

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2017-18		FY 2018-19	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	71,000		71,133	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	71,000		71,133	

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

This bill would adopt the In the Line of Duty Compensation Act. The bill further states that the “Compensation administrator means the person responsible for accepting claims and **paying compensation** pursuant to the act. For firefighters, the compensation administrator shall be the State Fire Marshal. For law enforcement officers, the compensation administrator shall be the Superintendent of Law Enforcement and Public Safety”. The Legislative Fiscal Office (LFO) fiscal analyst interprets this provision as meaning that payments under this act will come out of the budgets of the State Fire Marshal and the State Patrol.

The Lancaster County Sheriff’s Office and Douglas County estimate no fiscal impact. The Lancaster County Department of Corrections notes that the bill does not identify a funding source so they cannot estimate a fiscal impact.

The State Patrol estimates that there will be one line of duty death per year which would result in a payment of \$50,000 in FY18. The agency estimates that the cost of reviewing the claim, and making determinations as to its completeness and validity, will be \$20,000. This is the estimated cost to contractually hire a hearing officer, a court reporter, as well as other miscellaneous legal fees incurred in connection with such review. Total costs estimated in FY18 are \$70,000 and in FY19, total costs are estimated at \$70,883.

Although any in the line of duty claims would appear to be uncertain due to the nature of such claims, there is no basis to disagree with the State Patrol’s estimate.

The State Fire Marshal estimates costs of \$1,000 in FY18 and \$250 in FY19 for printing, paper, envelopes, and postage for mailings. See the agency response attached for additional details not included in this fiscal note. The agency notes that there is no reference to a funding source for approved claims in their response. As noted above, LFO interprets this bill as requiring claims to be paid through the budgets of the State Fire Marshal and the State Patrol.

ADMINISTRATIVE SERVICES-STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES		
LB: 212	AM:	AGENCY/POLT. SUB: State Fire Marshal (21)
REVIEWED BY: Joe Wilcox	DATE: January 19 th , 2017	PHONE: (402) 471-4178
COMMENTS: Section 2 of LB 212 designates the State Fire Marshal as the Compensation Administrator for Firefighters. No disagreement with the State Fire Marshal estimate of potential administrative costs for the Agency to administer Firefighter claims, however, the agency fiscal note did not attempt to estimate the related cost of paying any claims, which are set in the bill at \$50,000 per claim in calendar 2018 and \$50,000 times a Consumer Price Index inflation factor in calendar 2019.		

ADMINISTRATIVE SERVICES-STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES		
LB: 212	AM:	AGENCY/POLT. SUB: Lancaster County Department of Corrections
REVIEWED BY: Joe Wilcox	DATE: January 19 th , 2017	PHONE: (402) 471-4178
COMMENTS: The Lancaster County Department of Corrections fiscal note on LB 212 indicates Indeterminate Fiscal Impact to the Department from LB 212. Section 2 of LB 212 designates the Superintendent of Law Enforcement and Public Safety (who is the Director of the Nebraska State Patrol) as the Compensation Administrator for Law Enforcement Officers.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES		
LB: 212	AM:	AGENCY/POLT. SUB: Nebraska State Patrol (64)
REVIEWED BY: Joe Wilcox	DATE: 1/19/2017	PHONE: (402) 471-4178
COMMENTS: Section 2 of LB 212 designates the Superintendent of Law Enforcement as the Compensation Administrator for Law Enforcement Officers. No basis to dispute the Nebraska State Patrol estimate of potential fiscal impact to the Agency from LB 212.		

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

2017

LB⁽¹⁾ 212

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Nebraska State Patrol

Prepared by: ⁽³⁾ Carol Aversman Date Prepared: ⁽⁴⁾ 1-18-2017 Phone: ⁽⁵⁾ 402-471-4545

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2017-18</u>		<u>FY 2018-19</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>\$70,000</u>		<u>\$70,883</u>	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	<u>\$70,000</u>	<u>\$0</u>	<u>\$70,883</u>	<u>\$0</u>

Explanation of Estimate:

