

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

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

Amend SS/SCS/Senate Bill No. 66, Page 1, Section Title, Line 4,

of said title, by striking the following: "maximum medical improvement under"; and further amend line 5 of said title, by striking the word "laws"; and

Further amend said bill, page 8, section 287.170, line 20 of said page, by inserting immediately after said line the following:

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

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

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

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

1 corresponding regulations applicable to such programs;

2 (3) "Child", any natural, illegitimate, adopted, or  
3 posthumous child or stepchild of a deceased law enforcement  
4 officer, emergency medical technician, air ambulance pilot, air  
5 ambulance registered professional nurse, or firefighter who, at  
6 the time of the law enforcement officer's, emergency medical  
7 technician's, air ambulance pilot's, air ambulance registered  
8 professional nurse's, or firefighter's fatality is:

9 (a) Eighteen years of age or under;

10 (b) Over eighteen years of age and a student as defined in  
11 section 8101 of title 5, United States Code; or

12 (c) Over eighteen years of age and incapable of  
13 self-support because of physical or mental disability;

14 (4) "Emergency medical technician", a person licensed in  
15 emergency medical care in accordance with standards prescribed by  
16 sections 190.001 to 190.245 and by rules adopted by the  
17 department of health and senior services under sections 190.001  
18 to 190.245;

19 [(4)] (5) "Firefighter", any person, including a volunteer  
20 firefighter, employed by the state or a local governmental entity  
21 as an employer defined under subsection 1 of section 287.030, or  
22 otherwise serving as a member or officer of a fire department  
23 either for the purpose of the prevention or control of fire or  
24 the underwater recovery of drowning victims;

25 [(5)] (6) "Killed in the line of duty", when any person  
26 defined in this section loses his or her life when:

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

29 (b) The law enforcement officer, emergency medical

1 technician, air ambulance pilot, air ambulance registered  
2 professional nurse, or firefighter is in the active performance  
3 of his or her duties in his or her respective profession and  
4 there is a relationship between the accident or commission of the  
5 act of violence and the performance of the duty, even if the  
6 individual is off duty; the law enforcement officer, emergency  
7 medical technician, air ambulance pilot, air ambulance registered  
8 professional nurse, or firefighter is traveling to or from  
9 employment; or the law enforcement officer, emergency medical  
10 technician, air ambulance pilot, air ambulance registered  
11 professional nurse, or firefighter is taking any meal break or  
12 other break which takes place while that individual is on duty;

13 (c) Death is the natural and probable consequence of the  
14 injury; and

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

17  
18 The term excludes death resulting from the willful misconduct or  
19 intoxication of the law enforcement officer, emergency medical  
20 technician, air ambulance pilot, air ambulance registered  
21 professional nurse, or firefighter. The division of workers'  
22 compensation shall have the burden of proving such willful  
23 misconduct or intoxication;

24 [(6)] (7) "Law enforcement officer", any person employed by  
25 the state or a local governmental entity as a police officer,  
26 peace officer certified under chapter 590, or serving as an  
27 auxiliary police officer or in some like position involving the  
28 enforcement of the law and protection of the public interest at  
29 the risk of that person's life;

1            [(7)] (8) "Local governmental entity", includes counties,  
2 municipalities, townships, board or other political subdivision,  
3 cities under special charter, or under the commission form of  
4 government, fire protection districts, ambulance districts, and  
5 municipal corporations;

6            [(8)] (9) "State", the state of Missouri and its  
7 departments, divisions, boards, bureaus, commissions,  
8 authorities, and colleges and universities;

9            [(9)] (10) "Volunteer firefighter", a person having  
10 principal employment other than as a firefighter, but who is  
11 carried on the rolls of a regularly constituted fire department  
12 either for the purpose of the prevention or control of fire or  
13 the underwater recovery of drowning victims, the members of which  
14 are under the jurisdiction of the corporate authorities of a  
15 city, village, incorporated town, or fire protection district.  
16 Volunteer firefighter shall not mean an individual who volunteers  
17 assistance without being regularly enrolled as a firefighter.

18            3. (1) A claim for compensation under this section shall  
19 be filed [by the estate of] by survivors of the deceased with the  
20 division of workers' compensation not later than one year from  
21 the date of death of a law enforcement officer, emergency medical  
22 technician, air ambulance pilot, air ambulance registered  
23 professional nurse, or firefighter. If a claim is made within  
24 one year of the date of death of a law enforcement officer,  
25 emergency medical technician, air ambulance pilot, air ambulance  
26 registered professional nurse, or firefighter killed in the line  
27 of duty, compensation shall be paid, if the division finds that  
28 the claimant is entitled to compensation under this section.

29            (2) The amount of compensation paid to the claimant shall

1 be twenty-five thousand dollars, subject to appropriation, for  
2 death occurring on or after June 19, 2009.

3 4. Any compensation awarded under the provisions of this  
4 section shall be distributed as follows:

5 (1) If there is no child who survived the law enforcement  
6 officer, emergency medical technician, air ambulance pilot, air  
7 ambulance registered professional nurse, or firefighter, to the  
8 surviving spouse of the law enforcement officer, emergency  
9 medical technician, air ambulance pilot, air ambulance registered  
10 professional nurse, or firefighter;

11 (2) If there is at least one child who survived the law  
12 enforcement officer, emergency medical technician, air ambulance  
13 pilot, air ambulance registered professional nurse, or  
14 firefighter, and a surviving spouse of the law enforcement  
15 officer, emergency medical technician, air ambulance pilot, air  
16 ambulance registered professional nurse, or firefighter, fifty  
17 percent to the surviving child, or children, in equal shares, and  
18 fifty percent to the surviving spouse;

