PREPARED BY: DATE PREPARED: PHONE: Doug Nichols August 4, 2020 402-471-0052

LB 963

Revision: 03

FISCAL NOTE

Updated for amendments adopted through August 3, 2020.

LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT - STATE AGENCIES (See narrative for political subdivision estimates)							
	FY 202	20-21	FY 2021-22				
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE			
GENERAL FUNDS	0		442,500				
CASH FUNDS							
FEDERAL FUNDS							
OTHER FUNDS							
TOTAL FUNDS	0		442,500				

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

This bill, as amended by AM2523, would change provisions relating to workers' compensation for injuries to first responders and frontline state employees. It would to provide a means of demonstrating a prima facie case of personal injury. The bill would provide duties for the Critical Incident Stress Management Program (CISM) and the Department of Health and Human Services (HHS). Finally, it would require HHS to reimburse for the cost of resilience training at a rate set by the CISM.

AM2776 adds a sunset date and makes other changes that do not appear to have a significant fiscal impact. AM3294 moves the sunset date back from 2027 to 2028. AM3294 also adds an operative date of July 1, 2021.

AM2734 would change provisions relating to compensation for burial expenses under the Nebraska Workers' Compensation Act. The amendment changes the amount to \$11,000 from the amount in current law of \$10,000. It also adds that beginning in 2023, the Workers' Compensation Court shall annually adjust the dollar limitation as specified in AM2734. Any adjustment is effective on July 1. AM2734 is the same as AM2648 to LB448.

HHS notes the following regarding this bill, as amended by AM2734 and AM2776: The agency estimates there are about 17,700 first responders subject to resilience training reimbursement. HHS notes that it is not clear if frontline state employees are intended to be included in resilience training reimbursement. The bill requires the CISM team to establish a reimbursement rate. Because no rate has been established, HHS assumes a range of \$25 to \$100 for annual resilience training reimbursement, which results in a total cost of \$442,500 to \$1,770,000. HHS also will have additional costs in developing resilience training guidelines. The agency estimates the cost at \$3,680 and they plan to absorb this cost. See the agency response attached for additional details not included in this fiscal note.

The amount in the boxes at the top of this fiscal note reflect the amount that was appropriated in LB963A, rather than the range in costs estimated by HHS for resilience training reimbursement.

Since AM3294 adds an operative date of July 1, 2021, the "A" bill was amended to remove the FY2020-21 appropriation.

The Workers' Compensation Court estimates no fiscal impact from AM2523, AM2734, or AM2776.

DAS Risk Management (DAS) notes that there may be additional claims and payments under AM2523, but this amount is not known.

DAS notes there is a cost for AM2734 (burial expenses under the Workers' Compensation Act), but the amount is unknown at this time. The state's workers' compensation program is funded by annual assessments against all agencies, boards and commissions, the university, and state colleges. Any increase in costs could increase the amount assessed against such entities.

The City of Lincoln estimates a minimal fiscal impact from AM2523.

The City of Omaha states that the bill would have a significant fiscal impact, but the amount is hard to estimate.

CONTINUED ON PAGE 2

	ESPONSE
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LB: 963 AM: 2523 AGENCY/POLT. SUB: Nebraska Workers Compensation Court (037)

REVIEWED BY: Joe Wilcox DATE: 3/02/2020 PHONE: (402) 471-4178

COMMENTS: No basis to dispute the Nebraska Workers Compensation Court estimate of No Fiscal impact to the Agency from LB 963, as amended by the Business and Labor Committee Amendment – AM 2523.

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

LB: 963 AM: 2734 and AM 2776 AGENCY/POLT. SUB: Nebraska Workers Compensation Court (037)

REVIEWED BY: Joe Wilcox DATE: 3/10/2020 PHONE: (402) 471-4178

COMMENTS: No basis to dispute the Nebraska Workers Compensation Court estimate of No direct impact to Agency Operations from LB 963, as amended by AM 2734 and AM 2776.

