

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 237,
2 Page 1, Section A, Line 2, by inserting after all of said line the following:

3
4 "173.260. 1. As used in this section, unless the context clearly requires otherwise, the
5 following terms mean:

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

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

16 (3) "Air ambulance registered respiratory therapist", a person licensed as a registered
17 respiratory therapist in accordance with sections 334.800 to 334.930 and corresponding regulations
18 adopted by the state board for respiratory care, who provides respiratory therapy services in
19 conjunction with an air ambulance program that is certified in accordance with sections 190.001 to
20 190.245 and corresponding regulations applicable to such programs;

21 (4) "Board", the coordinating board for higher education;

22 [(2)] (5) "Eligible child", the natural, adopted or stepchild of a public safety officer or
23 employee, as defined in this section, who is less than twenty-four years of age and who is a
24 dependent of a public safety officer or employee or was a dependent at the time of death or
25 permanent and total disability of a public safety officer or employee;

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

29 [(3)] (7) "Employee", any full-time employee of the department of transportation engaged
30 in the construction or maintenance of the state's highways, roads and bridges;

31 (8) "Flight crew member", an individual engaged in flight responsibilities with an air
32 ambulance licensed in accordance with sections 190.001 to 190.245 and corresponding regulations
33 applicable to such programs;

34 [(4)] (9) "Grant", the public safety officer or employee survivor grant as established by this
35 section;

36 [(5)] (10) "Institution of postsecondary education", any approved public or private

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1 institution as defined in section ~~[173.205]~~ 173.1102;

2 ~~[(6)]~~ (11) "Line of duty", any action of a public safety officer, whose primary function is
3 crime control or reduction, enforcement of the criminal law, or suppression of fires, is authorized or
4 obligated by law, rule, regulation or condition of employment or service to perform;

5 ~~[(7)]~~ (12) "Public safety officer", any firefighter, uniformed employee of the office of the
6 state fire marshal, emergency medical technician, police officer, capitol police officer, parole officer,
7 probation officer, state correctional employee, water safety officer, park ranger, conservation officer
8 or highway patrolman employed by the state of Missouri or a political subdivision thereof who is
9 killed or permanently and totally disabled in the line of duty or any emergency medical technician,
10 air ambulance pilot, air ambulance registered professional nurse, air ambulance registered
11 respiratory therapist, or flight crew member who is killed or permanently and totally disabled in the
12 line of duty;

13 ~~[(8)]~~ (13) "Permanent and total disability", a disability which renders a person unable to
14 engage in any gainful work;

15 ~~[(9)]~~ (14) "Spouse", the husband, wife, widow or widower of a public safety officer or
16 employee at the time of death or permanent and total disability of such public safety officer;

17 ~~[(10)]~~ (15) "Tuition", any tuition or incidental fee or both charged by an institution of
18 postsecondary education, as defined in this section, for attendance at that institution by a student as
19 a resident of this state.

20 2. Within the limits of the amounts appropriated therefor, the coordinating board for higher
21 education shall provide, as defined in this section, a grant for either of the following to attend an
22 institution of postsecondary education:

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

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

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

34 4. The coordinating board for higher education shall:

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

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

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

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

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

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

48 (2) The amount of tuition charged a Missouri resident at the University of Missouri for

attendance as a full-time student, as defined in section 173.205.

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

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

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

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

10. An eligible child of a public safety officer or employee, spouse of a public safety officer or public safety officer shall cease to be eligible for a grant pursuant to this section when such 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

1 commission of the act of violence and the performance of the duty, even if the individual is off duty;
 2 the law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance
 3 registered professional nurse, or firefighter is traveling to or from employment; or the law
 4 enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered
 5 professional nurse, or firefighter is taking any meal break or other break which takes place while
 6 that individual is on duty;

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

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

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

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

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

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

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

28 3. (1) A claim for compensation under this section shall be filed by the spouse, child, or
 29 personal representative of the estate of the deceased with the division of workers' compensation not
 30 later than one year from the date of death of a law enforcement officer, emergency medical
 31 technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter. If a
 32 claim is made within one year of the date of death of a law enforcement officer, emergency medical
 33 technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter killed in
 34 the line of duty, compensation shall be paid, if the division finds that the claimant is entitled to
 35 compensation under this section, as follows:

36 (a) If there is a surviving spouse but no surviving child of the law enforcement officer,
 37 emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or
 38 firefighter, then to such person's surviving spouse;

39 (b) If there is a surviving spouse and at least one surviving child of the law enforcement
 40 officer, emergency medical technician, air ambulance pilot, air ambulance registered professional
 41 nurse, or firefighter, then fifty percent to the surviving spouse and fifty percent in equal shares to
 42 the surviving child or children;

43 (c) If there is no surviving spouse and at least one surviving child of the law enforcement
 44 officer, emergency medical technician, air ambulance pilot, air ambulance registered professional
 45 nurse, or firefighter, then to the surviving child or children in equal shares;

46 (d) If there is no surviving spouse and no surviving child of the law enforcement officer,
 47 emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or
 48 firefighter, then to the decedent's estate.

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

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

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

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

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

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

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

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

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

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

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

34 ~~[8-]~~ 9. Pursuant to section 23.253 of the Missouri sunset act:

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

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

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

41 ~~[9-]~~ 10. The provisions of this section, unless specified, shall not be subject to other
42 provisions of this chapter.

43 ~~[10-]~~ 11. There is hereby created in the state treasury the "Line of Duty Compensation
44 Fund", which shall consist of moneys appropriated to the fund and any voluntary contributions,
45 gifts, or bequests to the fund. The state treasurer shall be custodian of the fund and shall approve
46 disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation,
47 money in the fund shall be used solely for paying claims under this section. Notwithstanding the
48 provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the

1 biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest
2 moneys in the fund in the same manner as other funds are invested. Any interest and moneys
3 earned on such investments shall be credited to the fund.

4 ~~[11.]~~ 12. The division shall promulgate rules to administer this section, including but not
5 limited to the appointment of claims to multiple claimants, record retention, and procedures for
6 information requests. Any rule or portion of a rule, as that term is defined in section 536.010, that
7 is created under the authority delegated in this section shall become effective only if it complies
8 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This
9 section and chapter 536 are nonseverable and if any of the powers vested with the general assembly
10 under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
11 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or
12 adopted after June 19, 2009, shall be invalid and void."; and

13
14 Further amend said bill by amending the title, enacting clause, and intersectional references
15 accordingly.