

**FISCAL NOTE**  
 LEGISLATIVE FISCAL ANALYST ESTIMATE

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES</b> (See narrative for political subdivision estimates)				
	<b>FY 2024-25</b>		<b>FY 2025-26</b>	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	See below		See below	

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

LB 1192 proposes to modify what is allowed as a claim under the tort claims acts to include claims under the Health Pregnancies for Incarcerated Women Act; claims arising from the death or serious bodily injury of a child in the custody, care, or control of any political subdivision; or arising from the death or serious bodily injury of a prisoner or detainee in a detention facility. These claims are currently excluded. As a result, there is a potential for an increase in the number of tort claims filed each year and an increase in the amount of staff time needed to process such claims.

It is foreseeable that there may be additional claims and payments; however, the amounts of those additional claims and payments are not determinable. These claims would be paid by available agency funds or General Funds.

The bill will create a fiscal impact to the state, but that impact is unknown.

Some local governments were also asked to provide fiscal input. Those who responded claim that some fiscal impact is anticipated with respect to local budgets and expenditures, but the extent of the impact is either unknown at this point, or is at best estimated. Lancaster County Department of Corrections estimates a potential local impact of \$80,000/year, which they explain would need to be recouped from local tax revenue.

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</b>			
<b>LB: 1192</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Department of Administrative Services (065)</b>	
REVIEWED BY: Joe Wilcox	DATE: 01/25/2024	PHONE: (402) 471-4178	
COMMENTS: No disagreement with the Department of Administrative Services (DAS) – Risk Management Division estimate of Potential, but Indeterminate Fiscal Impact to the Agency from LB 1192.			

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</b>			
<b>LB: 1192</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Lancaster County Department of Corrections</b>	
REVIEWED BY: Joe Wilcox	DATE: 01/19/2024	PHONE: (402) 471-4178	
COMMENTS: No reason to disagree with the Lancaster County Department of Corrections estimate of potential Fiscal Impact to the Department from LB 1192.			

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</b>			
<b>LB: 1192</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>City of Omaha</b>	
REVIEWED BY: Joe Wilcox	DATE: 01/30/2024	PHONE: (402) 471-4178	
COMMENTS: No reason to disagree with the City of Omaha estimate of potential, but undetermined Fiscal Impact to the City from LB 1192.			

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

**2024**

**LB<sup>(1)</sup> 1192**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Department of Administrative Services, Risk Management

Prepared by: <sup>(3)</sup> Adam Kauffman Date Prepared: <sup>(4)</sup> 1/18/2024 Phone: <sup>(5)</sup> 402-471-4114

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

	<u>FY 2024-25</u>		<u>FY 2025-26</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
<b>TOTAL FUNDS</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>

**Explanation of Estimate:**

LB 1192 proposes to modify what is allowed as a claim under the tort claims acts to include claims under the Healthy Pregnancies for Incarcerated Women Act, claims arising from the death or serious bodily injury of a child in the custody, care, or control of any political subdivision or arising from the death or serious bodily injury of a prisoner or detainee in a detention facility. These claims are currently excluded. As a result, there is a potential for an increase in the number of tort claims filed each year and an increase in the amount of staff time needed to process such claims.

It is foreseeable that there may be additional claims and payments; however, the amounts of those additional claims and payments are not determinable. These claims would be paid by available agency funds or General Funds.

The bill will create a fiscal impact, but that impact is unknown.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2024-25</u>	<u>2025-26</u>
	<u>24-25</u>	<u>25-26</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
<b>TOTAL.....</b>	<b>_____</b>	<b>_____</b>	<b>_____</b>	<b>_____</b>

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

**2024**

**LB<sup>(1)</sup> 1192**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Lancaster County Department of Corrections

Prepared by: <sup>(3)</sup> Lt. Joe Anderson Date Prepared: <sup>(4)</sup> 1/18/24 Phone: <sup>(5)</sup> (402) 441-1919

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

	<u>FY 2024-25</u>		<u>FY 2025-26</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>\$80,000</u>	<u>0</u>	<u>\$80,000</u>	<u>0</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>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

**Explanation of Estimate:**

Lancaster County has a \$250,000 self-insured retention (SIR) on its insurance policy that would cover the liability provided for in LB1192. Given the novelty of the new claims, and based on risk estimate conducted in a short time frame, it is estimated that an additional \$50,000 per year would be placed into SIR, and that insurance premium costs could increase by \$30,000 annually, for a total estimated cost of approximately \$80,000.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2024-25</u>	<u>2025-26</u>
	<u>24-25</u>	<u>25-26</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
Operating.....	<u>                    </u>	<u>                    </u>	<u>\$80,000</u>	<u>\$80,000</u>
Travel.....	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
Capital outlay.....	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
Aid.....	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
Capital improvements.....	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
TOTAL.....	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

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

**2024**

**LB<sup>(1)</sup> 1192**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> City of Omaha

Prepared by: <sup>(3)</sup> Jeff Roh Date Prepared: <sup>(4)</sup> 1-29-24 Phone: <sup>(5)</sup> 402-444-5451

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

	<u>FY 2024-25</u>		<u>FY 2025-26</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:

The city would be liable in a situation where the city is currently immune from liability. There could be a liability if such a situation were to occur, however there is some uncertainty in regards to what the fiscal impact would be.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2024-25</u>	<u>2025-26</u>
	<u>24-25</u>	<u>25-26</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____