

1 HB30
2 164379-4
3 By Representatives Treadaway and Drake
4 RFD: State Government
5 First Read: 03-MAR-15
6 PFD: 02/18/2015

1 volunteer fire department registered with the Alabama Forestry
2 Commission, is killed, either accidentally or deliberately, or
3 dies as a result of injuries received while engaged in the
4 performance of his or her duties, or dies as a direct and
5 proximate result of a heart attack or stroke, his or her
6 beneficiaries or dependents shall be entitled to compensation
7 in the amount of one hundred thousand dollars (\$100,000) to be
8 paid from the State Treasury as provided in Section 36-30-3,
9 unless such death was caused by the willful misconduct of the
10 officer or was due to his or her own intoxication or his or
11 her willful failure or refusal to use safety appliances
12 provided by his or her employer or his or her willful refusal
13 or neglect to perform a statutory duty or any other willful
14 violation of a law or his or her willful breach of a
15 reasonable rule or regulation governing the performance of his
16 or her duties or his or her employment of which rule or
17 regulation he or she had knowledge. Any peace officer, or any
18 firefighter, or volunteer firefighter whose death results
19 proximately from an injury received while performing his or
20 her duties shall, for the purposes of this article, be deemed
21 to have been killed while in the performance of such duties.
22 If the State Health Officer determines from all available
23 evidence that a volunteer firefighter, who is a member of an
24 organized volunteer fire department registered with the
25 Alabama Forestry Commission, has become totally disabled as a
26 result of any injury received while engaged in the performance
27 of his or her fire-fighting duties and the disability is

1 likely to continue for more than 12 months from the date the
2 injury is incurred, then the firefighter shall be entitled to
3 receive disability compensation in the amount of one hundred
4 thousand dollars (\$100,000) to be paid from the State Treasury
5 as provided in Section 36-30-3. The term total disability
6 shall be interpreted to mean that the injured party is
7 medically disabled to the extent that he or she cannot perform
8 the duties of the job occupation or profession in which he or
9 she was engaging at the time the injury was sustained. The
10 State Health Officer may seek the assistance of any state
11 agency in making the determination of disability and the state
12 agencies shall cooperate with the State Health Officer in such
13 regard. The State Health Officer shall render a decision
14 within 30 days of the time a claim is filed. If such volunteer
15 firefighter disagrees with any officer, he or she may appeal
16 the determination to the State Board of Adjustment in
17 accordance with such board's procedures for such appeals.

18 "(b) Beginning in calendar year 2009, the
19 compensation amounts payable under this section shall be
20 adjusted on January 1 of each year to reflect any increase
21 during the preceding calendar year in the consumer price index
22 as published by the U.S. Department of Labor, Bureau of Labor
23 Statistics. The adjustment shall equal the percentage change
24 in the consumer price index during the preceding calendar
25 year.

26 "(c) Any person who currently serves or previously
27 served as a firefighter or law enforcement peace officer who

1 dies as a result of a firefighter's occupational disease as
2 defined in Section 11-43-144 or 36-30-40, or law enforcement
3 peace officer's occupational disease as defined in Section
4 36-30-20 shall be qualified for a state death benefit as
5 provided in subsection (a) as if the person died in the
6 performance of his or her duties, provided he or she satisfies
7 the three years' service requirement and physical examination
8 requirements set forth in Section 11-43-144, 36-30-22, or
9 36-30-41, respectively.

10 "(d) Any application for the state death benefit
11 that was submitted during the period from April 29, 2010,
12 until the effective date of the act adding this subsection and
13 denied because the firefighter or law enforcement peace
14 officer was ~~not~~ no longer employed on the date of death may be
15 resubmitted based on subsection (c) within six months of the
16 effective date of the act adding this subsection and
17 reconsidered and granted by the awarding authority."

18 Section 2. This act shall become effective
19 immediately following its passage and approval by the
20 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on State Government
..... 03-MAR-15

Read for the second time and placed
on the calendar..... 18-MAR-15

Read for the third time and passed
as amended..... 14-APR-15

Yeas 101, Nays 0, Abstains 0

Jeff Woodard
Clerk