

ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT
LB373

Hearing Date: Thursday February 26, 2009
Committee On: Judiciary
Introducer: Lautenbaugh
One Liner: Change death and disability-related provisions pertaining to emergency response personnel

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Ashford, Christensen, Coash, Council, Lathrop, Lautenbaugh, McGill, Rogert
Nay:
Absent:
Present Not Voting:

Proponents:

Sen. Scott Lautenbaugh
David Engler

Representing:

Introducer
NE Professional Firefighters; Lincoln Firefighters Assoc.

Opponents:

Jack Cheloha
Gary Krumland

Representing:

City of Omaha
League of NE Municipalities

Neutral:

Representing:

Summary of purpose and/or changes:

LB 373 would provide a rebuttable presumption for police officers and firefighters that if death or disability as a result of hypertension, heart or respiratory defect, or disease occurs within three months of separation from employment, that there be a presumption that such death or disability occurred "while in the line of duty". The three month time period to calculate the presumption shall be multiplied by each year of the individual's service as a police officer or firefighter, not to exceed sixty months after separation, so an officer who served for three years, would have a time frame of nine months from separation for purposes of utilizing the presumption under this section.

LB 373 would also provide that a firefighter or firefighter paramedic who suffers death or disability as a result of a blood-borne infectious disease and that the individuals had passed a physical examination upon entry into service as a firefighter or firefighter paramedic and the examination failed to reveal any evidence of the existence of a blood-borne disease or the firefighter or firefighter paramedic has engaged in the service of the fire department within ten years before the onset of the disease, shall be prima facie evidence that such death or disability resulted from injuries, accident, or other cause while "in the line of duty" for purposes of pension plan and disability benefits. An individual under this section can receive benefit of the presumption if the death or disability occurs within three months of separation from their employment. The three month time period used to calculate the presumption shall be multiplied by each year of the individual's service as a police officer or firefighter, not to exceed sixty months.

Explanation of amendments:

AM 1022 would make the following changes to LB 373:

- On page 2, line 19-20 and page 5, line 5-7, strike "multiplied by each year of his or her service, not to exceed sixty months after the date of separation."

This change would provide that for disability and death benefit purposes the death or disability must occur within three months after separation from employment.

AM 1022 also amends LB 373 by adding to section 2, on page 3, line 27 that the types of cancer included under this act, is "as described in this section", so that it is clear that the types of cancer that apply are those that are currently contained in this statute and are not being expanded to include new forms of cancer.

Brad Ashford, Chairperson