

*mary*

PREPARED BY: Doug Nichols  
DATE PREPARED: January 27, 2012  
PHONE: 402-471-0052

**LB 1151**

Revision: 00

# FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES *				
	FY 2012-13		FY 2013-14	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	Minimal Impact		Minimal Impact	

\*Does not include any impact on political subdivisions. See narrative for political subdivision estimates.

This bill would eliminate a sunset provision under the Nebraska Workers' Compensation Act relating to certain first responder injuries.

Based on information available to Legislative Fiscal Office (LFO) at this time, LFO estimates that LB1151 will have a minimal impact on workers compensation expenditures of the state and political subdivisions. Details regarding how LFO arrived at this conclusion follow.

LFO contacted the Workers' Compensation Court (WCC) for any claims data regarding Laws 2010, LB780 (LB780), which was the bill that provided the sunset provisions that LB1151 would eliminate. LB780 extended workers' compensation coverage to first responders who suffer mental injuries without a corresponding physical injury.

The WCC stated that it does not have sufficient data to identify claims under LB780. They do receive electronic injury reports from claims payors in accordance with national reporting standards, but none of the injury codes included in that data are sufficiently detailed to identify an injury to a first responder under LB780.

The WCC stated that the only entities that may have such data are those who pay the claims, whether they be private insurers, governmental risk management pools, or employers authorized to self-insure (including the State of Nebraska). However, the capability of such entities to report the data is dependent on whether they collect it in the first place, and the WCC has no idea whether they are actually maintaining their data in such a way as to allow LB780 claims to be identified.

The WCC further stated that they have checked with their staff and with the Nebraska State Volunteer Firefighters Association. No one is anecdotally aware of any LB780 claims. The WCC legal staff has also reviewed their database of decisions and orders from the judges of the Workers' Compensation Court, and has not found any litigated cases involving mental-mental first responder claims.

For LB1151, the Workers' Compensation Court estimates no fiscal impact.

For LB1151, the Department of Administrative Services states that they have not had notice of cases potentially qualifying under this law prior to July 15, 2010 and it would be speculative to suggest a case or number of cases will arise after June 30, 2014. Therefore, they are unable to provide a fiscal impact to the state's workers' compensation program.

**IMPACT ON POLITICAL SUBDIVISIONS:** The City of Lincoln states that they recall no one filing for mental health benefits under the provisions of LB780. Lincoln further states the following: "However, the potential for an exposure to make someone totally disabled, to put them out of work due to stress, I feel is rather high. I believe it has potential from \$75,000-\$250,000/year."

Based on the information contained in this fiscal note, the City of Lincoln's belief of the potential fiscal impact of this bill appears high.

DEPARTMENT OF ADMINISTRATIVE SERVICES

REVIEWED BY	Joe Wilcox	DATE	1/23/12	PHONE	471-2526
<b>COMMENTS</b>  CITY OF LINCOLN: No basis to dispute City of Lincoln analysis. NEBRASKA WORKERS' COMPENSATION COURT: LB 1151 removes the window of effect in §48-1-111 which is July 15, 2010-June 30, 2014, thus allowing claims from before and after this period. No basis to dispute WC Court analysis for Agency 37.					

RECEIVED

2012

JAN 23 2012

LEGISLATIVE FISCAL

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

**LB(1) 1151 FISCAL NOTE**

State Agency OR Political Subdivision Name: (2) Nebraska Workers' Compensation Court

Prepared by: (3) Glenn Morton Date Prepared: (4) 01/20//2012 Phone: (5) 402-471-3602

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

	FY 2012-2013		FY 2013-2014	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

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

**No Fiscal Impact**

**MAJOR OBJECTS OF EXPENDITURE**

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2012-2013	2013-2014
	12-13	13-14	EXPENDITURES	EXPENDITURES
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

RECEIVED

JAN 23 2012

2012

LEGISLATIVE FISCAL

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

LB(1) 1151 FISCAL NOTE

State Agency OR Political Subdivision Name: (2) City of Lincoln

Prepared by: (3) Sherry Wolf Drbal Date Prepared: (4) 1/20/12 Phone: (5) 402-441-8305

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2012-2013		FY 2013-2014	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

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

Explanation of Estimate:

It's been in place 1 year, and I can recall no one filing for mental health benefits. However, the potential for an exposure to make someone totally disabled, to put them out of work due to stress, I feel is rather high. I believe it has potential from \$75,000 - \$250,000/year.

MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2012-2013 EXPENDITURES	2013-2014 EXPENDITURES
	12-13	13-14		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

# 2012 Legislative Bill Proposal Fiscal Note

**Bill #: 1151**  
**State Agency: Administrative Services**  
**Prepared by: Shannon Anderson**  
**Approved by:**

Date Prepared: 01/23/12

Phone: 402-471-4436

RECEIVED  
 JAN 27 2012  
 LEGISLATIVE FISCAL

## Estimate of Fiscal Impact – State Agencies

	FY 2012-13		FY 2013-14	
	Expenditures	Revenue	Expenditures	Revenue
General Funds				
Cash Funds				
Federal Funds				
Other Funds				
<b>Total Funds</b>	-0-	-0-	-0-	-0-

**Explanation of Estimate:**

LB 1151 would remove the sunset provision and a specific timeframe for acting on such claims as originally contained in LB 780. LB 780 defined personal injuries under the Nebraska Workers Compensation Act to mean mental injuries and mental illness unaccompanied by physical injury for an employee who is a first responder under certain circumstances which occurred on or after July 15, 2010, and before June 30, 2014. Department of Administrative Services has not had notice of cases potentially qualifying under this law prior to July 15, 2010 and it would be speculative to suggest a case or number of cases will arise after June 30, 2014. Therefore, we are unable to provide a fiscal impact to our workers' compensation program.

## Major Objects of Expenditure

**Personal Services:**

Position Title:	Number of Positions			2012-13	2013-14
	12-13	13-14		Expenditures	Expenditures
Benefits					
Operating					
Travel					
Capital Outlay					
Aid					
Capital Improvements					
<b>TOTAL</b>		0		-0-	-0-