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

LB: 963 AM: 2523 AGENCY/POLT. SUB: Nebraska Department of Administrative Services Risk

Management Division (065)

REVIEWED BY: Joe Wilcox DATE: 3/02/2020 PHONE: (402) 471-4178

COMMENTS: No basis to dispute the Nebraska Department of Administrative Services (DAS) Risk Management Division estimate of potential, but Indeterminate Fiscal impact to the Agency or the State from LB 963, as amended by the Business and Labor Committee Amendment – AM 2523.

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

LB: 963 AM: 2734 and AM 2776 AGENCY/POLT. SUB: Department of Administrative Services (065)

REVIEWED BY: Joe Wilcox DATE: 3/11/2020 PHONE: (402) 471-4178

COMMENTS: No basis to dispute the Nebraska Department of Administrative Services estimate of potential, but

Undetermined Fiscal Impact to the Agency from LB 963, as amended by AM 2734 and AM 2776.

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

LB: 963 AM: 2734 and AM 2776 AGENCY/POLT. SUB: Department of Health and Human Services (025)

REVIEWED BY: Joe Wilcox DATE: 03/12/2020 PHONE: (402) 471-4178

COMMENTS: Though the agency fiscal note presents a broad range of potential costs, there is no basis to dispute the Department of Health and human Services (DHHS) estimate of potential Fiscal impact to the Agency from LB 963, as amended by AM 2734 and AM 2776.

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

LB: 963 AM: 2523 AGENCY/POLT. SUB: City of Lincoln

REVIEWED BY: Joe Wilcox DATE: 3/02/2020 PHONE: (402) 471-4178

COMMENTS: No basis to dispute the City of Lincoln estimate of "Minimal" Fiscal impact to the City from LB 963, as amended by the Business and Labor Committee Amendment – AM 2523.

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

LB: 963 AM: AGENCY/POLT. SUB: City of Omaha

REVIEWED BY: Joe Wilcox DATE: 01/28/2020 PHONE: (402) 471-4178

COMMENTS: No basis to dispute the City of Omaha estimate of potential, but Indeterminate Fiscal Impact to the City from

LB 963.

LB₍₁₎ <u>963</u> AM2734 AM2776

FISCAL NOTE

State Agency or Politic	al Subdivision Name:(2) Depar	tment of Health and Hu	man Services	
Prepared by: (3) Mike Mic	halski Date Prepare	ed 3-6-2020	Pho	one: (5) 471-6719
	FY 2020-2	2021	FY 2021-	2022
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	\$442,500 -		\$442,500 -	
	\$1,770,000		\$1,770,000	
ASH FUNDS				
EDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$442,500 -		\$442,500 -	
	\$1,770,000		\$1,770,000	

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

Explanation of Estimate:

LB 963, as amended by AM2734 and AM2776, establishes qualifications for first responders and frontline state employees in order to be eligible for worker's compensation due to mental injury and/or illness incurred as a result of trauma experienced on the job. One of these requirements is that the employee must have participated in resilience training annually prior to the incident in order to qualify for worker's compensation. Should the employer not provide or reimburse the employee with resilience training, then the Department of Health and Human Services is to reimburse the cost at a rate set by the Critical Incident Stress Management Program (CISM).

The definition given by statute for a first responder is a sheriff, deputy sheriff, police officer, Ne braska State Patrol officer, a volunteer or paid firefighter, or a volunteer or paid emergency medical care worker licensed in Nebraska. There are currently 6,700 emergency medical care workers licensed in Nebraska. The estimated number of law enforcement officers is around 8,000. According to FEMA's 2019 National Fire Department Registry Summary, there are 391 registered fire departments in Nebraska with 96.2% of personnel being volunteer or mostly volunteer. Also, according to statistics, there are approximately 1.5 firefighters per 1,000 persons in Nebraska. Based on a population of 2,000,000 the estimate would be 3,000 firefighters in Nebraska. Therefore, the potential number of first responders subject to resilience training reimbursement are approximately 17,700. It is unclear if LB 963 is intended to include frontline state employees in the reimbursement of training.

