

1 HB234
2 204518-1
3 By Representatives Reynolds, Stringer, Robertson, Simpson,
4 Oliver, Moore (P), Crawford, Whitt and Lovvorn
5 RFD: Ways and Means General Fund
6 First Read: 13-FEB-20

SYNOPSIS: Under existing law, a peace officer, a firefighter, a volunteer firefighter who is a member of an organized volunteer fire department registered with the Alabama Forestry Commission, or a rescue squad member who is injured or killed under certain conditions in the performance of his or her duties is eligible for disability or death benefits under certain conditions.

This bill would include a wildland firefighter employed by the Alabama Forestry Commission within the definition of a firefighter who is eligible for death benefits paid by the state for being killed while engaged in the performance of his or her duties.

This bill would create the Peace Officers' and Firefighters' Death Benefit Fund, would make a conditional appropriation to the fund, and would require that the benefits awarded on account of injury or death, under certain conditions, are paid from the fund.

1
2 A BILL
3 TO BE ENTITLED
4 AN ACT
5

6 Relating to peace officers and firefighters; to
7 amend Sections 36-30-1 and 36-30-6, Code of Alabama 1975,
8 relating to the benefits awarded on account of injury or
9 death, under certain conditions; to include a wildland
10 firefighter employed by the Alabama Forestry Commission as a
11 firefighter as eligible for death benefits; to create the
12 Peace Officers' and Firefighters' Death Benefit Fund; to make
13 a conditional appropriation to the fund; and to require the
14 benefits awarded on account of certain injuries or death be
15 paid from the fund.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. Sections 36-30-1 and 36-30-6, Code of
18 Alabama 1975, are amended to read as follows:

19 "§36-30-1.

20 "(a) For the purposes of this chapter, the following
21 words and phrases shall have the following meanings:

22 "(1) AWARDING AUTHORITY. The State Board of
23 Adjustment, created and existing pursuant to Article 4,
24 Chapter 9 of Title 41.

25 "(2) COMPENSATION. The money benefits paid on
26 account of injury or death which occurred during the course of

1 employment or activity as a peace officer or firefighter and
2 is in the nature of workers' compensation.

3 "(3) DEPENDENT CHILD. An unmarried child under the
4 age of 18 years, or one over the age of 18 who is physically
5 or mentally incapacitated from earning.

6 "(4) DIRECT AND PROXIMATE RESULT OF A HEART ATTACK
7 OR STROKE. Death resulting from a heart attack or stroke
8 caused by engaging or participating in a situation while on
9 duty involving nonroutine stressful or strenuous physical law
10 enforcement, fire suppression, rescue, hazardous material
11 response, emergency medical service, prison security, disaster
12 relief, other emergency medical response activity, or
13 participation in a training exercise which involved nonroutine
14 stressful or strenuous physical activity; and the heart attack
15 or stroke is suffered while still on that duty after so
16 engaging or participating or not more than 24 hours after so
17 engaging or participating.

18 "(5) FIREFIGHTER or FIREFIGHTERS. A member or
19 members of a paid or volunteer fire department of a city,
20 town, county, or other subdivision of the state or of a public
21 corporation organized for the purpose of providing water,
22 water systems, fire protection services, or fire protection
23 facilities in the state; and shall include the chief,
24 assistant chief, wardens, engineers, captains, firefighters,
25 and all other officers and employees of such departments who
26 actually engage in fire fighting or in rendering first aid in
27 case of drownings or asphyxiation at the scene of action. This

1 term also includes a firefighter who is employed by the
2 Alabama Forestry Commission and who has been certified by the
3 State Forester as having met the wildland firefighter training
4 standards of the National Wildfire Coordinating Group.

5 "(6) PEACE OFFICER. All sheriffs, deputy sheriffs,
6 constables, municipal police officers, municipal policemen,
7 state and town marshals, members of the highway patrol, state
8 troopers, Alcoholic Beverage Control Board Enforcement
9 Division agents, enforcement officers of the Public Service
10 Commission, revenue agents, and persons who are required by
11 law to comply with the provisions of the Peace Officers'
12 Minimum Standards, employees of the Board of Corrections,
13 highway camp guards, law enforcement officers of the
14 Department of Conservation and Natural Resources, all law
15 enforcement officers of the Alabama Forestry Commission,
16 livestock theft investigators of the Department of Agriculture
17 and Industries, Capitol security guards, narcotic agents and
18 inspectors of the State Board of Health, any other state,
19 county, or municipal officer engaged in quelling a riot, or
20 civil disturbance, and university police officers.

