

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
90th General Assembly
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As Engrossed: H2/26/15
A Bill

HOUSE BILL 1274

By: Representatives Leding, Baine, Baltz, Magie, D. Whitaker, E. Armstrong, Cozart, Della Rosa, Eads, Harris, M. Hodges, Jett, D. Meeks, Neal, Petty, Ratliff, Richey, Sabin, Tucker, Wardlaw, Wright

By: Senators J. Woods, J. Hutchinson, U. Lindsey

For An Act To Be Entitled

AN ACT TO AMEND THE PAYMENT FOR CLAIMS TO COVERED PUBLIC EMPLOYEES, DESIGNATED BENEFICIARIES, OR SURVIVORS OF PUBLIC EMPLOYEES; TO CREATE A PRESUMPTION THAT FIREFIGHTERS WHO DEVELOP CERTAIN FORMS OF CANCER DEVELOPED THOSE CANCERS THROUGH THEIR WORK AS FIREFIGHTERS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE PAYMENT FOR CLAIMS TO COVERED PUBLIC EMPLOYEES, DESIGNATED BENEFICIARIES, OR SURVIVORS OF PUBLIC EMPLOYEES.

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

SECTION 1. Arkansas Code § 21-5-705(a), concerning payment of claims to designated beneficiaries or survivors of certain specified public employees killed in the line of duty, is amended to read as follows:

(a) The state shall pay the additional sum of one hundred fifty thousand dollars (\$150,000) to the designated beneficiary, surviving spouse, or surviving children under ~~the age of~~ twenty-two (22) years of age of ~~any a~~:

(1) Police officer, wildlife enforcement officer of the Arkansas State Game and Fish Commission, commissioned law enforcement officer or emergency response employee of the State Parks Division of the Department of Parks and Tourism, Department of Community Correction employee, or employee



of the Department of Correction whose death occurred:

(A) After January 1, 2003; and

(B) Either:

(i) In the official line of duty as the result of a criminal or negligent action of another person or persons or as the result of the engagement in exceptionally hazardous duty; or

(ii) In the line of duty while the officer or employee was performing emergency medical activities; ~~and~~

(2) Firefighter, emergency medical technician, or employee of the Arkansas Forestry Commission killed after July 1, 1987, while responding to, engaging in, or returning from a fire, a rescue incident, a hazardous material or bomb incident, an emergency medical activity, or simulated training thereof; and

(3)(A)(i) Firefighter killed in the line of duty after January 1, 2012, including death from leukemia, lymphoma, mesothelioma, and multiple myeloma and cancer of the brain, digestive tract, urinary tract, liver, skin, breast, cervical, thyroid, prostate, testicle, or a cancer that has been found by research and statistics to show higher instances of occurrence in firefighters than in the general population, if he or she 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.

(ii) Subdivision (a)(3)(A)(i) of this section does not include a firefighter who was diagnosed with cancer prior to the start of firefighter service.

(B) A death benefit under subdivision (a)(3)(A) of this section shall be limited to:

(i) A maximum of one hundred fifty thousand dollars (\$150,000) per individual death, including educational benefits provided in §6-82-501 et seq.; and

(ii) A firefighter who is under the sixty-eight (68) years of age.

(C)(i) The Firefighter Benefit Review Panel is created for the purpose of making recommendations to the Arkansas State Claims Commission regarding determinations of death benefits under subdivision (a)(3)(A) of this section for deaths associated with cancer.

(ii) The panel shall consist of the following seven (7) individuals to be appointed by the Governor:

(a) One (1) licensed oncologist;

(b)(1) Two (2) firefighters paid by the state, a county, or a municipality.

(2) One (1) firefighter under subdivision (a)(3)(C)(ii)(b)(1) of this section shall be appointed from a list of names submitted by the Arkansas Professional Firefighters Association;

(c)(1) Two (2) volunteer firefighters.

(2) One (1) firefighter under subdivision (a)(3)(C)(ii)(c)(1) of this section shall be appointed from a list of names submitted by the Arkansas State Firefighters Association;

(d) One (1) fire chief who may be appointed from a list of names submitted by the Arkansas Association of Fire Chiefs; and

(e) One (1) citizen with experience in either cancer and healthcare professions or firefighter relations.

(iii)(a) Panel members shall serve a term of four (4) years.

(b) In the event of a vacancy in the membership of the panel, the Governor shall appoint a person meeting the applicable eligibility requirements of the vacated position to fill the vacancy for the remainder of the unexpired term.

(iv)(a) The panel shall hold at least one (1) regular meeting in each calendar year at a time and place determined by the panel.

(b) Special meetings may be called at the discretion of the chair selected under subdivision (a)(3)(C)(v) of this section.

(v) The panel shall select a chair and vice chair during the first annual meeting of each four-year term.

(vi) Four (4) members of the panel shall constitute a quorum to transact business.

(vii) The members of the panel may receive expense reimbursement in accordance with § 25-16-901 et seq.

(viii) The panel shall:

(a) Render advisory opinions and reports concerning research and statistics that show higher instances of cancer among firefighters;

(b) Review claims for death benefits of firefighters who have died of cancer; and

(c) Make recommendations to the Arkansas State Claims Commission on death benefit awards under subdivision (a)(3)(A) of this section.

(D) This section:

(i) Shall not be applied to any other benefits granted by the state, county, city, or municipality; and

(ii) Does not grant a cause of action against the state, county, city, or municipality.

SECTION 2. DO NOT CODIFY. Initial appointment of Firefighter Benefit Review Panel members.

Within thirty (30) days of the effective date of this act, the Governor shall appoint the initial members of the Firefighter Benefit Review Panel and designate one (1) member of the panel to call the first meeting of the panel.

/s/Leding