

Stricken language would be deleted from and underlined language would be added to present law.
Act 638 of the Regular Session

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: H3/12/19
A Bill

HOUSE BILL 1345

By: Representative Clowney

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING DISABILITY
RETIREMENT ELIGIBILITY UNDER THE ARKANSAS PUBLIC
EMPLOYEES' RETIREMENT SYSTEM AND THE ARKANSAS LOCAL
POLICE AND FIRE RETIREMENT SYSTEM; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING DISABILITY
RETIREMENT ELIGIBILITY UNDER THE ARKANSAS
PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND
THE ARKANSAS LOCAL POLICE AND FIRE
RETIREMENT SYSTEM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 24-4-511(a)(1)(A), concerning eligibility for benefits and disability retirement under the Arkansas Public Employees' Retirement System, is amended to read as follows:

(a)(1)(A)(i) Except for members of the General Assembly who need at least ten (10) years of actual service, any active member with five (5) or more years of actual service, including actual service for at least eighteen (18) of the twenty-four (24) calendar months immediately preceding his or her disability, who becomes totally and permanently physically or mentally incapacitated for any suitable job or position as an employee as a result of a personal injury or disease may be retired by the Board of Trustees of the Arkansas Public Employees' Retirement System upon written application filed with the board by or on behalf of the member.



(ii)(a) As used in subdivision (a)(1)(A)(i) of this section, "disease" includes without limitation cancer that a firefighter or volunteer firefighter is diagnosed with while he or she is in the line of duty.

(b) A finding that a firefighter or volunteer firefighter was diagnosed with cancer while he or she was in the line of duty may be rebutted by a preponderance of the evidence.

(iii) As used in subdivision (a)(1)(A)(ii) of this section, "cancer" means:

(a) Leukemia, lymphoma, mesothelioma, or multiple myeloma;

(b) Cancer of the brain, urinary tract, liver, skin, breast, cervix, thyroid, prostate, testicle, colon, or digestive tract;
or

(c) A cancer that has been found by research and statistics to show higher instances of occurrence in firefighters than in the general population, if the firefighter was exposed to a known carcinogen, as determined by the Department of Health with consideration to the findings of the International Agency for Research on Cancer, while in the official line of duty.

SECTION 2. Arkansas Code § 24-10-607(a)(1)(A), concerning disability retirement under the Arkansas Local Police and Fire Retirement System, is amended to read as follows:

(a)(1)(A)(i) An active member with five (5) years of credited service, including credited service for seventy-five percent (75%) of the two (2) years immediately preceding his or her disability, who while an active member becomes totally and permanently physically or mentally incapacitated for any suitable duty as an employee as a result of a personal injury or disease, may be retired by the Board of Trustees of the Arkansas Local Police and Fire Retirement System upon proper application filed with the board by or on behalf of the member or former member.

(ii) A member hired on or after July 1, 2013, shall accrue ten (10) years of actual service in order to be eligible for retirement.

(iii)(a) As used in subdivision (a)(1)(A)(i) of this

section, "disease" includes without limitation cancer that a member or volunteer member is diagnosed with while he or she is in the line of duty.

(b) A finding that a member or volunteer member was diagnosed with cancer while he or she was in the line of duty may be rebutted by a preponderance of the evidence.

(iv) As used in subdivision (a)(1)(A)(iii) of this section, "cancer" means:

(a) Leukemia, lymphoma, mesothelioma, or multiple myeloma;

(b) Cancer of the brain, urinary tract, liver, skin, breast, cervix, thyroid, prostate, testicle, colon, or digestive tract;
or

(c) A cancer that has been found by research and statistics to show higher instances of occurrence in firefighters than in the general population, if the firefighter was exposed to a known carcinogen, as determined by the Department of Health with consideration to the findings of the International Agency for Research on Cancer, while in the official line of duty.

/s/Clowney

APPROVED: 4/1/19