LB 963 requires the CISM team to establish the reimbursement rate. Since the reimbursement rate is unknown, this estimate assumes a range of \$25 to \$100 reimbursement for annual resilience training. The range of total impact due to reimbursement is estimated to cost between \$442,500 to \$1,770,000 per year. The source of funding is not indicated by LB 963, therefore the estimated cost is being listed under General Funds. It is anticipated the funding would be included as part of Program 514 – Health Aid.

DHHS will incur additional cost to develop guidelines for resilience training and set an annual limit on the hours or quantity of resilience training required for reimbursement. The CISM program is managed by the CISM Council as well as the Interagency Management Committee. The council and committee are composed of DHHS, State Fire Marshal's office, the Superintendent of Law Enforcement and Public Safety and the Adjutant General as members. LB 963 would require the council and committee to meet several times in order to develop regulations and standards. DHHS would absorb the costs of members representing DHHS.

The estimated cost to develop guidelines, set annual limits on required training and set the reimbursement rate for applicable employees is estimated as the following:

Title	Hours	Hourly Cost	Absorbed	d Cost
Director	4	74.28	\$	297
Deputy Director	4	53.48	\$	214
Administrator I	4	30.82	\$	123
Program Specialist	8	22.52	\$	180
Program Analyst	16	21.91	\$	351
Attorney III	30	33.82	\$	1,015
Subtotal Staff Cost	66		\$	2,180
Council and				
Committee				
Meeting cost each			\$	1,500
Total Absorbed				
Costs			\$	3,680

MAJOR O	BJECTS OF EXPENDITURE		
PERSONAL SERVICES:			
	NUMBER OF POSITION		2021-2022
POSITION TITLE	20-21 21-22	EXPENDITURES	EXPENDITURES
Benefits			
Operating		-	
Travel			
Capital Outlay			
Aid		\$442,500 -	\$442,500 -
		\$1,770,000	\$1,770,000
Capital Improvements			
TOTAL		\$442,500 -	\$442,500 -
		\$1,770,000	\$1,770,000

LB (1)	96	3, ,	AM2523					FISCAL NOTE		
State Agency OR Political Subdivision Name: (2)					Nebraska Workers' Compensation Court					
Prepared by: (3) Jill Gradwohl Schroeder		eder I	Date Prepared: (4)	February 25, 2020	Phone:	402.471.3602				
			FSTIMATE PI	ROVIDED	RY STATE AGEN	NCY OR POLITICAL	- SURDIV	ISION		
			DOT INTELL	FY 2020-		ter our robitions	FY 202			
GENI	E RAL 1	FUNI	<u>EXPENDITU</u> OS		REVENUE	EXPENDITU		REVENUE		
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Expla	nation	of Es	etimate:				_			
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			BREAK	DOWN BY	MAJOR OBJECT	TS OF EXPENDITUE	<u>RE</u>			
Perso	nal Ser PC		E ON TITLE	NUMBF 20-21	CR OF POSITION	S 2020-21 <u>EXPENDITU</u>	RES	2021-22 EXPENDITURES		
Renef	its				<u> </u>	_				
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Capita	al outla	ay								
-	-		ents							
T	OTAL.									

State Agency OR Po		N I - I I	- \^/	1.0	0 - 1	
8 2	olitical Subdivision Name: (2)	Nebrask	a workers	Compensation	Court	
Prepared by: ⁽³⁾	Jill Gradwohl Schroeder	Date P	repared: ⁽⁴⁾	March 10, 2020	Phone:	402.471.3602
-	ESTIMATE PROV	—— IDED BY ST	TATE AGEN	CY OR POLITICA	– LSUBDIVIS	SION
		2020-21			FY 2021	
	EXPENDITURES	<u>8</u> <u>R1</u>	<u>EVENUE</u>	EXPENDITU	<u>JRES</u>	<u>REVENUE</u>
GENERAL FUND	OS					
CASH FUNDS						
EDERAL FUND	S	- <u> </u>				_
THER FUNDS						
TOTAL FUNDS		<u> </u>				
Explanation of Es	timate:					
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		VN BY MAJO UMBER OF 20-21				2021-22 EXPENDITURE
POSITIO		UMBER OF	POSITIONS	5 2020-21		

TOTAL.....

