

Hall of the House of Representatives
84th General Assembly - Regular Session, 2003
Amendment Form

Subtitle of House Bill No. 1236

"TO PROVIDE THAT FIREFIGHTERS WITH CERTAIN DISEASES WILL BE PRESUMED
TO HAVE BEEN INJURED IN THE LINE OF DUTY FOR DISABILITY RETIREMENT
BENEFITS. "

Amendment No. 2 to House Bill No. 1236.

Amend House Bill No. 1236 as engrossed, H1/30/03:

Page 1, line 9, delete "THAT" and substitute "THAT POLICE OFFICERS AND "
AND

Page 1, line 17, delete "THAT" and substitute "THAT POLICE OFFICERS AND "
AND

Page 2, line 20, delete "fire" and substitute "police officer or fire"
AND

Page 2, line 21, delete "fire" and substitute "police officer or fire"
AND

Page 2, line 25, delete "fire" and substitute "police officer's or fire"
AND

Page 2, line 29, delete "firefighter" and substitute "police officer or fire
fighter"

AND

Page 3, delete line 2, and substitute the following:
"probably be permanent, and that the member should be retired.

SECTION 2. Arkansas Code § 24-11-423(a)(1)(C), concerning the
disability retirement benefits for police officers under a policemen's
pension and relief fund, is amended to read as follows:



(C)(i) If, however, a police officer is injured in the line of duty, the monthly disability benefit shall either be equal to sixty-five percent (65%) of the salary attached to the rank held by the member in the police department or shall be equal to the benefit paid to normal service retirants, whichever is greater.

(ii) ~~For~~ Except as presumed under subdivision (a)(1)(C)(iii)(c)(1) of this section, for purposes of this section, "injured in the line of duty" means a disabling injury or disease which occurs while conducting official police department operations or while in training to become a police officer.

(iii)(a) The board shall determine whether the disability occurred in the line of duty and may require any medical evidence, official reports, expert testimony, or other information to be supplied by the applicant in addition to the required physician's examination. The additional benefits provided in this subdivision (a)(1)(C) shall be effective for all qualifying applications first received by the board on or after January 1, 1987.

(b) As used in this subdivision (a)(1)(C)(iii)(c) of this section:

(1)(A) "Blood or body fluids" means blood and body fluids containing visible blood and other body fluids to which universal precautions for prevention of occupational transmission of blood-borne pathogens, as established by the Centers for Disease Control, apply; and

(B) Includes respiratory, salivary, and sinus fluids, including droplets, sputum, saliva, mucous, and any other fluid through which infectious airborne or blood-borne organisms can be transmitted between persons for the purpose of determining the potential transmission of hepatitis, meningococcal meningitis, HIV, or tuberculosis;

(2) "Hepatitis" means hepatitis A, hepatitis B, hepatitis non-A, hepatitis non-B, hepatitis C or any other strain of hepatitis generally recognized by the medical community;

(3) "HIV" means the medically recognized retrovirus known as human immunodeficiency virus, type I or type II, causing immunodeficiency syndrome; and

(4) "Occupational exposure" means, in the case of hepatitis, meningococcal meningitis, HIV, or tuberculosis, an exposure that occurs during the performance of job duties that places a police officer at risk of infection.

(c)(1) A member of the police department who becomes disabled or injured by hepatitis, meningococcal meningitis, HIV, or tuberculosis shall be presumed to have been injured in the line of duty unless the contrary is shown by medical evidence.

(2) The presumption under subdivision (a)(1)(C)(iii)(c)(1) of this section is conditioned on the police officer having successfully passed a physical examination before entering into employment and the examination failing to reveal any evidence of the hepatitis, meningococcal meningitis, HIV, or tuberculosis."

AND

Page 3, line 4, delete "SECTION 2." and substitute "SECTION 3."

The Amendment was read _____
By: Representative Judy
EAN/VJF - 022420030927
VJF368

Chief Clerk