

ONE HUNDRED NINTH LEGISLATURE - FIRST SESSION - 2025
COMMITTEE STATEMENT
LB400

Hearing Date: Monday March 10, 2025
Committee On: Business and Labor
Introducer: Wordekemper
One Liner: Provide for compensation under the Nebraska Workers' Compensation Act for cancers experienced by firefighters

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Kauth, Hansen, Ibach, McKeon, McKinney, Raybould, Sorrentino
Nay:
Absent:
Present Not Voting:

Testimony:

Proponents:

Senator Dave Wordekemper
Justin Hubly

Gary Bruns
John Corrigan

Michael Dwyer

Trevor Towey

Opponents:

Dallas Jones

Christy Abraham
Maddie Hasley
Korby Gilbertson

Neutral:

Representing:

Opening Presenter
Nebraska Association of Public Employees (NAPE)/American Federation of State, County and Municipal Employees (AFSCME) Local 61
Nebraska Professional Firefighters Association
Nebraska Professional Firefighters Association, Nebraska AFL-CIO
Nebraska State Volunteer Firefighters and Nebraska Chiefs Association
Omaha Professional Firefighters

Representing:

Nebraskans for Workers' Compensation Equity and Fairness (NWCEF), League Association of Risk Management (LARM)
League of Nebraska Municipalities
Self
American Property Casualty Insurance Association (APCIA)

Representing:

* ADA Accommodation Written Testimony



Summary of purpose and/or changes:

LB 400 amends Neb. Rev. Stat. § 48-1,110, the Nebraska Workers' Compensation Act ("NWCA").

Professional and volunteer firefighters face significant risks of exposure to carcinogens that cause a variety of cancers. Currently, getting benefits under the NWCA when those cancers occur can be difficult or impossible. This Bill aims to change this.

The Bill lists a variety of known carcinogens that cause cancer in humans. If a firefighter is exposed to one of those carcinogens during the course of their employment and the type of cancers that typically are associated with exposure to those carcinogens result, the firefighter is entitled to benefits under the NWCA. The Bill provides for a number of rebuttable presumptions, based upon the length of service and when a firefighter retires, that the cancer arose out and in the course of employment. Those firefighters who discover their cancer after retirement and retired after January 1, 2026, shall only have medical benefits paid out by the NWCA.

Section 1: Amends the NWCA to allow firefighters exposed to known carcinogens, in the course of their employment, that cause cancer related to the carcinogens to have that cancer be treated as an occupational disease and be compensable under the NWCA. A large number of carcinogens is then listed. This list is not to be treated as exhaustive and allows for other substances to be demonstrated as causing cancer on a case-by-case basis. There is a rebuttable presumption that the cancer arose out of employment if the firefighter is diagnosed while employed. There is a rebuttable presumption that cancer arose out of employment if the cancer was diagnosed within a time frame that is calculated based upon the time the professional was so employed, at a maximum of five years. This presumption applies to professional firefighters who retire before January 1, 2026, and to any volunteer firefighters. For professional firefighters who retire after January 1, 2026, the presumption applies for a length equivalent to years worked if the firefighter retires before twenty years of service or forever if the firefighter retires with twenty or more years of service. The only compensation for professional firefighters who retire after January 1, 2026 that is allowed under the NWCA is medical benefits.

Section 2: Amends § 48-1,110 to add the Bill to the NWCA.

Section 3: Repeals the original sections being amended.

Explanation of amendments:

AM 702 amends the rebuttable presumption to now require that previous physical exams, either at the time of employment or subsequent, not show any evidence of cancer. The rebuttable presumption shall control the awarding of benefits unless evidence is presented to show the cancer was caused by factors not related to the firefighter's employment.

Additional carcinogens have been added to the list of those known to cause cancer.

Kathleen Kauth, Chairperson