LB (1)	(963	AM 2	2523					FISCAL NOTE
State A	\gen	cy OR	Political S	Subdivision Name: (2			ative Services	(DAS) – Ris	k Management
Prepai	red	by: (3)	Allen	D. Simpson	Date	e Prepared: (4)	2/21/2020	Phone: (5)	(402)471-4436
				ESTIMATE PROV	/IDED BY	STATE AGEN	NCY OR POLITIC	CAL SUBDIVIS	ION
				ES	2020-21			FY 2021	aa
				EXPENDITURE		REVENUE	EXPENDI		REVENUE
GENE	CRA	L FUN	NDS						
CASH	FU	NDS			_				
FEDE REVO FUND	LV		IDS						
ТОТА	L F	UND	S	See Below	_		See Be	elow	
Explar	nati	on of l	Estimate:						
The billness examitestime events series as dei	oym ill, a ination s of s of taila ovice	as amy as action by or a ra se evented in the ding a leeabl	ended, ctually cefore on affiday ries of es arose the bill.	s be established outlines how first caused by their set of the menta vit stating the first vents which cum out of and in the castablish prima fac-	responde employme injury or responde ulatively p course of e	al health prof rs may estab ent, which in illness; (2) th er suffers fror roduced the employment; a ce of a menta	essional as definition prima facie escludes (1) prove ability of a menal injury mental injury or in and (4) evidence all injury or mental	evidence that riding evidence that riding evidence ntal health properties or illness cause illness; (3) eviction participation	such mental injury or ce of mental health ofessional to provide used by one or more dence that events or n in resilience training d by the employment, additional claims and
Person	nal S	Servic		<u>BREAKDO</u>		AJOR OBJECT OF POSITION 21-22	S 2020- EXPENDI	-21	2021-22 EXPENDITURES
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-		•							
Capita	ıl oı	ıtlay							
Aid									
Capita	ıl in	iprove	ments						

LB ⁽¹⁾ 963 AM	2734 AM 2776	6			FISCAL NOTE		
State Agency OR Politica	l Subdivision Name: (2)	Dept. of Administrative Services (DAS) – Risk Management Division					
Prepared by: (3) Allei	n D. Simpson	Date Prepared: (4)	3/6/2020	Phone: (5)	(402)471-4436		
	ESTIMATE PROVI	DED BY STATE AGEN	ICY OR POLITICAL S	UBDIVISI	ION		
GENERAL FUNDS CASH FUNDS FEDERAL FUNDS REVOLVING FUNDS	EXPENDITURES	2020-21 REVENUE	EXPENDITUR	<u>FY 2021-</u> <u>ES</u> 	<u>REVENUE</u>		
TOTAL FUNDS	See Below		See Below				

Explanation of Estimate:

LB 963, as amended by AM 2523 and AM 2776 changes how a first responder or front line state employee can qualify for a mental injury or mental illness. The bill requires that the medical causation between the mental injury or illness and the employment conditions be established by a mental health professional as defined in the bill. AM 2776 provides that to qualify as a mental health professional, a mental health practitioner under the Mental Health Practice Act must be licensed as an independent mental health practitioner.

The bill as amended, outlines how first responders, only until January 1, 2027, may establish prima facie evidence that such mental injury or illness was actually caused by their employment, which includes (1) providing evidence of mental health examination before onset of the mental injury or illness; (2) providing testimony or an affidavit of a mental health professional stating the first responder suffers from a mental injury or illness caused by one or more events or a series of events which cumulatively produced the mental injury or illness; (3) evidence that events or series of events arose out of and in the course of employment; and (4) evidence of participation in resilience training as detailed in the bill.

