

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 717**

FINAL READING

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

Read first time January 05, 2022

Committee: Business and Labor

- 1 A BILL FOR AN ACT relating to the In the Line of Duty Compensation Act;
- 2 to amend sections 81-8,316 and 81-8,317, Revised Statutes
- 3 Supplement, 2021; to redefine a term; to change the amount of
- 4 compensation under the act; and to repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

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

3 81-8,316 For purposes of the In the Line of Duty Compensation Act:

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

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

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

15 (3) Law enforcement officer has the same meaning as in section  
16 81-1401 ~~means any member of the Nebraska State Patrol, any county or~~  
17 ~~deputy sheriff, or any member of the police force of any city or village;~~

18 (4) Public safety officer means:

19 (a) A firefighter;

20 (b) A law enforcement officer;

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

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

27 (5) Risk Manager means the Risk Manager appointed under section  
28 81-8,239.01; and

29 (6) State Claims Board means the board created under section  
30 81-8,220.

31 Sec. 2. Section 81-8,317, Revised Statutes Supplement, 2021, is

1 amended to read:

2 81-8,317 (1) If a public safety officer is killed in the line of  
3 duty, compensation shall be paid as provided in the In the Line of Duty  
4 Compensation Act to recognize the ultimate sacrifice made by such public  
5 safety officer.

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

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

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

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

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

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

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

31 (5) Amounts paid under the In the Line of Duty Compensation Act

1 shall not be considered:

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

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

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

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