

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 576**

Introduced by Lathrop, 12.

Read first time January 22, 2019

Committee: Business and Labor

- 1 A BILL FOR AN ACT relating to emergency responders; to amend sections
- 2 18-1723 and 35-1001, Reissue Revised Statutes of Nebraska; to change
- 3 provisions relating to presumptions regarding causes of death or
- 4 disability of firefighters and firefighter-paramedics as prescribed;
- 5 and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 18-1723, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 18-1723 Whenever any firefighter who has served a total of five  
4 years as a member of a paid fire department of any city in this state or  
5 any police officer of any city or village, including any city having a  
6 home rule charter, shall suffer death or disability as a result of  
7 hypertension or heart or respiratory defect or disease, there shall be a  
8 rebuttable presumption that such death or disability resulted from  
9 accident or other cause while in the line of duty for all purposes of the  
10 Police Officers Retirement Act, the Nebraska Workers' Compensation Act,  
11 Chapter 15, article 10, sections 16-1020 to 16-1042, and any  
12 firefighter's or police officer's pension plan established pursuant to  
13 any home rule charter, the Legislature specifically finding the subject  
14 of this section to be a matter of general statewide concern. The  
15 rebuttable presumption shall apply to death or disability as a result of  
16 hypertension or heart or respiratory defect or disease after the  
17 firefighter or police officer separates from his or her applicable  
18 employment if the death or disability occurs within three months after  
19 such separation. Such rebuttable presumption shall apply in any action or  
20 proceeding arising out of death or disability incurred prior to December  
21 25, 1969, and which has not been processed to final administrative or  
22 judicial conclusion prior to such date.

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

25 35-1001 (1) For a firefighter or firefighter-paramedic who is a  
26 member of a paid fire department of a municipality or a rural or suburban  
27 fire protection district in this state, including a municipality having a  
28 home rule charter or a municipal authority created pursuant to a home  
29 rule charter that has its own paid fire department, and who suffers death  
30 or disability as a result of cancer, including, but not limited to,  
31 cancer affecting the skin or the central nervous, lymphatic, digestive,

1 hematological, urinary, skeletal, oral, or prostate systems, evidence  
2 which demonstrates that (a) such firefighter or firefighter-paramedic  
3 successfully passed a physical examination upon entry into such service  
4 or subsequent to such entry, which examination failed to reveal any  
5 evidence of cancer, (b) such firefighter or firefighter-paramedic was  
6 exposed to a known carcinogen, as defined on July 19, 1996, by the  
7 International Agency for Research on Cancer, while in the service of the  
8 fire department, and (c) such carcinogen is reported by the agency to be  
9 a suspected or known cause of the type of cancer the firefighter or  
10 firefighter-paramedic has, shall be prima facie evidence that such death  
11 or disability resulted from injuries, accident, or other cause while in  
12 the line of duty for the purposes of the Nebraska Workers' Compensation  
13 Act, sections 16-1020 to 16-1042, a firefighter's pension plan  
14 established pursuant to a home rule charter, and a firefighter's pension  
15 or disability plan established by a rural or suburban fire protection  
16 district.

17 (2) For a firefighter or firefighter-paramedic who is a member of a  
18 paid fire department of a municipality or a rural or suburban fire  
19 protection district in this state, including a municipality having a home  
20 rule charter or a municipal authority created pursuant to a home rule  
21 charter that has its own paid fire department, and who suffers death or  
22 disability as a result of a blood-borne infectious disease, tuberculosis,  
23 meningococcal meningitis, or methicillin-resistant Staphylococcus aureus,  
24 evidence which demonstrates that (a) such firefighter or firefighter-  
25 paramedic successfully passed a physical examination upon entry into such  
26 service or subsequent to such entry, which examination failed to reveal  
27 any evidence of such blood-borne infectious disease, tuberculosis,  
28 meningococcal meningitis, or methicillin-resistant Staphylococcus aureus,  
29 and (b) such firefighter or firefighter-paramedic has engaged in the  
30 service of the fire department within ten years before the onset of the  
31 disease, shall be prima facie evidence that such death or disability

1 resulted from injuries, accident, or other cause while in the line of  
2 duty for the purposes of sections 16-1020 to 16-1042, a firefighter's  
3 pension plan established pursuant to a home rule charter, and a  
4 firefighter's pension or disability plan established by a rural or  
5 suburban fire protection district.

6 (3) The prima facie evidence presumed under this section shall  
7 extend to death or disability as a result of cancer as described in this  
8 section, a blood-borne infectious disease, tuberculosis, meningococcal  
9 meningitis, or methicillin-resistant *Staphylococcus aureus* after the  
10 firefighter or firefighter-paramedic separates from his or her service to  
11 the fire department if the death or disability occurs within three months  
12 after such separation.

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

16 Sec. 3. Original sections 18-1723 and 35-1001, Reissue Revised  
17 Statutes of Nebraska, are repealed.