By providing a way to establish prima facie evidence of a mental injury or mental illness caused by the employment, it is foreseeable that there may be additional claims and payments. However, the amount of additional claims and payments is difficulty to determine.

AM 2734 incorporates a proposal related to burial expenses upon the death of an employee due to work-related injury or illness by increasing the current maximum limit of \$10,000 to \$11,000. Beginning in 2023, the Nebraska Workers' Compensation Court shall annually adjust the dollar limitation in this subsection to be no less than 1% and no more than 2.75%, as determined, with such increase being effective on July 1st of each calendar year. If such amount is not a multiple of \$100 it is to be rounded to the nearest multiple of \$100.

There is a fiscal impact due to the proposed increase from \$10,000 to \$11,000 and the annual percentage increase starting on July 1, 2023.

The DAS Risk Management Workers Compensation program is a revolving fund program and is funded by an annual assessment that includes all agencies, boards and commissions, the University and State Colleges. Any increase in costs could increase the amount assessed and a request for additional revolving fund appropriation.

The bill creates a fiscal impact, however the exact fiscal impact is unknown at this time.

BREAKD	OWN BY MAJ	OR OBJECTS O	F EXPENDITURE	
Personal Services:				
POSITION TITLE	NUMBER OF POSITIONS 20-21 21-22		2020-21 EXPENDITURES	2021-22 EXPENDITURES
Benefits				
Operating				
Travel				
Capital outlay				
Aid				
Capital improvements				
TOTAL				

LB ⁽¹⁾ 963 AM2523					FISCAL NOTE
State Agency OR Political Subdivision Name:	City	of Lincoln			
Prepared by: (3) James Van Bruggen	Da	ite Prepared: (4)	2/27/20	Phone: (5	402-441-8301
ESTIMATE PRO	OVIDED B	Y STATE AGEN	NCY OR POLITI	CAL SUBDIVI	SION
	EV 2020 A			EV 404	1 00
<u>EXPENDITUR</u>	FY <u>2020-2</u> R <u>ES</u>	REVENUE	EXPEND	<u>FY 202</u> <u>ITURES</u>	<u>REVENUE</u>
GENERAL FUNDS					
CASH FUNDS					
FEDERAL FUNDS					
OTHER FUNDS			-		
TOTAL FUNDS			<u></u>		
	 -				
Explanation of Estimate:					
Minimal Impact.					
BREAKDO Personal Services:			S OF EXPEND	<u>TURE</u>	
POSITION TITLE	NUMBER 20-21	OF POSITIONS 21-22	S 2020 <u>EXPEND</u>		2021-22 EXPENDITURES
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		_	-		
Benefits					
Operating					
Travel					
Capital outlay					
Aid					
Capital improvements					
TOTAL					

LB ⁽¹⁾ 963				FISCAL NOTE
State Agency OR Political Subdivision Name:	City of Omal	na		
Prepared by: (3) Tyler Leimer	Date Prepar	red: (4) 1/28/2020	Phone: (5)	402-444-4514
ESTIMATE PRO	OVIDED BY STATE	AGENCY OR POLIT	ICAL SUBDIVIS	ON
	Y 2020-21		FY 2021-	
<u>EXPENDITUR</u>	ES REVEN	<u>IUE</u> <u>EXPENI</u>	<u>DITURES</u>	REVENUE
GENERAL FUNDS	<u> </u>			
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS	_			
TOTAL FUNDS	<u> </u>			
Explanation of Estimate: LB 963 would have				
<u>BREAKDO</u> Personal Services:	OWN BY MAJOR O	BJECTS OF EXPEND	<u>ITURE</u>	
	NUMBER OF POS		0-21	2021-22
POSITION TITLE	<u>20-21</u> <u>9</u>	<u>EXPENI</u>	<u>DITURES</u>	EXPENDITURES
n				
Benefits				
Operating				
Travel Capital outlay				
Aid				
Capital improvements				
TOTAL				