

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2023-24		FY 2024-25	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	\$104,893			
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$104,893			

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

LB 222, if passed, would not allow any public college or university in Nebraska to inquire about any criminal history or juvenile court records at any stage of the application process, unless where already required by state or federal law.

The Nebraska State College System (NSCS) explains that it would experience a fiscal impact relating to the cost of having its three admissions applications systems updated to remove the questions related to criminal background. This would have to be contracted through the University of Nebraska, with a total cost of 120 hours of contract work, estimated at \$4,893.21.

The NSCS further explains that they have no way of knowing if limiting the system’s ability to ask about a student’s background could increase its liability in the event a student with a criminal background harms another student, or if having such a statute gives them an affirmative defense that could be used in future potential litigation.

With respect to the University of Nebraska system, its generic admissions applications do not ask for criminal background history, with some notable exceptions. The most significant exception involves the health sciences professions at UNMC. UNMC, like other medical colleges in the United States, uses a common, nationwide application for their health professions degrees, including nursing.

Elsewhere in the University system, non-medical programs that require licensure and field placements (education, social work, law, etc) also require this information when students are admitted into College-level programs or before their acceptance into a required field placement.

The University explains that their initial fiscal impact of \$100,000 reflects an estimated cost to begin planning to replace the current application systems with a customized solution at UNMC. They further note that a new customized application system would likely cost more than \$1,000,000, and that it is not certain that such a change could be implemented promptly and without consequences to student enrollment and accreditation statuses. There could also be undetermined fiscal impact associated with notifying and educating employees about the law, reviewing and revising current policies, and educating students regarding the impact of a criminal record on placement in clinical rations, state licensure, etc.

Finally, the University explains that if bill language were modified to exclude all programs leading to state/federal/local licensure, there would be no cost associated with such a modified LB 222.

For the purpose of this fiscal note, the costs to the University and to the NSCS systems are combined. It is uncertain at this time whether the two programming issues are completely separate, or how dependent the NSCS changes are dependent upon the University’s changes.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE				
LB:	222	AM:	AGENCY/POLT. SUB: Nebraska State College System	
REVIEWED BY:	Gary Bush	DATE:	1/17/23	PHONE: (402) 471-4161
COMMENTS: The minimal cost identified by the NSCS appears to be reasonable.				

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE				
LB:	222	AM:	AGENCY/POLT. SUB: Metropolitan Community College	
REVIEWED BY:	Gary Bush	DATE:	1/18/23	PHONE: (402) 471-4161
COMMENTS: Agree with the estimate provided by Metropolitan Community College.				

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE				
LB:	222	AM:	AGENCY/POLT. SUB: Nebraska Community College Association	
REVIEWED BY:	Gary Bush	DATE:	1/17/23	PHONE: (402) 471-4161
COMMENTS: Agree with the estimate provided by the agency.				

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE				
LB:	222	AM:	AGENCY/POLT. SUB: Coordinating Commission for Postsecondary Education	
REVIEWED BY:	Gary Bush	DATE:	1/17/23	PHONE: (402) 471-4161
COMMENTS: Agree with the estimate provided by the agency.				

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

2023

LB⁽¹⁾ 222

FISCAL NOTE

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

Prepared by: ⁽³⁾ Monte Kramer Date Prepared: ⁽⁴⁾ _____ Phone: ⁽⁵⁾ 402-471-2507

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2023-24</u>		<u>FY 2024-25</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	\$4,893.21	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	<u>\$4,893.21</u>	_____	_____	_____

Explanation of Estimate:

The fiscal impact relates to the cost of having the University System update our three admissions applications and remove the questions related to criminal background. We are estimating that cost to be a total of 60 hours of contract work at an estimated cost of \$3,297.00. Once the application is updated for each school, the application will need to be validated and tested. We are estimating that work to be 20 hours at each college.

We have no way of knowing if limiting our ability to ask about a student’s background could increase our liability in a situation where a student with a criminal record harms another student, or if having such a statute gives us an affirmative defense that would be helpful in potential/future litigation.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023-24</u>	<u>2024-25</u>
	<u>23-24</u>	<u>24-25</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Asst. Director of Admissions	3	_____	\$1,377.00	_____
Benefits.....	_____	_____	\$219..21	_____
Operating.....	_____	_____	\$3,297.00	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	<u>\$4,893.21</u>	_____

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2023

LB ⁽¹⁾ 0222 Prescribe requirements for the student application and admission process of public colleges and universities regarding criminal history and juvenile court record information

FISCAL NOTE

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

Prepared by:⁽³⁾ Chris Kabourek Date Prepared:⁽⁴⁾ 01/19/2023 Phone:⁽⁵⁾ (402) 472-7102

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2023 - 24		FY 2024 - 25	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>100,000.00</u>	<u>0.00</u>	<u>100,000.00</u>	<u>0.00</u>
CASH FUNDS	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
FEDERAL FUNDS	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
OTHER FUNDS	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
TOTAL FUNDS	<u>100,000.00</u>	<u>0.00</u>	<u>100,000.00</u>	<u>0.00</u>

Explanation of Estimate:

The University of Nebraska System's generic admissions applications does not ask for criminal background history, with several notable exceptions.

