

**SENATE AMENDMENT NO. \_\_\_\_\_**

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend \_\_\_\_\_ Bill No. \_\_\_\_\_, Page \_\_\_\_\_, Section \_\_\_\_\_, Line \_\_\_\_\_,

2 by inserting immediately after said line the following:

3 "287.243. 1. This section shall be known and may be cited  
4 as the "Line of Duty Compensation Act".

5 2. As used in this section, unless otherwise provided, the  
6 following words shall mean:

7 (1) "Air ambulance pilot", a person certified as an air  
8 ambulance pilot in accordance with sections 190.001 to 190.245  
9 and corresponding regulations applicable to air ambulances  
10 adopted by the department of health and senior services, division  
11 of regulation and licensure, 19 CSR 30-40.005, et seq.;

12 (2) "Air ambulance registered professional nurse", a person  
13 licensed as a registered professional nurse in accordance with  
14 sections 335.011 to 335.096 and corresponding regulations adopted  
15 by the state board of nursing, 20 CSR 2200-4, et seq., who  
16 provides registered professional nursing services as a flight  
17 nurse in conjunction with an air ambulance program that is  
18 certified in accordance with sections 190.001 to 190.245 and the  
19 corresponding regulations applicable to such programs;

20 (3) "Emergency medical technician", a person licensed in  
21 emergency medical care in accordance with standards prescribed by  
22 sections 190.001 to 190.245 and by rules adopted by the

1 department of health and senior services under sections 190.001  
2 to 190.245;

3 (4) "Firefighter", any person, including a volunteer  
4 firefighter, employed by the state or a local governmental entity  
5 as an employer defined under subsection 1 of section 287.030, or  
6 otherwise serving as a member or officer of a fire department  
7 either for the purpose of the prevention or control of fire or  
8 the underwater recovery of drowning victims;

9 (5) "Killed in the line of duty", when [a] any person  
10 defined in this section loses [one's] his or her life [as a  
11 result of an injury received in the active performance of his or  
12 her duties within the ordinary scope of his or her respective  
13 profession while the individual is on duty and but for the  
14 individual's performance, death would have not occurred] when:

15 (a) Death is caused by an accident or the willful act of  
16 violence of another;

17 (b) The law enforcement officer, emergency medical  
18 technician, air ambulance pilot, air ambulance registered  
19 professional nurse, or firefighter is in the active performance  
20 of his or her duties in his or her respective profession and  
21 there is a relationship between the accident or commission of the  
22 act of violence and the performance of the duty, even if the  
23 individual is off duty; the law enforcement officer, emergency  
24 medical technician, air ambulance pilot, air ambulance registered  
25 professional nurse, or firefighter is traveling to or from  
26 employment; or the law enforcement officer, emergency medical  
27 technician, air ambulance pilot, air ambulance registered  
28 professional nurse, or firefighter is taking any meal break or  
29 other break which takes place while that individual is on duty;

1           (c) Death is the natural and probable consequence of the  
2 injury; and

3           (d) Death occurs within three hundred weeks from the date  
4 the injury was received.

5 The term excludes death resulting from the willful misconduct or  
6 intoxication of the law enforcement officer, emergency medical  
7 technician, air ambulance pilot, air ambulance registered  
8 professional nurse, or firefighter. The division of workers'  
9 compensation shall have the burden of proving such willful  
10 misconduct or intoxication;

11           (6) "Law enforcement officer", any person employed by the  
12 state or a local governmental entity as a police officer, peace  
13 officer certified under chapter 590, or serving as an auxiliary  
14 police officer or in some like position involving the enforcement  
15 of the law and protection of the public interest at the risk of  
16 that person's life;

17           (7) "Local governmental entity", includes counties,  
18 municipalities, townships, board or other political subdivision,  
19 cities under special charter, or under the commission form of  
20 government, fire protection districts, ambulance districts, and  
21 municipal corporations;

22           (8) "State", the state of Missouri and its departments,  
23 divisions, boards, bureaus, commissions, authorities, and  
24 colleges and universities;

25           (9) "Volunteer firefighter", a person having principal  
26 employment other than as a firefighter, but who is carried on the  
27 rolls of a regularly constituted fire department either for the  
28 purpose of the prevention or control of fire or the underwater  
29 recovery of drowning victims, the members of which are under the

1 jurisdiction of the corporate authorities of a city, village,  
2 incorporated town, or fire protection district. Volunteer  
3 firefighter shall not mean an individual who volunteers  
4 assistance without being regularly enrolled as a firefighter.