LB 212 requires that the Superintendent of Law Enforcement and Public Safety shall serve as the Compensation Administrator for payments made under the bill related to line of duty deaths of law enforcement officers. Based on a three-year average, the State Patrol estimates that there will be one line of duty death per year which would result in a payment of \$50,000. Additionally, the Agency estimates that the cost of reviewing the claim, and making determinations as to its completeness and validity, will equal \$20,000. This cost is an estimate of the cost to contractually hire a hearing officer, a court reporter, as well as other miscellaneous legal fees incurred in connection with such review.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2017-18</u>	<u>2018-19</u>
	<u>15-16</u>	<u>16-17</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....				
Operating.....			<u>\$70,000</u>	<u>\$70,883</u>
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....			<u>\$70,000</u>	<u>\$70,883</u>

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

2017

LB⁽¹⁾ 212

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ State Fire Marshal

Prepared by: ⁽³⁾ Deb Hostetler Date Prepared: ⁽⁴⁾ 1/18/17 Phone: ⁽⁵⁾ (402) 471-9479

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2017-18</u>		<u>FY 2018-19</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>\$1,000*</u>	<u> </u>	<u>\$250*</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>\$1,000*</u>	<u> </u>	<u>\$250*</u>	<u> </u>

Explanation of Estimate:

During the first year of administering this program, the Agency would send out a mass mailing to the 478 paid and volunteer fire departments (342 of these departments are both fire and rescue) and to the emergency medical services ambulance squads across the State. Costs associated with this mailing would include printing, paper, envelopes and postage. Social media sites would also be utilized to promote this program to the fire and rescue service community and to provide details on how claims can be filed. Certified, registered mailings would be used to correspond with potential claimants.

Current agency staff would develop the rules and regulations to carry out the act, develop forms, accept claims and remit the compensation to the claimant. No additional PSL will be requested.

*The Agency anticipates there could be additional costs which are not calculable at this time due to the language of the bill proposal. For example the bill proposal does not address issues such as how medical record information would be obtained. It is anticipated there could be situations where this information would have to be obtained through legal proceedings which could be costly and would greatly exceed the listed timeframes included in the LB. Further, there could be cases where after the medical records are obtained the Agency would need to obtain the services of an outside medical consultant to review of the claim, the cost of which is unknown. Any delays which result in the Agency exceeding the listed timeframes would open the case to review under the APA which would require the Agency to contract for an outside hearing officer. The cost of this contract would vary depending on the level of expertise needed and the time needed for the appeal. There could be additional fees associated with various legal filings.

LB212 does not make reference to the funding source for the payment of the approved claims. As such, anticipated expenditures are based solely on the cost of administering the program and do not include the cost of any payments made for approved claims.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2017-18</u>	<u>2018-19</u>
	<u>17-18</u>	<u>18-19</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.

2017

LB⁽¹⁾ 212

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ DOUGLAS COUNTY, NEBRASKA

Prepared by: ⁽³⁾ C/O MARCOS SAN MARTIN, DOUGLAS CO. ADMINISTRATION Date Prepared: ⁽⁴⁾ 1/18/17 Phone: ⁽⁵⁾ 402-444-5116

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2017-18</u>		<u>FY 2018-19</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:

NEGLIGIBLE OR NO FISCAL IMPACT TO COUNTY.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2017-18 EXPENDITURES</u>	<u>2018-19 EXPENDITURES</u>
	<u>17-18</u>	<u>18-19</u>		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

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

2017

LB⁽¹⁾ 212

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Lancaster County Department of Corrections

Prepared by: ⁽³⁾ LT Will McGlothlin Date Prepared: ⁽⁴⁾ 1/12/17 Phone: ⁽⁵⁾ 4024411919

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2017-18</u>		<u>FY 2018-19</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:

Due to the proposed legislation not identifying the source of the funding for this proposal, we cannot predict the fiscal impact.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2017-18</u>	<u>2018-19</u>
	<u>17-18</u>	<u>18-19</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.

2017

LB⁽¹⁾ 212

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Lancaster County Sheriff's Office

Prepared by: ⁽³⁾ Sheriff Terry Wagner Date Prepared: ⁽⁴⁾ 12 January 2017 Phone: ⁽⁵⁾ 402 441 6500

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2017-18</u>		<u>FY 2018-19</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 for the Lancaster County Sheriff's Office

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2017-18</u>	<u>2018-19</u>
	<u>17-18</u>	<u>18-19</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____