

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)

	FY 2025-26		FY 2026-27	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	\$253,227		\$256,231	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$253,227		\$256,231	

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

The intent of LB 538 is to address and prohibit discrimination, including antisemitic incidents, in Nebraska public K-12 schools and postsecondary institutions.

Section 6 requires that the Coordinating Commission for Postsecondary Education (CCPE) designate a Title VI coordinator who will monitor discrimination and harassment in public institutions. The coordinator will also be required to investigate all complaints of discrimination or harassment in public institutions and file an annual report. The coordinator may be required to file complaints with the United States Department of Education and the United States Department of Justice.

The CCPE believes an attorney would be best suited to perform these investigative duties and would request a 1.0 FTE position, operating expenses (phone and computer), and travel expenses related to investigations. CCPE estimates their expenses to total \$115,000 in FY26 and \$118,800 in FY27. Expenditures by category are seen in the CCPE fiscal note response.

The Nebraska Department of Education (NDE) reports that a new Program Specialist II would be needed to investigate complaints and perform related tasks currently performed by the federal government, should LB 538 be enacted for the State of Nebraska. Expenditures by category are available in NDE's response, though they note that the amount of work is undeterminable at this time.

NDE reports costs of \$138,227 for FY26 and \$137,431 for FY27.

The Nebraska State College System, the University of Nebraska system, and the Community Colleges report no additional expenditures are expected to result from the passage of LB 538.

The Fiscal Office has no basis to disagree with the above responses.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: 538	AM:	AGENCY/POLT. SUB: Department of Education	
REVIEWED BY: Kimberly Burns	DATE: 01/31/2025	PHONE: (402) 471-4171	
COMMENTS: No basis to disagree with the Department of Education's assessment of fiscal impact to the agency from LB 538.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: 538	AM:	AGENCY/POLT. SUB: Nebraska Community College Association	
REVIEWED BY: Kimberly Burns	DATE: 01/30/2025	PHONE: (402) 471-4171	
COMMENTS: The Nebraska Community College Association's estimate of fiscal impact from LB 538 appears to be overstated.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: 538	AM:	AGENCY/POLT. SUB: Metropolitan Community College
REVIEWED BY: Kimberly Burns	DATE: 01/30/2025	PHONE: (402) 471-4171
COMMENTS: Agree with Metropolitan Community College's estimate of minimal to no fiscal impact from LB 538.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: 538	AM:	AGENCY/POLT. SUB: Nebraska State College System
REVIEWED BY: Kimberly Burns	DATE: 01/29/2025	PHONE: (402) 471-4171
COMMENTS: Concur with the Nebraska State College System's assessment of no fiscal impact from LB 538.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: 538	AM:	AGENCY/POLT. SUB: Coordinating Commission for Postsecondary Education
REVIEWED BY: Kimberly Burns	DATE: 01/29/2025	PHONE: (402) 471-4171
COMMENTS: No basis to disagree with the Coordinating Commission for Postsecondary Education's assessment of fiscal impact to the agency from LB 538, but the Title VI coordinator role may not necessarily require the expertise of an attorney to fulfill its duties.		

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

2025

LB⁽¹⁾ 538

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Education

Prepared by: ⁽³⁾ Brian Halstead Date Prepared: ⁽⁴⁾ 1.29.25 Phone: ⁽⁵⁾ 402.471.2215

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2025-26		FY 2026-27	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	\$138,227		\$137,431	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$138,227		\$137,431	

Explanation of Estimate:

Current requirements of federal civil rights law provide that any recipients of federal funds, whether that be a state agency, or political subdivision, are required to adhere to the requirements of the civil rights law, including having a complaint process. The bill appears to have the Legislature enact some of the same federal civil rights language, and then direct that the NDE investigate any complaints filed involving school districts.

Complaints, investigations, and enforcement of civil rights laws are currently carried out by the federal government, and not the NDE. If the Legislature enacts the bill requiring the NDE to do this work, then there is a fiscal impact as indicated to hire a person. However, the amount work is undeterminable at this time.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2025-26	2026-27
	25-26	26-27	EXPENDITURES	EXPENDITURES
Program Specialist II	1	1	66,197	68,348
Benefits.....			43,615	44,765
Operating.....			22,640	18,370
Travel.....			5,775	5,948
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....			\$138,227	\$137,431

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

Prepared by: ⁽³⁾ Courtney Wittstruck

Date Prepared: ⁽⁴⁾ Jan. 29, 2025

Phone: ⁽⁵⁾ 402-471-4685

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2025-26		FY 2026-27	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	\$50,000		\$51,500	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

Explanation of Estimate:

New policy development costs plus additional training and development amount to an estimated \$10,000 per college per year plus a 3% YoY increase.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2025-26	2026-27
	25-26	26-27	EXPENDITURES	EXPENDITURES
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				

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

Prepared by: ⁽³⁾ Brenda Schumacher

Date Prepared: ⁽⁴⁾ 1/29/2025

Phone: ⁽⁵⁾ (531)622-2406

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2025-26		FY 2026-27	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	0	0	0	0
CASH FUNDS	0	0	0	0
FEDERAL FUNDS	0	0	0	0
OTHER FUNDS	0	0	0	0
TOTAL FUNDS	0	0	0	0

Explanation of Estimate

This bill would have minimal financial impact if any on MCC.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2025-26	2026-27
	25-26	26-27	EXPENDITURES	EXPENDITURES
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				

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

2025

LB⁽¹⁾ 538

FISCAL NOTE

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

Prepared by: ⁽³⁾ Gary Timm Date Prepared: ⁽⁴⁾ 1/27/2025 Phone: ⁽⁵⁾ 402.471.0020

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2025-26</u>		<u>FY 2026-27</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>115,000</u>	<u></u>	<u>118,800</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>115,000</u>	<u></u>	<u>118,800</u>	<u></u>

Explanation of Estimate:

Section 6 requires the commission to designate a Title VI coordinator that will monitor discrimination and harassment in public institutions. The coordinator will also be required to investigate all complaints of discrimination or harassment in public institution and file an annual report. The coordinator may be required to file complaints with the United States Department of Education and the United States Department of Justice.

The commission believes an attorney would be best suited to perform these investigative duties and would request a 1.0 FTE position, operating expenses including phone and computer, and travel expenses related to investigations.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2025-26</u>	<u>2026-27</u>
	<u>25-26</u>	<u>26-27</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Attorney II	<u>1.0</u>	<u>1.0</u>	<u>75,000</u>	<u>77,200</u>
Benefits.....			<u>37,000</u>	<u>38,600</u>
Operating.....			<u>1,500</u>	<u>1,500</u>
Travel.....			<u>1,500</u>	<u>1,500</u>
Capital outlay.....			<u></u>	<u></u>
Aid.....			<u></u>	<u></u>
Capital improvements.....			<u></u>	<u></u>
TOTAL.....			<u>115,000</u>	<u>118,800</u>

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

Prepared by: ⁽³⁾ Brenda Owen

Date Prepared: ⁽⁴⁾ 1-27-2025

Phone: ⁽⁵⁾ 471-2507

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2025-26		FY 2026-27	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

Explanation of Estimate:

No fiscal impact

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE				
Personal Services:				
POSITION TITLE	NUMBER OF POSITIONS		2025-26	2026-27
	25-26	26-27	EXPENDITURES	EXPENDITURES
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				