5 3. (1) A claim for compensation under this section shall  
6 be filed by the estate of the deceased with the division of  
7 workers' compensation not later than one year from the date of  
8 death of a law enforcement officer, emergency medical technician,  
9 air ambulance pilot, air ambulance registered professional nurse,  
10 or firefighter. If a claim is made within one year of the date  
11 of death of a law enforcement officer, emergency medical  
12 technician, air ambulance pilot, air ambulance registered  
13 professional nurse, or firefighter killed in the line of duty,  
14 compensation shall be paid, if the division finds that the  
15 claimant is entitled to compensation under this section. (2)  
16 The amount of compensation paid to the claimant shall be  
17 twenty-five thousand dollars, subject to appropriation, for death  
18 occurring on or after June 19, 2009.

19 4. Notwithstanding subsection 3 of this section, no  
20 compensation is payable under this section unless a claim is  
21 filed within the time specified under this section setting forth:

22 (1) The name, address, and title or designation of the  
23 position in which the law enforcement officer, emergency medical  
24 technician, air ambulance pilot, air ambulance registered  
25 professional nurse, or firefighter was serving at the time of his  
26 or her death;

27 (2) The name and address of the claimant;

28 (3) A full, factual account of the circumstances resulting  
29 in or the course of events causing the death at issue; and

1           (4) Such other information that is reasonably required by  
2 the division.

3 When a claim is filed, the division of workers' compensation  
4 shall make an investigation for substantiation of matters set  
5 forth in the application.

6           5. The compensation provided for under this section is in  
7 addition to, and not exclusive of, any pension rights, death  
8 benefits, or other compensation the claimant may otherwise be  
9 entitled to by law.

10           6. Neither employers nor workers' compensation insurers  
11 shall have subrogation rights against any compensation awarded  
12 for claims under this section. Such compensation shall not be  
13 assignable, shall be exempt from attachment, garnishment, and  
14 execution, and shall not be subject to setoff or counterclaim, or  
15 be in any way liable for any debt, except that the division or  
16 commission may allow as lien on the compensation, reasonable  
17 attorney's fees for services in connection with the proceedings  
18 for compensation if the services are found to be necessary. Such  
19 fees are subject to regulation as set forth in section 287.260.

20           7. Any person seeking compensation under this section who  
21 is aggrieved by the decision of the division of workers'  
22 compensation regarding his or her compensation claim, may make  
23 application for a hearing as provided in section 287.450. The  
24 procedures applicable to the processing of such hearings and  
25 determinations shall be those established by this chapter.  
26 Decisions of the administrative law judge under this section  
27 shall be binding, subject to review by either party under the  
28 provisions of section 287.480.

29           8. Pursuant to section 23.253 of the Missouri sunset act:

1           (1) The provisions of the new program authorized under this  
2 section shall automatically sunset six years after June 19, 2009,  
3 unless reauthorized by an act of the general assembly; and

4           (2) If such program is reauthorized, the program authorized  
5 under this section shall automatically sunset twelve years after  
6 the effective date of the reauthorization of this section; and

7           (3) This section shall terminate on September first of the  
8 calendar year immediately following the calendar year in which  
9 the program authorized under this section is sunset.

10          9. The provisions of this section, unless specified, shall  
11 not be subject to other provisions of this chapter.

12          10. There is hereby created in the state treasury the "Line  
13 of Duty Compensation Fund", which shall consist of moneys  
14 appropriated to the fund and any voluntary contributions, gifts,  
15 or bequests to the fund. The state treasurer shall be custodian  
16 of the fund and shall approve disbursements from the fund in  
17 accordance with sections 30.170 and 30.180. Upon appropriation,  
18 money in the fund shall be used solely for paying claims under  
19 this section. Notwithstanding the provisions of section 33.080  
20 to the contrary, any moneys remaining in the fund at the end of  
21 the biennium shall not revert to the credit of the general  
22 revenue fund. The state treasurer shall invest moneys in the  
23 fund in the same manner as other funds are invested. Any  
24 interest and moneys earned on such investments shall be credited  
25 to the fund.

26          11. The division shall promulgate rules to administer this  
27 section, including but not limited to the appointment of claims  
28 to multiple claimants, record retention, and procedures for  
29 information requests. Any rule or portion of a rule, as that

1 term is defined in section 536.010, that is created under the  
2 authority delegated in this section shall become effective only  
3 if it complies with and is subject to all of the provisions of  
4 chapter 536 and, if applicable, section 536.028. This section  
5 and chapter 536 are nonseverable and if any of the powers vested  
6 with the general assembly under chapter 536 to review, to delay  
7 the effective date, or to disapprove and annul a rule are  
8 subsequently held unconstitutional, then the grant of rulemaking  
9 authority and any rule proposed or adopted after June 19, 2009,  
10 shall be invalid and void."; and

11 Further amend the title and enacting clause accordingly.  
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