

## LEGISLATIVE BILL 3

Approved by the Governor February 8, 1985

Introduced by Beutler, 28, Chairperson, Executive Board

AN ACT relating to retirement; to amend sections 16-1012, 16-1032, and 18-1723, Reissue Revised Statutes of Nebraska, 1943; to correct erroneous internal references; and to repeal the original sections.  
Be it enacted by the people of the State of Nebraska,

Section 1. That section 16-1012, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-1012. No police officer shall be entitled during any period of temporary disability to receive in full both his or her salary and his or her benefits under Chapter 48, article 1. All Nebraska ~~workmen's~~ worker's compensation benefits shall be payable in full to such police officer as provided in Chapter 48, article 1, but all amounts paid by the city or its insurer under ~~sections 16-1001 to 16-1019~~ Chapter 48, article 1, to any disabled police officer entitled to receive a salary during such disability shall be considered as payments on account of such salary and shall be credited thereon. The remaining balance of such salary, if any, shall be payable as otherwise provided in sections 16-1001 to 16-1019.

Sec. 2. That section 16-1032, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-1032. No firefighter shall be entitled during any period of temporary disability to receive in full both his or her salary and his or her benefits under Chapter 48, article 1. All Nebraska ~~workmen's~~ worker's compensation benefits shall be payable in full to such firefighter as provided in Chapter 48, article 1, but all amounts paid by the city or its insurer under ~~sections 16-1020 to 16-1038~~ Chapter 48, article 1, to any disabled firefighter entitled to receive a salary during such disability shall be considered as payments on account of such salary and shall be credited thereon. The remaining balance of such salary, if any, shall be payable as otherwise provided in sections 16-1020 to 16-1038.

Sec. 3. That section 18-1723, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-1723. Whenever any ~~fireman~~ firefighter who has served a total of five years as a member of a paid fire department of any city in this state or any ~~police~~ police officer of any city or village, including any city having a home rule charter, shall suffer death or disability as a result of hypertension or heart or

respiratory defect or disease, there shall be a rebuttable presumption that such death or disability resulted from accident or other cause while in the line of his duty for all purposes of Chapter 15, article 10, sections ~~16-329 to 16-337, Chapter 35, article 2 16-1001 to 16-1042~~, and any ~~firemen's firefighter's or policemen's~~ firefighter's or police officer's pension plan established pursuant to any home rule charter, the Legislature specifically finding the subject of this section to be a matter of general statewide concern. Such rebuttable presumption shall apply in any action or proceeding arising out of death or disability incurred prior to December 25, 1969, and which has not been processed to final administrative or judicial conclusion prior to such date.

Sec. 4. That original sections 16-1012, 16-1032, and 18-1723, Reissue Revised Statutes of Nebraska, 1943, are repealed.