

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

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8 SYNOPSIS: Under existing law, firefighters and law
9 enforcement peace officers are eligible for
10 compensation for death or disability from certain
11 occupational diseases.

12 This bill would provide that the families of
13 a firefighter or law enforcement peace officer who
14 currently serves or previously served and dies as a
15 result of an occupational disease are eligible to
16 receive the state death benefit as if the
17 firefighter or law enforcement peace officer died
18 in the performance of his or her duties.

19 This bill would further provide that any
20 application for the state death benefit that was
21 submitted after April 29, 2010, and was denied
22 because the decedent was not employed as a
23 firefighter or law enforcement peace officer on the
24 date of death may be resubmitted within six months
25 of this bill becoming law and the awarding
26 authority is permitted to reconsider and to grant
27 the application.

1
2 A BILL
3 TO BE ENTITLED
4 AN ACT
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6 To amend Section 36-30-2, Code of Alabama 1975,
7 relating to firefighters and law enforcement peace officers;
8 to provide that the families of a firefighter or law
9 enforcement peace officer who currently serves or previously
10 served and dies as a result of an occupational disease are
11 eligible to receive the state death benefit as if the
12 firefighter or law enforcement peace officer died in the
13 performance of his or her duties; and to further provide that
14 any application for the state death benefit that was submitted
15 after April 29, 2010, and was denied because the decedent was
16 not employed as a firefighter or law enforcement peace officer
17 on the date of death may be resubmitted within six months of
18 this bill becoming law and the awarding authority is permitted
19 to reconsider and to grant the application.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 36-30-2, Code of Alabama 1975, is
22 amended to read as follows:

23 "§36-30-2.

24 "(a) In the event a peace officer, or a firefighter,
25 or a volunteer firefighter, who is a member of an organized
26 volunteer fire department registered with the Alabama Forestry
27 Commission, is killed, either accidentally or deliberately, or

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

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

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

24 "(c) Any person who currently serves or previously
25 served as a firefighter or law enforcement peace officer who
26 dies as a result of a firefighter's occupational disease as
27 defined in Section 11-43-144 or 36-30-40, or law enforcement

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

8 "(d) Any application for the state death benefit
9 that was submitted during the period from April 29, 2010,
10 until the effective date of the act adding this subsection and
11 denied because the firefighter or law enforcement peace
12 officer was not longer employed on the date of death may be
13 resubmitted based on subsection (c) within six months of the
14 effective date of the act adding this subsection and
15 reconsidered and granted by the awarding authority."

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