

1 HB100
2 173386-1
3 By Representative McMillan
4 RFD: Ways and Means Education
5 First Read: 03-FEB-16

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8 SYNOPSIS: Under existing law, certain surviving
9 beneficiaries of law enforcement officers and
10 firefighters who are killed in the line of duty are
11 entitled to free college tuition and compensation.

12 This bill would include members of a rescue
13 squad within the definition of firefighters for
14 purposes of providing free college tuition and
15 compensation to certain surviving beneficiaries of
16 firefighters who are killed in the line of duty.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT

21
22 Relating to rescue squads; to amend Sections
23 36-21-102 and 36-30-1, Code of Alabama 1975, by including
24 members of a rescue squad within the definition of
25 firefighters for purposes of providing free college tuition
26 and compensation to certain surviving beneficiaries of
27 firefighters who are killed in the line of duty.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Sections 36-21-102 and 36-30-1, Code of
3 Alabama 1975, are amended to read as follows:

4 "§36-21-102.

5 "(a) Upon the effective date of Act 2009-631, when a
6 full-time law enforcement officer or full-time firefighter
7 employed by the state, by any county, or by any municipality,
8 or a volunteer firefighter is or was killed or becomes totally
9 disabled in the line of duty, free tuition for undergraduate
10 study at any state college, state community college, state
11 junior college, state technical college, in the State of
12 Alabama, and other costs officially prescribed for the classes
13 in the course of study, shall be paid for the following:

14 (1) Any dependent child, natural or adopted, under
15 21 years of age at the time of death or total disability of
16 the law enforcement officer or firefighter;

17 (2) A spouse who has not remarried, provided initial
18 enrollment is within five years of the death or total
19 disability of the law enforcement officer or firefighter or
20 volunteer firefighter.

21 "(b) For purposes of this article, firefighter
22 includes a member of any rescue squad that is a member of the
23 Alabama Association of Rescue Squads.

24 "§36-30-1.

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

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

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

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

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

23 "(5) FIREFIGHTER or FIREFIGHTERS. A member or
24 members of a paid or volunteer fire department of a city,
25 town, county, or other subdivision of the state or of a public
26 corporation organized for the purpose of providing water,
27 water systems, fire protection services, or fire protection

1 facilities in the state; and shall include the chief,
2 assistant chief, wardens, engineers, captains, firefighters,
3 and all other officers and employees of such departments who
4 actually engage in fire fighting or in rendering first aid in
5 case of drownings or asphyxiation at the scene of action. The
6 term includes a member or members of any rescue squad that is
7 a member of the Alabama Association of Rescue Squads.

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

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

1 "(1) Spouse, unless it be shown that the spouse was
2 voluntarily living apart from the peace officer or firefighter
3 at the time of death, or unless it be shown that the peace
4 officer or firefighter was not in any way contributing to the
5 spouse's support and had not in any way contributed to the
6 spouse's support for more than 12 months next preceding the
7 occurrence of the injury causing death.

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

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

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

1 are none, the compensation shall be paid to the estate of the
2 deceased.

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

11 Section 2. This act shall become effective on the
12 first day of the third month following its passage and
13 approval by the Governor, or its otherwise becoming law.