

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 420

Introduced by Pahls, 31.

Read first time January 15, 2021

Committee: Business and Labor

1 A BILL FOR AN ACT relating to emergency responders; to amend section
2 18-1723, Reissue Revised Statutes of Nebraska, and section 35-1001,
3 Revised Statutes Cumulative Supplement, 2020; to change provisions
4 relating to presumptions regarding causes of death or disability of
5 firefighters and firefighter-paramedics as prescribed; and to repeal
6 the original sections.

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

23 Sec. 2. Section 35-1001, Revised Statutes Cumulative Supplement,
24 2020, is amended to read:

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

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

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

1 for one year ~~within ten years~~ before the onset of the disease, shall be
2 prima facie evidence that such death or disability resulted from
3 injuries, accident, or other cause while in the line of duty for the
4 purposes of sections 16-1020 to 16-1042, a firefighter's pension plan
5 established pursuant to a home rule charter, ~~and~~ a firefighter's pension
6 or disability plan established by a rural or suburban fire protection
7 district, and the Nebraska Workers' Compensation Act.

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

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

18 Sec. 3. Original section 18-1723, Reissue Revised Statutes of
19 Nebraska, and section 35-1001, Revised Statutes Cumulative Supplement,
20 2020, are repealed.