21 "(7) RESCUE SQUAD MEMBER. A member of an organized
22 rescue squad of a city, town, county, or other subdivision of
23 the state or of a public corporation, organized for the
24 purpose of providing, within the scope of his or her practice:
25 First aid, treatment, or transport of the sick or injured;
26 rescue or recovery operations at incidents of drowning; search
27 and rescue of individuals lost or incapable of self rescue; or

1 any other emergency or non-emergency incident where the
2 services provided by the rescue squad are deemed necessary for
3 incident stabilization. The term includes all commanders,
4 officers, and members of organized rescue squads that are
5 members of the Alabama Association of Rescue Squads.

6 "(b) For the purposes of this chapter, the following
7 described persons shall be conclusively presumed to be wholly
8 dependent:

9 "(1) Spouse, unless it be shown that the spouse was
10 voluntarily living apart from the peace officer, firefighter,
11 or rescue squad member at the time of death, or unless it be
12 shown that the peace officer, firefighter, or rescue squad
13 member was not in any way contributing to the spouse's support
14 and had not in any way contributed to the spouse's support for
15 more than 12 months next preceding the occurrence of the
16 injury causing death.

17 "(2) Minor children under the age of 18 years and
18 those over 18 if physically and mentally incapacitated from
19 earning.

20 "(3) Spouse, child, mother, father, grandmother,
21 grandfather, sister, brother, mother-in-law, and father-in-law
22 who were wholly supported by a deceased peace officer,
23 firefighter, or rescue squad member at the time of his or her
24 death and for a reasonable period of time prior thereto shall
25 be considered his or her dependents and payment of
26 compensation may be made to them as hereinafter authorized.

1 "(c) If a paid or volunteer firefighter, peace
2 officer, certified police officer, reserve law enforcement
3 officer, or rescue squad member is killed while engaged in the
4 performance of his or her duties and there are no designated
5 beneficiaries, then the compensation shall be paid to his or
6 her dependents or partial dependents in the manner prescribed
7 by Section 36-30-3, and if there are none, the compensation
8 shall be paid to his or her non-dependent children, and if
9 there are none, the compensation shall be paid to his or her
10 parents, and if there are none, the compensation shall be paid
11 to the estate of the deceased.

12 "(d) Any member of the class named in subdivision
13 (3) of subsection (b) who regularly derived part of his or her
14 support from the earnings of the deceased peace officer,
15 firefighter, or rescue squad member, as the case may be, at
16 the time of his or her death and for a reasonable time
17 immediately prior thereto shall be considered his or her
18 partial dependent and payment of compensation may be made to
19 such partial dependent as hereinafter authorized.

20 "§36-30-6.

21 "(a) The Board of Adjustment, when serving as the
22 awarding authority under this article, shall hear and
23 determine claims for compensation under this article in the
24 same manner prescribed by law for the hearing and
25 determination by ~~such~~ the board of other claims against the
26 state.

1 ~~"If, when~~ (b) When acting as the awarding authority,
2 ~~it~~ if the board determines that an applicant ~~for~~ is entitled
3 to compensation under this article ~~is entitled thereto~~, it may
4 adjudge and order that ~~such~~ the compensation shall be paid out
5 of the ~~appropriation made by Acts 1966, Ex. Sess., No. 208, p.~~
6 ~~256 to the Board of Adjustment for the purposes of this~~
7 ~~article~~ Peace Officers' and Firefighters' Death Benefit Fund,
8 as established in Section 36-30-6.1, and~~7~~ if the funds in ~~such~~
9 ~~appropriation~~ the fund have been exhausted, then out of any
10 fund or funds appropriated to the Board of Adjustment for the
11 purposes of Article 4, Chapter 9 of Title 41."

12 Section 2. Section 36-30-6.1 is added to the Code of
13 Alabama 1975, to read as follows:

14 §36-30-6.1.

15 (a) (1) There is hereby established a Peace Officers'
16 and Firefighters' Death Benefit Fund, into which there is
17 automatically appropriated three hundred fifty thousand
18 dollars (\$350,000) annually at the beginning of each state
19 fiscal year.

20 (2) The state Comptroller shall transfer the monies
21 from the General Fund to the fund annually within a period of
22 one week following the commencement of each state fiscal year.

23 (3) The fund may not exceed a total accumulated
24 amount of one million dollars (\$1,000,000).

25 (b) (1) The monies in the fund may be expended only
26 for the payment of compensation awards made by the Board of
27 Adjustment in accordance with Section 36-30-6.

1 (2) All monies appropriated under this section shall
2 be conditional and subject to the approval of the Governor.

3 Section 3. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.