

1 HB546
2 118196-2
3 By Representatives Payne, Johnson, Collier, Baker (A) and
4 DeMarco
5 RFD: Government Appropriations
6 First Read: 11-FEB-10

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ENROLLED, An Act,

To amend Section 36-30-2 of the Code of Alabama 1975, providing a death benefit for the dependents of a peace officer, fireman, or volunteer fireman as a result of injuries received in the line of duty, to delete the requirement that the death be within 10 years of the injury if the death results from the injury.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§36-30-2.

"(a) In the event a peace officer, or a firefighter, or a volunteer firefighter, who is a member of an organized volunteer fire department registered with the Alabama Forestry Commission, is killed, either accidentally or deliberately, or dies as a result of injuries received while engaged in the performance of his or her duties, or dies as a direct and proximate result of a heart attack or stroke, his or her beneficiaries or dependents shall be entitled to compensation in the amount of one hundred thousand dollars (\$100,000) to be paid from the State Treasury as provided in Section 36-30-3, unless such death was caused by the willful misconduct of the officer or was due to his or her own intoxication or his or her willful failure or refusal to use safety appliances

1 provided by his or her employer or his or her willful refusal
2 or neglect to perform a statutory duty or any other willful
3 violation of a law or his or her willful breach of a
4 reasonable rule or regulation governing the performance of his
5 or her duties or his or her employment of which rule or
6 regulation he or she had knowledge. Any peace officer, or any
7 firefighter, or volunteer firefighter whose death results
8 proximately ~~and within 10 years~~ from an injury received while
9 performing his or her duties shall, for the purposes of this
10 article, be deemed to have been killed while in the
11 performance of such duties. If the State Health Officer
12 determines from all available evidence that a volunteer
13 firefighter, who is a member of an organized volunteer fire
14 department registered with the Alabama Forestry Commission,
15 has become totally disabled as a result of any injury received
16 while engaged in the performance of his or her fire-fighting
17 duties and the disability is likely to continue for more than
18 12 months from the date the injury is incurred, then the
19 firefighter shall be entitled to receive disability
20 compensation in the amount of one hundred thousand dollars
21 (\$100,000) to be paid from the State Treasury as provided in
22 Section 36-30-3. The term total disability shall be
23 interpreted to mean that the injured party is medically
24 disabled to the extent that he or she cannot perform the
25 duties of the job occupation or profession in which he or she

1 was engaging at the time the injury was sustained. The State
2 Health Officer may seek the assistance of any state agency in
3 making the determination of disability and the state agencies
4 shall cooperate with the State Health Officer in such regard.
5 The State Health Officer shall render a decision within 30
6 days of the time a claim is filed. If such volunteer
7 firefighter disagrees with any officer, he or she may appeal
8 the determination to the State Board of Adjustment in
9 accordance with such board's procedures for such appeals.

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

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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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 08-APR-10.

Greg Pappas
Clerk

Senate

21-APR-10

Passed