

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 888, Page 1, in the Title, Line 3, by
2 deleting all of said line and inserting in lieu thereof the following words "relating to state agencies,
3 boards, and commissions."; and
4

5 Further amend said bill, page, Section A, Line 3, by inserting immediately after all of said section
6 and line the following:
7

8 "173.260. 1. As used in this section, unless the context clearly requires otherwise, the
9 following terms mean:

10 (1) "Board", the coordinating board for higher education;

11 (2) "Eligible child", the natural, adopted or stepchild of a public safety officer or employee,
12 as defined in this section, who is less than twenty-four years of age and who is a dependent of a
13 public safety officer or employee or was a dependent at the time of death or permanent and total
14 disability of a public safety officer or employee;

15 (3) "Employee", any full-time employee of the department of transportation engaged in the
16 construction or maintenance of the state's highways, roads and bridges;

17 (4) "Grant", the public safety officer or employee survivor grant as established by this
18 section;

19 (5) "Institution of postsecondary education", any approved public or private institution as
20 defined in section [173.205] 173.1102;

21 (6) "Line of duty", any action of a public safety officer, whose primary function is crime
22 control or reduction, enforcement of the criminal law, or suppression of fires, is authorized or
23 obligated by law, rule, regulation or condition of employment or service to perform;

24 (7) "Public safety officer", any firefighter, uniformed employee of the office of the state fire
25 marshal, emergency medical technician, police officer, capitol police officer, parole officer,
26 probation officer, state correctional employee, water safety officer, park ranger, conservation officer
27 or highway patrolman employed by the state of Missouri or a political subdivision thereof who is
28 killed or permanently and totally disabled in the line of duty;

29 (8) "Permanent and total disability", a disability which renders a person unable to engage in
30 any gainful work;

31 (9) "Spouse", the husband, wife, widow or widower of a public safety officer or employee
32 at the time of death or permanent and total disability of such public safety officer;

33 (10) "Tuition", any tuition or incidental fee or both charged by an institution of
34 postsecondary education, as defined in this section, for attendance at that institution by a student as
35 a resident of this state.

36 2. Within the limits of the amounts appropriated therefor, the coordinating board for higher
Standing Action Taken _____ Date _____

Select Action Taken _____ Date _____

1 education shall provide, as defined in this section, a grant for either of the following to attend an
2 institution of postsecondary education:

3 (1) An eligible child of a public safety officer or employee killed or permanently and totally
4 disabled in the line of duty; or

5 (2) A spouse of a public safety officer killed or permanently and totally disabled in the line
6 of duty.

7 3. An eligible child or spouse may receive a grant under this section only so long as the
8 child or spouse is enrolled in a program leading to a certificate, or an associate or baccalaureate
9 degree. In no event shall a child or spouse receive a grant beyond the completion of the first
10 baccalaureate degree or, in the case of a child, age twenty-four years, except that the child may
11 receive a grant through the completion of the semester or similar grading period in which the child
12 reaches his twenty-fourth year. No child or spouse shall receive more than one hundred percent of
13 tuition when combined with similar funds made available to such child or spouse.

14 4. The coordinating board for higher education shall:

15 (1) Promulgate all necessary rules and regulations for the implementation of this section;

16 (2) Determine minimum standards of performance in order for a child or spouse to remain
17 eligible to receive a grant under this program;

18 (3) Make available on behalf of an eligible child or spouse an amount toward the child's or
19 spouse's tuition which is equal to the grant to which the child or spouse is entitled under the
20 provisions of this section;

21 (4) Provide the forms and determine the procedures necessary for an eligible child or spouse
22 to apply for and receive a grant under this program.

23 5. An eligible child or spouse who is enrolled or has been accepted for enrollment as an
24 undergraduate postsecondary student at an approved institution of postsecondary education shall
25 receive a grant in an amount not to exceed the least of the following:

26 (1) The actual tuition, as defined in this section, charged at an approved institution where
27 the child or spouse is enrolled or accepted for enrollment; or

28 (2) The amount of tuition charged a Missouri resident at the University of Missouri for
29 attendance as a full-time student, as defined in section 173.205.

30 6. An eligible child or spouse who is a recipient of a grant may transfer from one approved
31 public or private institution of postsecondary education to another without losing his entitlement
32 under this section. The board shall make necessary adjustments in the amount of the grant. If a
33 grant recipient at anytime withdraws from the institution of postsecondary education so that under
34 the rules and regulations of that institution he is entitled to a refund of any tuition, fees, or other
35 charges, the institution shall pay the portion of the refund to which he is entitled attributable to the
36 grant for that semester or similar grading period to the board.

