ONE HUNDRED FOURTH LEGISLATURE - SECOND SESSION - 2016
COMMITTEE STATEMENT
LB836

Hearing Date: Monday February 08, 2016
Committee On: Business and Labor
Introducer: Mello
One Liner: Adopt the In the Line of Duty Compensation Act

Roll Call Vote - Final Committee Action:

Indefinitely postponed

Vote Results:

Aye:	6	Senators Bloomfield, Ebke, Crawford, Harr, Howard, Johnson
Nay:		
Absent:	1	Senator Chambers
Present Not Voting:		

Verbal Testimony:

Proponents:	**Representing:**
Senator Heath Mello	Introducer
Jason Cvitanov	Nebraska Fraternal Order of Police, Bellevue Police Officer's Association
Russell Zeeb	Nebraska Law Enforcement Committee, Nebraska Sheriff Association
Roseanne Scurto	Nebraska Serious Injury & Line of Duty Death Response Team
Darren Garrean	Nebraska Professional Firefighters Association
Micheal Dwyer	Nebraska State Volunteer Firefighters
Bruce Beins	Nebraska EMS Association
Tim Dowd	Nebraska AFL-CIO

Opponents:	**Representing:**

Neutral:	**Representing:**
Rod Rehm	Self
Brad Rice	Nebraska State Patrol

Summary of purpose and/or changes:

Sec. 1. creates the In the Line of Duty Compensation Act.

Sec. 2. definitional section. Defines compensation administrator, firefighter, killed in the line of duty, and law enforcement officer for purposes of the Act.

Sec. 3. allows compensation to be paid as provided in the Act officers or firefighters who are killed in the line of duty. Compensation is to be paid as follows: (1) $50,000 for deaths during 2016; and (2) for deaths in 2017 and each year thereafter, the amount paid will be equal to the compensation amount from the previous year plus the percentage increase in Consumer Price Index.

Determination of who is entitled to receive compensation is as follows:

(1) the individual designated to receive compensation by the officer or firefighter;

(2) if no person is designated or the designated person is not alive, compensation is paid according to the officer's or firefighter's will;

(3) if there is no designated person or if the designated person is not alive or if there is no will, compensation is paid as follows:

(a) the entire sum if there is a surviving spouse;

(b) if there is no surviving spouse, but there is a surviving descendant, the entire sum paid to the descendants per stirpes;

(c) if there is neither a surviving spouse nor a surviving descendant, the entire sum paid in equal parts to the surviving parent(s); or

(d) if there is no surviving spouse, surviving descendant or surviving parent, but there is a surviving brother or sister (or a descendant of a brother or sister) who was receiving his/her principal support from the officer or firefighter, the entire sum is paid to that individual. If multiple persons qualify under this subdivision, the sum is paid in equal parts.

If no person qualifies for compensation under subdivision (3), no compensation shall be paid.

Sec. 4. provides that in order to receive compensation, a claim must be made by filing an application with the administrator within 1 year after the death of the officer or firefighter. The application must include the name of the decedent, the name of the persons claiming compensation, the share to be paid to each person, an account of the events causing the death of the officer or firefighter, and other information as required.

The compensation administrator must send written notice to all claimants within 2 weeks after the initiation of a claim indicating whether the application is complete. If the application is incomplete, the administrator will outline the documents and information needed. Once an application is complete, the administrator will investigate the matters, and no later than 45 days after receipt of a complete application, the administrator will send written notice approving or denying the application. If the application is denied, the claimant may appeal.

Sec. 5. permits the State Fire Marshal and Superintendent of Law Enforcement and Public Safety to adopt and promulgate rules and regulations for the Act.

Burke Harr, Chairperson