

1 HB52
2 196861-3
3 By Representative Wood (R)
4 RFD: Ways and Means Education
5 First Read: 05-MAR-19
6 PFD: 03/04/2019

1 costs officially prescribed for the classes in the course of
2 study, shall be paid for the following:

3 "(1) Any dependent child, natural or adopted, under
4 21 years of age at the time of death or total disability of
5 the law enforcement officer, firefighter, or rescue squad
6 member.

7 "(2) A spouse who has not remarried, provided
8 initial enrollment is within five years of the death or total
9 disability of the law enforcement officer, firefighter,
10 volunteer firefighter, or rescue squad member.

11 "§36-30-1.

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

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

17 "(2) COMPENSATION. The money benefits paid on
18 account of injury or death which occurred during the course of
19 employment or activity as a peace officer or firefighter and
20 is in the nature of workers' compensation.

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

24 "(4) DIRECT AND PROXIMATE RESULT OF A HEART ATTACK
25 OR STROKE. Death resulting from a heart attack or stroke
26 caused by engaging or participating in a situation while on
27 duty involving nonroutine stressful or strenuous physical law

1 enforcement, fire suppression, rescue, hazardous material
2 response, emergency medical service, prison security, disaster
3 relief, other emergency medical response activity, or
4 participation in a training exercise which involved nonroutine
5 stressful or strenuous physical activity; and the heart attack
6 or stroke is suffered while still on that duty after so
7 engaging or participating or not more than 24 hours after so
8 engaging or participating.

9 "(5) FIREFIGHTER or FIREFIGHTERS. A member or
10 members of a paid or volunteer fire department of a city,
11 town, county, or other subdivision of the state or of a public
12 corporation organized for the purpose of providing water,
13 water systems, fire protection services, or fire protection
14 facilities in the state; and shall include the chief,
15 assistant chief, wardens, engineers, captains, firefighters,
16 and all other officers and employees of such departments who
17 actually engage in fire fighting or in rendering first aid in
18 case of drownings or asphyxiation at the scene of action.

19 "(6) PEACE OFFICER. All sheriffs, deputy sheriffs,
20 constables, municipal police officers, municipal policemen,
21 state and town marshals, members of the highway patrol, state
22 troopers, Alcoholic Beverage Control Board Enforcement
23 Division agents, enforcement officers of the Public Service
24 Commission, revenue agents, and persons who are required by
25 law to comply with the provisions of the Peace Officers'
26 Minimum Standards, employees of the Board of Corrections,
27 highway camp guards, law enforcement officers of the

1 Department of Conservation and Natural Resources, all law
2 enforcement officers of the Alabama Forestry Commission,
3 livestock theft investigators of the Department of Agriculture
4 and Industries, Capitol security guards, narcotic agents and
5 inspectors of the State Board of Health, any other state,
6 county, or municipal officer engaged in quelling a riot, or
7 civil disturbance, ~~reserve deputies, reserve police officers,~~
8 reserve deputies or reserve police officers who are authorized
9 by law enforcement, and university police officers.

10 "(7) RESCUE SQUAD MEMBER. A member of an organized
11 rescue squad of a city, town, county, or other subdivision of
12 the state or of a public corporation, organized for the
13 purpose of providing, within the scope of his or her practice:
14 First aid, treatment, or transport of the sick or injured;
15 rescue or recovery operations at incidents of drowning; search
16 and rescue of individuals lost or incapable of self rescue; or
17 any other emergency or non-emergency incident where the
18 services provided by the rescue squad are deemed necessary for
19 incident stabilization. The term includes all commanders,
20 officers, and members of organized rescue squads that are
21 members of the Alabama Association of Rescue Squads.

22 "(b) For the purposes of this chapter, the following
23 described persons shall be conclusively presumed to be wholly
24 dependent:

25 "(1) Spouse, unless it be shown that the spouse was
26 voluntarily living apart from the peace officer, firefighter,
27 or rescue squad member at the time of death, or unless it be

1 shown that the peace officer, firefighter, or rescue squad
2 member was not in any way contributing to the spouse's support
3 and had not in any way contributed to the spouse's support for
4 more than 12 months next preceding the occurrence of the
5 injury causing death.

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

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

16 "(c) If a paid or volunteer firefighter, peace
17 officer, certified police officer, reserve law enforcement
18 officer, or rescue squad member is killed while engaged in the
19 performance of his or her duties and there are no designated
20 beneficiaries, then the compensation shall be paid to his or
21 her dependents or partial dependents in the manner prescribed
22 by Section 36-30-3, and if there are none, the compensation
23 shall be paid to his or her non-dependent children, and if
24 there are none, the compensation shall be paid to his or her
25 parents, and if there are none, the compensation shall be paid
26 to the estate of the deceased.

1 "(d) Any member of the class named in subdivision
2 (3) of subsection (b) who regularly derived part of his or her
3 support from the earnings of the deceased peace officer,
4 firefighter, or rescue squad member, as the case may be, at
5 the time of his or her death and for a reasonable time
6 immediately prior thereto shall be considered his or her
7 partial dependent and payment of compensation may be made to
8 such partial dependent as hereinafter authorized."

9 Section 2. This act shall become effective on the
10 first day of the third month following its passage and
11 approval by the 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 Ways and Means
Education..... 05-MAR-19

Read for the second time and placed
on the calendar 1 amendment 03-APR-19

Read for the third time and passed
as amended..... 23-APR-19

Yeas 102, Nays 0, Abstains 0

Jeff Woodard
Clerk