

PREPARED BY: Doug Nichols  
 DATE PREPARED: February 11, 2021  
 PHONE: 402-471-0052

# LB 407

Revision: 01

# FISCAL NOTE

## LEGISLATIVE FISCAL ANALYST ESTIMATE

Updated to include the response of Douglas County.

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2021-22		FY 2022-23	
	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.**

This bill would include certain county correctional officers in provisions governing mental injuries and mental illnesses under the Nebraska Workers' Compensation Act.

DAS Risk Management estimates no fiscal impact from this bill because it applies to county employees.

The Department of Health and Human Services (DHHS) states that if county correctional officers are eligible for annual resilience training reimbursement, then this could cost of \$12,500 per year. DHHS does not feel that additional funding is necessary at this time. See the agency response for details not included in this fiscal note.

The Workers Compensation Court estimates no fiscal impact.

Douglas County estimates that this bill will result in a significant increase in workers' compensation costs. See their response attached for additional details not included in this fiscal note.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
<b>LB: 407</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Nebraska Workers' Compensation Court (37)</b>	
REVIEWED BY: Joe Wilcox	DATE: 01/28/21	PHONE: (402) 471-4178	
COMMENTS: No basis to dispute the Nebraska Workers' Compensation Court estimate of No direct fiscal impact on the Operations of the Agency from LB 407.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
<b>LB: 407</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Department of Administrative Services (65)</b>	
REVIEWED BY: Joe Wilcox	DATE: 01/21/2021	PHONE: (402) 471-4178	
COMMENTS: No basis to dispute the Department of Administrative Services (DAS) estimate of No Fiscal Impact to the Agency from LB 407.			

CONTINUED

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 407</b>	<b>AM:</b>	<b>AGENCY/POLT. SUB: Nebraska Department of Health and Human Services (25)</b>
REVIEWED BY: Joe Wilcox	DATE: 01/27/2021	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Department of Health and Human Services (DHHS) estimate of potential fiscal impact to the Agency from LB 407, which DHHS may or may not be able to absorb within its existing budget, depending on the number of applicants for reimbursement.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 407</b>	<b>AM:</b>	<b>AGENCY/POLT. SUB: Douglas County</b>
REVIEWED BY: Joe Wilcox	DATE: 02/01/21	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Douglas County estimate of potential fiscal impact to the County from LB 407.		

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

**2021**

**LB<sup>(1)</sup> 407**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Dept of Administrative Services (DAS) – Risk Management Division

Prepared by: <sup>(3)</sup> Allen Simpson Date Prepared: <sup>(4)</sup> 1/15/2021 Phone: <sup>(5)</sup> (402) 471-4436

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

	<u>FY 2021-22</u>		<u>FY 2022-23</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
REVOLVING FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

**Explanation of Estimate:**

LB 407 would allow a county correctional officer to receive workers' compensation for mental injuries or mental illness if such officer met the requirements established by law.

There is no fiscal impact to the State, as the county's worker's compensation program is responsible for county employees.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2021-22</u>	<u>2022-23</u>
	<u>21-22</u>	<u>21-23</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.

2021

LB<sup>(1)</sup> 407

FISCAL NOTE

State Agency OR Political Subdivision Name: <sup>(2)</sup> Nebraska Workers' Compensation Court

Prepared by: <sup>(3)</sup> Jill Gradwohl Schroeder Date Prepared: <sup>(4)</sup> January 27, 2021 Phone: <sup>(5)</sup> (402) 471-3602

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

	<u>FY 2021-22</u>		<u>FY 2022-23</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:**

LB 407 is not expected to have a direct fiscal impact upon the operations of the Nebraska Workers' Compensation Court.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2021-22</u>	<u>2022-23</u>
	<u>21-22</u>	<u>22-23</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

State Agency or Political Subdivision Name:(2) Department of Health and Human Services

Prepared by: (3) Mike Michalski

Date Prepared 1-27-2021

Phone: (5) 471-6719

	<u>FY 2021-2022</u>		<u>FY 2022-2023</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
<b>GENERAL FUNDS</b>				
<b>CASH FUNDS</b>				
<b>FEDERAL FUNDS</b>				
<b>OTHER FUNDS</b>				
<b>TOTAL FUNDS</b>	(See below)	\$0	(See below)	\$0

