

AMENDMENTS TO LB 206

Introduced by Lautenbaugh, 18.

1 1. Insert the following new sections:

2 Sec. 7. Section 18-1723, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 18-1723 Whenever any firefighter who has served a total
5 of five years as a member of a paid fire department of any city
6 in this state or any police officer of any city or village,
7 including any city having a home rule charter, shall suffer death
8 or disability as a result of hypertension or heart or respiratory
9 defect or disease, there shall be a rebuttable presumption that
10 such death or disability resulted from accident or other cause
11 while in the line of duty for all purposes of Chapter 15, article
12 10, sections 16-1001 to 16-1042, and any firefighter's or police
13 officer's pension plan established pursuant to any home rule
14 charter, the Legislature specifically finding the subject of this
15 section to be a matter of general statewide concern. The rebuttable
16 presumption shall apply to death or disability as a result of
17 hypertension or heart or respiratory defect or disease after the
18 firefighter or police officer separates from his or her applicable
19 employment if the death or disability occurs within three months
20 after such separation. Such rebuttable presumption shall apply
21 in any action or proceeding arising out of death or disability
22 incurred prior to December 25, 1969, and which has not been
23 processed to final administrative or judicial conclusion prior to

1 such date.

2 Sec. 8. Section 35-1001, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 35-1001 (1) For a firefighter or firefighter-paramedic
5 who is a member of a paid fire department of a municipality or a
6 rural or suburban fire protection district in this state, including
7 a municipality having a home rule charter or a municipal authority
8 created pursuant to a home rule charter that has its own paid
9 fire department, and who suffers death or disability as a result
10 of cancer, including, but not limited to, cancer affecting the
11 skin or the central nervous, lymphatic, digestive, hematological,
12 urinary, skeletal, oral, or prostate systems, evidence which
13 demonstrates that ~~(1)~~ (a) such firefighter or firefighter-paramedic
14 successfully passed a physical examination upon entry into such
15 service or subsequent to such entry, which examination failed
16 to reveal any evidence of cancer, ~~(2)~~ (b) such firefighter
17 or firefighter-paramedic was exposed to a known carcinogen, as
18 defined on July 19, 1996, by the International Agency for Research
19 on Cancer, while in the service of the fire department, and
20 ~~(3)~~ (c) such carcinogen is reported by the agency to be a
21 suspected or known cause of the type of cancer the firefighter
22 or firefighter-paramedic has, shall be prima facie evidence that
23 such death or disability resulted from injuries, accident, or other
24 cause while in the line of duty for the purposes of sections
25 16-1020 to 16-1042, a firefighter's pension plan established
26 pursuant to a home rule charter, and a firefighter's pension or
27 disability plan established by a rural or suburban fire protection

1 district.

2 (2) For a firefighter or firefighter-paramedic who
3 is a member of a paid fire department of a municipality or
4 a rural or suburban fire protection district in this state,
5 including a municipality having a home rule charter or a
6 municipal authority created pursuant to a home rule charter
7 that has its own paid fire department, and who suffers death
8 or disability as a result of a blood-borne infectious disease,
9 tuberculosis, meningococcal meningitis, or methicillin-resistant
10 Staphylococcus aureus, evidence which demonstrates that (a)
11 such firefighter or firefighter-paramedic successfully passed a
12 physical examination upon entry into such service or subsequent
13 to such entry, which examination failed to reveal any evidence of
14 such blood-borne infectious disease, tuberculosis, meningococcal
15 meningitis, or methicillin-resistant Staphylococcus aureus, and
16 (b) such firefighter or firefighter-paramedic has engaged in the
17 service of the fire department within ten years before the onset
18 of the disease, shall be prima facie evidence that such death
19 or disability resulted from injuries, accident, or other cause
20 while in the line of duty for the purposes of sections 16-1020 to
21 16-1042, a firefighter's pension plan established pursuant to a
22 home rule charter, and a firefighter's pension or disability plan
23 established by a rural or suburban fire protection district.

24 (3) The prima facie evidence presumed under this
25 section shall extend to death or disability as a result
26 of cancer as described in this section, a blood-borne
27 infectious disease, tuberculosis, meningococcal meningitis, or

1 methicillin-resistant Staphylococcus aureus after the firefighter
2 or firefighter-paramedic separates from his or her service to the
3 fire department if the death or disability occurs within three
4 months after such separation.

5 (4) For purposes of this section, blood-borne
6 infectious disease means human immunodeficiency virus, acquired
7 immunodeficiency syndrome, and all strains of hepatitis.

8 Sec. 9. Original sections 18-1723 and 35-1001, Reissue
9 Revised Statutes of Nebraska, are repealed.

10 2. Renumber the remaining section accordingly.