

Regular Session, 2014

HOUSE BILL NO. 568

BY REPRESENTATIVE ST. GERMAIN

FIRE PROTECT/FIREMEN: Provides relative to financial security benefits for surviving spouses and children of fire operation personnel

1 AN ACT

2 To enact R.S. 33:1981.1 and 2201(B)(22), relative to financial benefits for surviving spouses  
3 and children of fire operation personnel; to provide for financial security for  
4 surviving spouses and children of enforcement and emergency service personnel of  
5 the office of the state fire marshal; to provide for financial security for surviving  
6 spouses and children of firemen upon death by heart attack or stroke; to create a  
7 presumption; to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:1981.1 and 2201(B)(22) are hereby enacted to read as follows:

10 §1981.1. Financial security for surviving spouses and children of firemen; death by  
11 heart attack or stroke; presumption

12 A. In addition to the qualifying events enumerated in R.S. 33:1981, a  
13 fireman whose death is the direct and proximate result of a heart attack or a stroke  
14 shall be presumed to have died as the direct and proximate result of an injury  
15 sustained in the performance of his official duties for the purposes of R.S. 33:1981  
16 if:

17 (1) While on duty, the fireman engaged in an activity which was stressful or  
18 physical including but not limited to fire suppression, rescue, hazardous material  
19 response, emergency medical services, disaster relief, or other emergency response

1 activity, or participated in a training exercise that involved stressful or strenuous  
2 physical activity.

3 (2) The fireman died as a result of a heart attack or stroke suffered while  
4 engaging or participating or on duty after engaging or participating in the activities  
5 or exercises described in Paragraph (1) of this Subsection or no later than twenty-  
6 four hours after engaging or participating in the activities or exercises described in  
7 Paragraph (1) of this Subsection.

8 (3) The presumption created by this Section shall be irrebuttable despite  
9 medical evidence to the contrary.

10 B. The surviving spouse and children of a fireman whose death meets the  
11 requirements under Subsection (A) of this Section shall be eligible for the payment  
12 of benefits enumerated in R.S. 33:1981.

13 C. Payment of benefits pursuant to this Section shall be made according to  
14 the provisions of R.S. 33:1981 and shall be subject to review by the Law  
15 Enforcement Officers' and Firemen's Survivor Benefit Review Board.

16 D. Payments pursuant to this Section shall be made by the state risk manager  
17 from the Self-Insurance Fund provided for in R.S. 39:1533.

18 \* \* \*

19 §2201. Financial security for surviving spouses and children of law enforcement  
20 officers in certain cases

21 \* \* \*

22 (22) All enforcement and emergency services personnel of the office of the  
23 state fire marshal.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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St. Germain

HB No. 568

**Abstract:** Provides for financial security for surviving spouses and children of enforcement and emergency service personnel of the office of the state fire marshal and provides for financial security for surviving spouses and children of firemen upon death by heart attack or stroke.

Present law provides for financial security in certain cases, for surviving spouses and children of firemen or officers who suffer death as a result of an injury arising out of and in the course of the performance of his official duties as a fireman or officer, or arising out of any activity while on or off duty, in his capacity as a fireman or officer, in the protection of life and property. Further provides for the definition of firemen and law enforcement officer.

Proposed law retains present law.

Proposed law adds all enforcement and emergency services personnel of the office of the state fire marshal to present law.

Proposed law provides for financial security for surviving spouses and children of firemen upon death by heart attack or stroke during or within a specified time after engaging in certain activities undertaken while on duty.

(Adds R.S. 33:1981.1 and 2201(B)(22))