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

**Explanation of Estimate:**

LB 407 proposes to add Nebraska county correctional officers working in a high-population county as one of the occupations covered by Worker’s Compensation due to mental injury or mental illness. Under the existing statutes, persons must provide certain evidence per statute, which includes participation in annual resilience training in order to qualify for benefits. Applicable persons may receive reimbursement for annual training costs from the Department of Health and Human Services (DHHS) should the training not be provided or reimbursed by their respective employers. The Critical Incident Stress Management (CISM) team is responsible for setting the reimbursement rates.

LB 963 (2020) signed into law August 15, 2020 included an estimate based on a reimbursement rate of \$25 per training for first responders only. This bill becomes effective July 1, 2021. The current DHHS budget request includes \$442,500 to provide reimbursement to first responders for this training. This estimate is based upon this amount being appropriated for the upcoming biennium. LB 963 as incorporated into the existing statute does not clearly state that frontline state employees are required to attend annual resilience training. LB 407 is not clear regarding county correctional officers being included in the annual resilience training requirements, given the definitions and usage of first responder, frontline state employee and county correctional officer in the legislation.

Additionally, in preparation of the upcoming operative date, DHHS is almost complete with the development of an online resilience training program in collaboration with the CISM program, the Division of Behavioral Health and the Division of Public Health Emergency Health Systems unit. DHHS intends to offer this training free of charge to the applicable persons. The CISM has set the current reimbursement rate at \$0 until funding is appropriated.

Should the intent of LB 407 be to require annual resilience training for frontline state employees and county correctional officers in high population counties, DHHS would recommend the free online training to all frontline state employees and county correctional officers. However, should the designated county correctional officers request reimbursement of costs associated with annual resilience training, then DHHS estimates an additional cost of \$12,500 per year in possible reimbursement costs.

The estimate given above is based on Douglas County and Lancaster County being the only high population counties; a ratio of one (1) correctional officer for every four (4) inmates; and an average incarcerated population for Douglas County at 1,250 per day and Lancaster County at 786 per day. Therefore, the approximate number of qualifying county correctional officers would be 500. The estimate at \$25 reimbursement for 500 persons results in a possible cost of \$12,500 per year.

DHHS does not feel a request for additional funding is necessary at this time until actual requests are made to reimburse training costs or until participation history in the free training can be established.

PERSONAL SERVICES:

POSITION TITLE	NUMBER OF POSITIONS		2021-2022	2022-2023
	21-22	22-23	EXPENDITURES	EXPENDITURES
Benefits.....				
Operating.....				
Travel.....				
Capital Outlay.....				
Aid.....				
Capital Improvements.....				
<b>TOTAL</b> .....				<b>\$0</b>

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

**2021**

**LB407<sup>(1)</sup>** *Include certain county correctional officers in provisions governing mental injuries and mental illnesses under the Nebraska Workers' Compensation Act*

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> DOUGLAS COUNTY, NEBRASKA

Prepared by: <sup>(3)</sup> Marcos San Martin, County Administration Date Prepared: <sup>(4)</sup> 1/29/2021 Phone: <sup>(5)</sup> 402.444.5116

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

	<u>FY 2021-22</u>		<u>FY 2022-23</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

Explanation of Estimate:

**NEGATIVE (DETRIMENTAL) FISCAL IMPACT TO DOUGLAS COUNTY**

LB407 creates new worker's compensation fiscal liability to the County for 'mental injuries and mental illness unaccompanied by physical injury' of county correctional officers. LB407 specifies injuries that would otherwise be ineligible for compensation (and, as written, will remain non-compensable injuries in all Nebraska counties except within the two most populated counties). Douglas County anticipates the revisions outlined by LB407 will result in a significant claim(s) increase and an increase in the annual cost of excess carrier insurance premiums.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2021-22</u>	<u>2022-23</u>
	<u>21-22</u>	<u>22-23</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____