

LEGISLATIVE BILL 717

Approved by the Governor April 18, 2022

Introduced by Morfeld, 46; Hansen, M., 26; Vargas, 7; Bostar, 29; Cavanaugh, M., 6.

A BILL FOR AN ACT relating to the In the Line of Duty Compensation Act; to amend sections 81-8,316 and 81-8,317, Revised Statutes Supplement, 2021; to redefine a term; to change the amount of compensation under the act; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 81-8,316, Revised Statutes Supplement, 2021, is amended to read:

81-8,316 For purposes of the In the Line of Duty Compensation Act:

(1) Firefighter means a member of a paid or volunteer fire department in Nebraska, including a member of a rescue squad associated with a paid or volunteer fire department in Nebraska;

(2)(a) Killed in the line of duty means losing one's life as a result of an injury or illness arising on or after January 1, 2022, in connection with the active performance of duties as a public safety officer if the death occurs within three years from the date the injury was received or illness was diagnosed and if that injury or illness arose from violence or other accidental cause.

(b) Killed in the line of duty excludes death resulting from the willful misconduct or intoxication of the public safety officer;

(3) Law enforcement officer ~~has the same meaning as in section 81-1401 means any member of the Nebraska State Patrol, any county or deputy sheriff, or any member of the police force of any city or village;~~

(4) Public safety officer means:

(a) A firefighter;

(b) A law enforcement officer;

(c) A member of an emergency medical services ambulance squad operated by a political subdivision or by a private, nonprofit ambulance service, but excluding any employee of a private, for-profit ambulance service; or

(d) A correctional officer employed by a jail or by the Department of Correctional Services;

(5) Risk Manager means the Risk Manager appointed under section 81-8,239.01; and

(6) State Claims Board means the board created under section 81-8,220.

Sec. 2. Section 81-8,317, Revised Statutes Supplement, 2021, is amended to read:

81-8,317 (1) If a public safety officer is killed in the line of duty, compensation shall be paid as provided in the In the Line of Duty Compensation Act to recognize the ultimate sacrifice made by such public safety officer.

(2) The amount of compensation to be paid under the act shall be as follows:

(a) For deaths occurring during calendar year 2022, the amount of such compensation shall be two hundred fifty thousand dollars; and

(b) For deaths occurring in calendar year 2023 and each calendar year thereafter, the amount of such compensation shall be equal to the compensation amount from the previous calendar year increased by the percentage increase, if any, in the Consumer Price Index for All Urban Consumers, as published by the United States Department of Labor, Bureau of Labor Statistics, for the twelve months ending on June 30 of such previous calendar year.

(3) The person entitled to receive such compensation shall be determined as follows:

(a) If the public safety officer designated a person to receive the compensation in accordance with subsection (4) of this section, the compensation shall be paid to the designated person; or

(b) If no person is designated by the public safety officer or if the designated person is not alive at the death of the public safety officer, the compensation shall be paid in accordance with the laws of this state regarding intestate succession.

(4) The Risk Manager shall prescribe a form that may be used by a public safety officer to designate a person to receive the compensation. The public safety officer shall file such form with his or her employer or, if he or she is a volunteer, with the entity for which the volunteer service is provided.

(5) Amounts paid under the In the Line of Duty Compensation Act shall not be considered:

(a) Compensation under the County Employees Retirement Act, the Judges Retirement Act, the Nebraska State Patrol Retirement Act, the School Employees Retirement Act, the State Employees Retirement Act, or any other retirement plan administered by the Public Employees Retirement Board and shall not be eligible for deferral under any deferred compensation plan administered by the Public Employees Retirement Board; or

(b) Regular pay or salary under the Police Officers Retirement Act or sections 16-1020 to 16-1042.

(6) An employer of the public safety officer shall not have any right of subrogation under section 48-118 with respect to compensation paid under the In the Line of Duty Compensation Act.

Sec. 3. Original sections 81-8,316 and 81-8,317, Revised Statutes Supplement, 2021, are repealed.