required to hire someone to serve as a confidential advisor to the victim and a second person to serve as a confidential advisor to the alleged perpetrator. The NSCS does not have the current capacity to assign these additional responsibilities to existing staff and as plans are made for budget reductions and future staff eliminations the NSCS will have even less capacity. The geographic locations of our Colleges do not allow for the sharing of these resources, therefore each College would need to have their own dedicated resources to meet the requirements of LB857.

For LB857, as currently written, each College would need to add 2.0 FTE staff. If we estimate a salary of \$50,000 and benefits of \$20,000 for a total cost per FTE of \$70,000, the total fiscal impact for personnel related to LB857 is estimated at \$420,000 (3 Colleges x 2 FTE x \$70,000). Assuming a January 1, 2019 date for implementation, the 6 individuals will only work 6 months in the first fiscal year, resulting in 3.0 FTE in FY19 and 6.0 FTE in FY20 when fully implemented for the fiscal year.

LB857 also requires training that is different from that already done by the NSCS for Title IX. It is difficult to determine what the training cost might be, because such training is not currently available to purchase and would have to be developed in-house or in partnership with other higher education institutions in Nebraska. We are estimating a one-time cost of \$10,000 to develop the training, and \$2,000 per year to maintain and administer the training.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2018-19</u>	<u>2019-20</u>
	<u>18-19</u>	<u>19-20</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Confidential Advisor	3.00	6.00	150,000	300,000
Benefits.....			60,000	120,000
Operating.....			10,000	2,000
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....			220,000	422,000

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

2018

LB⁽¹⁾ 857

FISCAL NOTE

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

Prepared by: ⁽³⁾ Michael Justus Date Prepared: ⁽⁴⁾ January 10, 2018 Phone: ⁽⁵⁾ 402-472-2191

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2018-19</u>		<u>FY 2019-20</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>268,200</u>	<u> </u>	<u>253,000</u>	<u> </u>
CASH FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
FEDERAL FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
OTHER FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL FUNDS	<u><u>268,200</u></u>	<u><u> </u></u>	<u><u>253,000</u></u>	<u><u> </u></u>

Explanation of Estimate:

The bill would establish the Campus Confidentiality Act. The University has several Confidential Advisors in place, but would need to add 3 to accomplish the requirements of the Act.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2018-19</u>	<u>2019-20</u>
	<u>18-19</u>	<u>19-20</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Confidential Advisor	<u>3.0</u>	<u>3.0</u>	<u>165,000</u>	<u>165,000</u>
Benefits.....			<u>46,200</u>	<u>46,200</u>
Operating.....			<u>42,000</u>	<u>42,000</u>
Travel.....				
Capital outlay.....			<u>15,000</u>	
Aid.....				
Capital improvements.....				
TOTAL.....			<u><u>268,200</u></u>	<u><u>253,000</u></u>