37 7. If an eligible child or spouse is granted financial assistance under any other student aid
38 program, public or private, the full amount of such aid shall be reported to the board by the
39 institution and the eligible child or spouse.

40 8. Nothing in this section shall be construed as a promise or guarantee that a person will be
41 admitted to an institution of postsecondary education or to a particular institution of postsecondary
42 education, will be allowed to continue to attend an institution of postsecondary education after
43 having been admitted, or will be graduated from an institution of postsecondary education.

44 9. A public safety officer who is permanently and totally disabled shall be eligible for a
45 grant pursuant to the provisions of this section.

46 10. An eligible child of a public safety officer or employee, spouse of a public safety officer
47 or public safety officer shall cease to be eligible for a grant pursuant to this section when such
48 public safety officer or employee is no longer permanently and totally disabled.

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 corresponding regulations applicable to such programs;

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

(4) "Firefighter", any person, including a volunteer firefighter, employed by the state or a local governmental entity as an employer defined under subsection 1 of section 287.030, or otherwise serving as a member or officer of a fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims, a uniformed employee of the office of the state fire marshal, or an emergency medical technician as defined in subdivisions (15), (16), (17), (18), and (19) of section 190.100;

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

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

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

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

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

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

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

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

(8) "State", the state of Missouri and its departments, divisions, boards, bureaus,

1 commissions, authorities, and colleges and universities;

2 (9) "Volunteer firefighter", a person having principal employment other than as a firefighter,
3 but who is carried on the rolls of a regularly constituted fire department either for the purpose of the
4 prevention or control of fire or the underwater recovery of drowning victims, the members of which
5 are under the jurisdiction of the corporate authorities of a city, village, incorporated town, or fire
6 protection district. Volunteer firefighter shall not mean an individual who volunteers assistance
7 without being regularly enrolled as a firefighter.

8 3. (1) A claim for compensation under this section shall be filed by the spouse, child, or
9 personal representative of the estate of the deceased with the division of workers' compensation not
10 later than one year from the date of death of a law enforcement officer, emergency medical
11 technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter. If a
12 claim is made within one year of the date of death of a law enforcement officer, emergency medical
13 technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter killed in
14 the line of duty, compensation shall be paid, if the division finds that the claimant is entitled to
15 compensation under this section, as follows:

16 (a) If there is a surviving spouse but no surviving child of the law enforcement officer,
17 emergency medical technician, or firefighter, then to such person's surviving spouse;

18 (b) If there is a surviving spouse and at least one surviving child of the law enforcement
19 officer, emergency medical technician, or firefighter, then fifty percent to the surviving spouse and
20 fifty percent in equal shares to the surviving child or children;

21 (c) If there is no surviving spouse and at least one surviving child of the law enforcement
22 officer, emergency medical technician, or firefighter, then to the surviving child or children in equal
23 shares;

24 (d) If there is no surviving spouse and no surviving child of the law enforcement officer,
25 emergency medical technician, or firefighter, then to the decedent's estate.

26 (2) The amount of compensation paid to the claimant shall be twenty-five thousand dollars,
27 subject to appropriation, for death occurring on or after June 19, 2009.

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

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

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

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

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

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

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

42 6. Neither employers nor workers' compensation insurers shall have subrogation rights
43 against any compensation awarded for claims under this section. Such compensation shall not be
44 assignable, shall be exempt from attachment, garnishment, and execution, and shall not be subject to
45 setoff or counterclaim, or be in any way liable for any debt, except that the division or commission
46 may allow as lien on the compensation, reasonable attorney's fees for services in connection with
47 the proceedings for compensation if the services are found to be necessary. Such fees are subject to
48 regulation as set forth in section 287.260.

1 7. Effective August 28, 2016, the spouse, child, or personal representative of any person
2 who was killed in the line of duty on or after June 19, 2009, who would have been eligible to
3 receive benefits under the provisions of this section, shall be eligible to a claim for compensation
4 under this section.

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

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

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

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

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

18 [9.] 10. The provisions of this section, unless specified, shall not be subject to other
19 provisions of this chapter.

20 [10.] 11. There is hereby created in the state treasury the "Line of Duty Compensation
21 Fund", which shall consist of moneys appropriated to the fund and any voluntary contributions,
22 gifts, or bequests to the fund. The state treasurer shall be custodian of the fund and shall approve
23 disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation,
24 money in the fund shall be used solely for paying claims under this section. Notwithstanding the
25 provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the
26 biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest
27 moneys in the fund in the same manner as other funds are invested. Any interest and moneys
28 earned on such investments shall be credited to the fund.

