

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 212**

Introduced by Hansen, 26.

Read first time January 10, 2017

Committee: Business and Labor

- 1 A BILL FOR AN ACT relating to public safety officials; to adopt the In
- 2 the Line of Duty Compensation Act; and to provide an operative date.
- 3 Be it enacted by the people of the State of Nebraska,

1           Section 1. Sections 1 to 5 of this act shall be known and may be  
2 cited as the In the Line of Duty Compensation Act.

3           Sec. 2. For purposes of the In the Line of Duty Compensation Act:

4           (1) Compensation administrator means the person responsible for  
5 accepting claims and paying compensation pursuant to the act. For  
6 firefighters, the compensation administrator shall be the State Fire  
7 Marshal. For law enforcement officers, the compensation administrator  
8 shall be the Superintendent of Law Enforcement and Public Safety;

9           (2) Firefighter means a member of a paid or volunteer fire  
10 department in Nebraska, including a member of a rescue squad associated  
11 with a paid or volunteer fire department in Nebraska, and a member of an  
12 emergency medical services ambulance squad;

13           (3)(a) Killed in the line of duty means losing one's life as a  
14 result of an injury received on or after the operative date of this act  
15 in the active performance of duties as a law enforcement officer or  
16 firefighter if the death occurs within one year from the date the injury  
17 was received and if that injury arose from violence or other accidental  
18 cause.

19           (b) Killed in the line of duty excludes death resulting from the  
20 willful misconduct or intoxication of the law enforcement officer or  
21 firefighter; and

22           (4) Law enforcement officer means (a) any person who is responsible  
23 for the prevention or detection of crime or the enforcement of the penal,  
24 traffic, or highway laws of the State of Nebraska or any political  
25 subdivision of the state for more than one hundred hours per year and who  
26 is authorized by law to make arrests, (b) any state correctional  
27 employee, or (c) any county correctional employee.

28           Sec. 3. (1) If a law enforcement officer or firefighter is killed  
29 in the line of duty, compensation shall be paid as provided in the In the  
30 Line of Duty Compensation Act to recognize the ultimate sacrifice made by  
31 such law enforcement officer or firefighter.

1       (2) The amount of compensation to be paid under the act shall be as  
2 follows:

3       (a) For deaths occurring during calendar year 2018, the amount of  
4 such compensation shall be fifty thousand dollars; and

5       (b) For deaths occurring in calendar year 2019 and each calendar  
6 year thereafter, the amount of such compensation shall be equal to the  
7 compensation amount from the previous calendar year increased by the  
8 percentage increase, if any, in the Consumer Price Index for All Urban  
9 Consumers, as published by the United States Department of Labor, Bureau  
10 of Labor Statistics, for the twelve months ending on June 30 of such  
11 previous calendar year.

12       (3) The person entitled to receive such compensation shall be  
13 determined as follows:

14       (a) If the law enforcement officer or firefighter designated a  
15 person to receive the compensation, the compensation shall be paid to the  
16 designated person;

17       (b) If no person is designated by the law enforcement officer or  
18 firefighter or if the designated person is not alive at the death of the  
19 law enforcement officer or firefighter, the compensation shall be paid in  
20 accordance with a legally binding will left by the law enforcement  
21 officer or firefighter; or

22       (c) If no person is designated by the law enforcement officer or  
23 firefighter or the designated person is not alive at the death of the law  
24 enforcement officer or firefighter and the law enforcement officer or  
25 firefighter did not leave a legally binding will, the compensation shall  
26 be paid as follows:

27       (i) If there is a surviving spouse, the entire sum shall be paid to  
28 the surviving spouse;

29       (ii) If there is no surviving spouse but there is a surviving  
30 descendant of the decedent, the entire sum shall be paid to the  
31 decedent's descendants per stirpes;

1        (iii) If there is neither a surviving spouse nor a surviving  
2 descendant of the decedent, the entire sum shall be paid to the surviving  
3 parents of the decedent in equal parts or, if there is only one surviving  
4 parent, the entire sum shall be paid to such surviving parent; or

5        (iv) If there is no surviving spouse, surviving descendant of the  
6 decedent, or surviving parent of the decedent, but there is a surviving  
7 brother or sister of the decedent, or a descendant of a brother or  
8 sister, who was receiving his or her principal support from the decedent  
9 at the decedent's death, the entire sum shall be paid to the dependent  
10 brother or sister or dependent descendant of a brother or sister. If  
11 multiple persons would qualify under this subdivision, the entire sum  
12 shall be paid in equal parts to those that qualify.

13        (4) If there is no person to whom compensation is payable under  
14 subsection (3) of this section, no compensation shall be paid under the  
15 In the Line of Duty Compensation Act.

16        (5) No part of the compensation may be paid to any person not listed  
17 in subsection (3) of this section.

18        Sec. 4. (1) To receive compensation under the In the Line of Duty  
19 Compensation Act, a claim for the compensation must be made by filing an  
20 application with the compensation administrator within one year after the  
21 date of death of the law enforcement officer or firefighter who was  
22 killed in the line of duty. Such application shall be on a form  
23 prescribed by the compensation administrator and shall include:

24        (a) The name, address, and title or position of the law enforcement  
25 officer or firefighter who was killed in the line of duty;

26        (b) The name and address of the person or persons designated by the  
27 law enforcement officer or firefighter to receive the compensation and,  
28 if more than one, the percentage or share to be paid to each such person.  
29 If there has been no such designation, the application shall include the  
30 name and address of the persons to whom compensation is payable under  
31 subsection (3) of section 3 of this act;

1       (c) A full, factual account of the circumstances resulting in or the  
2 course of events causing the death of the law enforcement officer or  
3 firefighter; and

4       (d) Such other information as the compensation administrator  
5 reasonably requires.

6       (2) The compensation administrator shall send written notice to all  
7 claimants within two weeks after the initiation of a claim indicating  
8 whether or not the application is complete. For purposes of this  
9 subsection, an application is complete if a claimant has submitted to the  
10 compensation administrator all documents and information required under  
11 subsection (1) of this section. If a claimant's application is  
12 incomplete, the compensation administrator shall include in the written  
13 notice a list of the documents or information which the claimant must  
14 submit in order for the application to be complete. If a claimant's  
15 application is complete, the compensation administrator shall make an  
16 investigation of the matters set forth in the application. Upon  
17 completion of such investigation, and no later than forty-five days after  
18 receipt of a complete application, the compensation administrator shall  
19 send written notice to the claimant stating whether the claim has been  
20 approved or denied. If a claim is denied, the notice shall include the  
21 reason or reasons for the denial. Such denial may be appealed, and the  
22 appeal shall be in accordance with the Administrative Procedure Act. If a  
23 claim is approved, the compensation administrator shall pay compensation  
24 to the claimants entitled to such compensation in accordance with the In  
25 the Line of Duty Compensation Act.

26       Sec. 5. The State Fire Marshal and Superintendent of Law  
27 Enforcement and Public Safety may adopt and promulgate rules and  
28 regulations to carry out the In the Line of Duty Compensation Act.

29       Sec. 6. This act becomes operative on January 1, 2018.