The most significant exception relates to the health sciences professions at UNMC. UNMC, like medical colleges across the United States, uses a common, nationwide application for their health professions degrees (including nursing). This standard application requests criminal history data because of the subsequent requirement for students to work in public and private clinical settings and their eventual licensure.

Non-medical programs that require licensure and field placements (education, social work, law, etc.) also require this information when students are admitted into College-level programs or before their acceptance into a required field placement.

The estimated fiscal impact only reflects an estimate to begin planning to replace the current application systems with a customized solution at UNMC. Please note, the cost of a new customized application system would likely be more than \$1 million. In addition, it is not certain that such a system could be implemented promptly and without consequences to student enrollment and accreditation statuses.

Additionally, there is an undetermined fiscal impact associated with: (1) Notifying and educating employees about the law and requirements; (2) Reviewing and revising current policies related to criminal history inquiries; (3) Reviewing and revising application materials; and (4) Potentially educating applicants and students regarding the impact of a criminal record on placement in clinical rotations, state licensure, etc.

If the bill language were modified to exclude all programs leading to state/federal/local licensure, there would be no cost associated with such a modified LB 222.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023 - 24 EXPENDITURES</u>	<u>2024 - 25 EXPENDITURES</u>
	<u>23 - 24</u>	<u>24 - 25</u>		
	<u>0</u>	<u>0</u>		
	<u>0</u>	<u>0</u>		
Benefits.....				
Operating.....			<u>100,000.00</u>	<u>100,000.00</u>
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....			<u>100,000.00</u>	<u>100,000.00</u>

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2023

LB⁽¹⁾ 222

FISCAL NOTE

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

Prepared by: ⁽³⁾ Brenda Schumacher Date Prepared: ⁽⁴⁾ 1/17/2023 Phone: ⁽⁵⁾ (531)622-2406

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2023-24</u>		<u>FY 2024-25</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>0</u>	<u></u>	<u>0</u>	<u></u>
CASH FUNDS	<u>0</u>	<u></u>	<u>0</u>	<u></u>
FEDERAL FUNDS	<u>0</u>	<u></u>	<u>0</u>	<u></u>
OTHER FUNDS	<u>0</u>	<u></u>	<u>0</u>	<u></u>
	<u>0</u>	<u></u>	<u>0</u>	<u></u>

Explanation of Estimate:

There would be no cost to Metropolitan Community College associated with LB 222.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023-24</u>	<u>2024-25</u>
	<u>23-24</u>	<u>24-25</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....	<u></u>	<u></u>	<u></u>	<u></u>
Operating.....	<u></u>	<u></u>	<u></u>	<u></u>
Travel.....	<u></u>	<u></u>	<u></u>	<u></u>
Capital outlay.....	<u></u>	<u></u>	<u></u>	<u></u>
Aid.....	<u></u>	<u></u>	<u></u>	<u></u>
Capital improvements.....	<u></u>	<u></u>	<u></u>	<u></u>
TOTAL.....	<u></u>	<u></u>	<u></u>	<u></u>

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2023

LB⁽¹⁾ 222

FISCAL NOTE

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

Prepared by: ⁽³⁾ Courtney Wittstruck Date Prepared: ⁽⁴⁾ 01/17/2023 Phone: ⁽⁵⁾ 402-381-2084

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2023-24</u>		<u>FY 2024-25</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
CASH FUNDS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
FEDERAL FUNDS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
OTHER FUNDS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL FUNDS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

Explanation of Estimate:

No impact.

We do not believe community colleges will be fiscally impacted by LB 222. We already comply with the requirements in the bill.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023-24</u>	<u>2024-25</u>
	<u>23-24</u>	<u>24-25</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.

2023

LB⁽¹⁾ 222

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Coordinating Commission for Postsecondary Education

Prepared by: ⁽³⁾ Gary Timm Date Prepared: ⁽⁴⁾ 1/11/2023 Phone: ⁽⁵⁾ 402.471.0020

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2023-24</u>		<u>FY 2024-25</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>2023-24</u>	<u>2024-25</u>
	<u>23-24</u>	<u>24-25</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____