29 [11.] 12. The division shall promulgate rules to administer this section, including but not
30 limited to the appointment of claims to multiple claimants, record retention, and procedures for
31 information requests. Any rule or portion of a rule, as that term is defined in section 536.010, that
32 is created under the authority delegated in this section shall become effective only if it complies
33 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This
34 section and chapter 536 are nonseverable and if any of the powers vested with the general assembly
35 under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
36 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or
37 adopted after June 19, 2009, shall be invalid and void.

38 190.540. Notwithstanding any other provision of law, the Bureau of Emergency Medical
39 Services (EMS) shall be removed from the department of health and senior services effective
40 August 28, 2016, and officially domiciled under the division of fire safety in the department of
41 public safety.

42 292.602. 1. The "Missouri Emergency Response Commission", herein to be known as the
43 commission, is hereby established and is officially domiciled under the division of fire safety in the
44 department of public safety. The commission shall be composed of the director of the department
45 of economic development, or his designee; the director of the department of natural resources, or his
46 designee; the director of the department of public safety, or his designee; the director of the
47 department of health and senior services, or his designee; six members appointed by the governor
48 with the advice and consent of the senate; one to represent transporters of hazardous materials; one

1 to represent Missouri industry; one to represent local government; one chief fire officer from a
2 recognized fire department or fire protection district; one police officer of the rank of captain or
3 above from a recognized county or municipal police department; and one to represent the general
4 public and four members of the general assembly, two of whom shall be appointed by the speaker of
5 the house and two of whom shall be appointed by the president pro tem of the senate. All members
6 of the commission shall represent the general interest of the public and shall, to the extent
7 practicable, have technical expertise in the emergency response field. No more than three members
8 appointed by the governor shall be of the same political party. The terms of office for the members
9 appointed by the governor shall be four years and until their successors are selected and qualified,
10 except that, of those first appointed, two shall have a term of three years, two shall have a term of
11 two years and two will have a term of one year. There is no limitation on the number of terms an
12 appointed member may serve. The governor may appoint a member for the remaining portion of
13 the unexpired term created by a vacancy. The governor may remove any appointed member for
14 cause.

15 2. All members of the commission shall serve without compensation for their duties, but
16 shall be reimbursed for necessary travel and other expenses incurred in the performance of their
17 official duties.

18 3. The Missouri emergency response commission in conjunction with the department shall:

19 (1) Carry out those responsibilities designated under sections 292.600 to 292.625 and
20 implement sections 292.600 to 292.625 and the Emergency Planning and Community Right-to-
21 Know Act of 1986, Public Law 99-499, as amended, and all rules and regulations promulgated
22 pursuant thereto, herein to be known as the Federal Act;

23 (2) Designate local emergency planning districts to facilitate preparation and
24 implementation of emergency plans, appoint members of a local emergency planning committee for
25 each local emergency planning district, support and coordinate the activities of such committees,
26 review the emergency plans submitted by local emergency planning committees, and make
27 recommendations to the local emergency planning committees regarding those plans;

28 (3) Establish a single filing point for all reports and filings that are required to be submitted
29 to the commission under the provisions of sections 292.600 to 292.625 and the Federal Act;

30 (4) Accept, receive and administer grants or other funds or gifts from public and private
31 agencies, including the federal government, for the purpose of carrying out the functions and
32 responsibilities enumerated in sections 292.600 to 292.625;

33 (5) Provide assistance to the local emergency planning committees for the purpose of
34 carrying out the functions and responsibilities enumerated in sections 292.600 to 292.625 and the
35 Federal Act by utilizing all available expertise both public and private, including, but not limited to,
36 the departments of natural resources, public safety and health;

37 (6) Provide training to local emergency planning committees and other local officials to
38 accomplish the purposes and objectives of the Federal Act and the provisions of sections 292.600 to
39 292.625. The department of public safety will coordinate the provisions of such training and
40 periodically report to the commission on training activities;

41 (7) Enter into such agreements with other state agencies, local governments and other
42 political subdivisions of the state, the federal government and other persons as is determined to be
43 appropriate to implement the Federal Act and the provisions of sections 292.600 to 292.625;

44 (8) Allot funds as specified in section 292.604 to local emergency planning committees;

45 (9) Develop a data management system to store and retrieve information submitted under
46 the provisions of sections 292.600 to 292.625 and the Federal Act. The commission and the
47 department will provide assistance to local emergency planning committees and fire departments,
48 fire protection districts, volunteer fire protection services and others to make this information

- 1 readily available to them for planning and emergency response purposes."; and
- 2
- 3 Further amend said bill by amending the title, enacting clause, and intersectional references
- 4 accordingly.