19 (3) If there is no surviving spouse of the law enforcement  
20 officer, emergency medical technician, air ambulance pilot, air  
21 ambulance registered professional nurse, or firefighter, to the  
22 surviving child, or children, in equal shares;

23 (4) If there is no surviving spouse of the law enforcement  
24 officer, emergency medical technician, air ambulance pilot, air  
25 ambulance registered professional nurse, or firefighter and no  
26 surviving child:

27 (a) To the surviving individual, or individuals, in shares  
28 per the designation or, otherwise, in equal shares, designated by  
29 the law enforcement officer, emergency medical technician, air

1 ambulance pilot, air ambulance registered professional nurse, or  
2 firefighter to receive benefits under this subsection in the most  
3 recently executed designation of beneficiary of the law  
4 enforcement officer, emergency medical technician, air ambulance  
5 pilot, air ambulance registered professional nurse, or  
6 firefighter on file at the time of death with the public safety  
7 agency, organization, or unit; or

8 (b) If there is no individual qualifying under paragraph  
9 (a), to the surviving individual, or individuals, in equal  
10 shares, designated by the law enforcement officer, emergency  
11 medical technician, air ambulance pilot, air ambulance registered  
12 professional nurse, or firefighter to receive benefits under the  
13 most recently executed life insurance policy of the law  
14 enforcement officer, emergency medical technician, air ambulance  
15 pilot, air ambulance registered professional nurse, or  
16 firefighter on file at the time of death with the public safety  
17 agency, organization, or unit;

18 (5) If there is no individual qualifying under subdivisions  
19 (1), (2), (3), or (4) of this subsection, to the surviving  
20 parent, or parents, in equal shares, of the law enforcement  
21 officer, emergency medical technician, air ambulance pilot, air  
22 ambulance registered professional nurse, or firefighter; or

23 (6) If there is no individual qualifying under subdivisions  
24 (1), (2), (3), (4), or (5) of this subsection, to the surviving  
25 individual, or individuals, in equal shares, who would otherwise  
26 qualify under the definition of the term "child" but for his or  
27 her age.

28 5. Notwithstanding subsection 3 of this section, no  
29 compensation is payable under this section unless a claim is

1 filed within the time specified under this section setting forth:

2 (1) The name, address, and title or designation of the  
3 position in which the law enforcement officer, emergency medical  
4 technician, air ambulance pilot, air ambulance registered  
5 professional nurse, or firefighter was serving at the time of his  
6 or her death;

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

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

10 (4) Such other information that is reasonably required by  
11 the division.  
12

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

16 [5.] 6. The compensation provided for under this section is  
17 in addition to, and not exclusive of, any pension rights, death  
18 benefits, or other compensation the claimant may otherwise be  
19 entitled to by law.

20 [6.] 7. Neither employers nor workers' compensation  
21 insurers shall have subrogation rights against any compensation  
22 awarded for claims under this section. Such compensation shall  
23 not be assignable, shall be exempt from attachment, garnishment,  
24 and execution, and shall not be subject to setoff or  
25 counterclaim, or be in any way liable for any debt, except that  
26 the division or commission may allow as lien on the compensation,  
27 reasonable attorney's fees for services in connection with the  
28 proceedings for compensation if the services are found to be  
29 necessary. Such fees are subject to regulation as set forth in

1 section 287.260.

2 [7.] 8. Any person seeking compensation under this section  
3 who is aggrieved by the decision of the division of workers'  
4 compensation regarding his or her compensation claim, may make  
5 application for a hearing as provided in section 287.450. The  
6 procedures applicable to the processing of such hearings and  
7 determinations shall be those established by this chapter.  
8 Decisions of the administrative law judge under this section  
9 shall be binding, subject to review by either party under the  
10 provisions of section 287.480.

11 [8.] 9. Pursuant to section 23.253 of the Missouri sunset  
12 act:

13 (1) The provisions of the new program authorized under this  
14 section shall automatically sunset six years after June 19, 2019,  
15 unless reauthorized by an act of the general assembly; and

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

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

22 [9.] 10. The provisions of this section, unless specified,  
23 shall not be subject to other provisions of this chapter.

24 [10.] 11. There is hereby created in the state treasury the  
25 "Line of Duty Compensation Fund", which shall consist of moneys  
26 appropriated to the fund and any voluntary contributions, gifts,  
27 or bequests to the fund. The state treasurer shall be custodian  
28 of the fund and shall approve disbursements from the fund in  
29 accordance with sections 30.170 and 30.180. Upon appropriation,



1 money in the fund shall be used solely for paying claims under  
2 this section. Notwithstanding the provisions of section 33.080  
3 to the contrary, any moneys remaining in the fund at the end of  
4 the biennium shall not revert to the credit of the general  
5 revenue fund. The state treasurer shall invest moneys in the  
6 fund in the same manner as other funds are invested. Any  
7 interest and moneys earned on such investments shall be credited  
8 to the fund.

9 [11.] 12. The division shall promulgate rules to administer  
10 this section, including but not limited to the appointment of  
11 claims to multiple claimants, record retention, and procedures  
12 for information requests. Any rule or portion of a rule, as that  
13 term is defined in section 536.010, that is created under the  
14 authority delegated in this section shall become effective only  
15 if it complies with and is subject to all of the provisions of  
16 chapter 536 and, if applicable, section 536.028. This section  
17 and chapter 536 are nonseverable and if any of the powers vested  
18 with the general assembly under chapter 536 to review, to delay  
19 the effective date, or to disapprove and annul a rule are  
20 subsequently held unconstitutional, then the grant of rulemaking  
21 authority and any rule proposed or adopted after June 19, 2009,  
22 shall be invalid and void."; and

23 Further amend the title and enacting clause accordingly.  
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