

AMENDMENTS TO LB400

(Amendments to Standing Committee amendments, AM702)

Introduced by Hallstrom, 1.

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

3 **Section 1.** Section 35-1005, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 35-1005 (1) ~~Any Beginning on and after January 1, 2022, any~~ rural or
6 suburban fire protection district, airport authority, city, village, or
7 nonprofit corporation shall ~~may~~ provide and maintain enhanced cancer
8 benefits. Such ~~If~~ ~~such~~ benefits ~~are provided,~~ ~~they~~ shall include, at a
9 minimum, the following:

10 (a) A lump-sum benefit of twenty-five thousand dollars for each
11 diagnosis payable to a firefighter upon acceptable proof to the insurance
12 carrier or other payor of a diagnosis by a board-certified physician in
13 the medical specialty appropriate for the type of cancer diagnosed that
14 there are one or more malignant tumors characterized by the
15 uncontrollable and abnormal growth and spread of malignant cells with
16 invasion of normal tissue, and that either:

17 (i) There is metastasis and:

18 (A) Surgery, radiotherapy, or chemotherapy is medically necessary;
19 or

20 (B) There is a tumor of the prostate, provided that it is treated
21 with radical prostatectomy or external beam therapy; or

22 (ii) Such firefighter has terminal cancer, his or her life
23 expectancy is twenty-four months or less from the date of diagnosis, and
24 he or she will not benefit from, or has exhausted, curative therapy;

25 (b) A lump-sum benefit of six thousand two hundred fifty dollars for
26 each diagnosis payable to a firefighter upon acceptable proof to the

1 insurance carrier or other payor of a diagnosis by a board-certified
2 physician in the medical specialty appropriate for the type of cancer
3 involved that either:

4 (i) There is carcinoma in situ such that surgery, radiotherapy, or
5 chemotherapy has been determined to be medically necessary;

6 (ii) There are malignant tumors which are treated by endoscopic
7 procedures alone; or

8 (iii) There are malignant melanomas; and

9 (c)(i) A monthly benefit of one thousand five hundred dollars
10 payable to a firefighter, of which the first payment shall be made six
11 months after total disability and submission of acceptable proof of such
12 disability to the insurance carrier or other payor that such disability
13 is caused by cancer and that such cancer precludes the firefighter from
14 serving as a firefighter. Such benefit shall continue for up to thirty-
15 six consecutive monthly payments.

16 (ii) Such monthly benefit shall be subordinate to any other benefit
17 actually paid to the firefighter solely for such disability from any
18 other source, not including private insurance purchased solely by the
19 firefighter, and shall be limited to the difference between the amount of
20 such other pay benefit and the amount specified in this section.

21 (iii) Any firefighter receiving such monthly benefit may be required
22 to have his or her condition reevaluated. In the event any such
23 reevaluation reveals that such person has regained the ability to perform
24 duties as a firefighter, then his or her monthly benefits shall cease the
25 last day of the month of the reevaluation.

26 (iv) In the event that there is a subsequent reoccurrence of a
27 disability caused by cancer which precludes the firefighter from serving
28 as a firefighter, he or she shall be entitled to receive any remaining
29 monthly benefits.

30 (2) A firefighter shall also be entitled to an additional payment of
31 enhanced cancer death benefits in the amount of fifty thousand dollars

1 payable to his or her beneficiary or, if no beneficiary is named, to such
2 firefighter's estate upon acceptable proof by a board-certified physician
3 that such firefighter's death resulted from complications associated with
4 cancer.

5 (3) A firefighter shall be ineligible for benefits under the
6 Firefighter Cancer Benefits Act if he or she is already provided paid
7 firefighter cancer benefits pursuant to section 35-1001.

8 **Sec. 2.** Section 35-1008, Revised Statutes Cumulative Supplement,
9 2024, is amended to read:

10 35-1008 A rural or suburban fire protection district, airport
11 authority, city, village, or nonprofit corporation, ~~if it provides~~
12 ~~benefits pursuant to subsections (1) and (2) of section 35-1005,~~ shall
13 maintain proof of insurance coverage that meets the requirements of the
14 Firefighter Cancer Benefits Act or shall maintain satisfactory proof of
15 the ability to pay such compensation to ensure adequate coverage for all
16 firefighters. Sufficient documentation of satisfactory proof of the
17 ability to pay such compensation to ensure adequate coverage for all
18 firefighters shall be required and shall comply with rules and
19 regulations adopted and promulgated by the State Fire Marshal. Such
20 coverage shall remain in effect until thirty-six months after the rural
21 or suburban fire protection district, airport authority, city, village,
22 or nonprofit corporation no longer has any firefighters who could qualify
23 for benefits under the act.

24 **Sec. 3.** Section 35-1009, Revised Statutes Cumulative Supplement,
25 2024, is amended to read:

26 35-1009 (1) Any rural or suburban fire protection district, airport
27 authority, city, village, or nonprofit corporation that has had a
28 firefighter file a claim for or receive cancer benefits under the
29 Firefighter Cancer Benefits Act shall report such claims filed, claims
30 paid, and types of claims to the State Fire Marshal. On or before
31 December 1, 2023, and on or before December 1 of each year thereafter,

1 the State Fire Marshal shall submit electronically an annual report to
2 the Legislature and Governor stating the number of firefighters who have
3 filed claims pursuant to the act and the number of firefighters who have
4 received benefits under the act.

5 (2) ~~The If the firefighters in a fire department are being provided~~
6 ~~cancer benefits under the Firefighter Cancer Benefits Act, the fire chief~~
7 ~~of a such fire department providing cancer benefits to a firefighter~~
8 ~~under the Firefighter Cancer Benefits Act, or his or her designee, shall~~
9 submit an annual report to the governing body of the rural or suburban
10 fire protection district, airport authority, city, or village served by
11 such fire department listing the total number of fire suppression
12 incidents occurring during the most recently completed calendar year.
13 Such report shall be submitted on or before February 15, 2023, and on or
14 before February 15 of each year thereafter.

15 **Sec. 4.** Original sections 35-1005, 35-1008, and 35-1009, Revised
16 Statutes Cumulative Supplement, 2024, are repealed.