

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

As Engrossed: H3/12/19

# A Bill

HOUSE BILL 1345

5 By: Representative Clowney  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING DISABILITY  
9 RETIREMENT ELIGIBILITY UNDER THE ARKANSAS PUBLIC  
10 EMPLOYEES' RETIREMENT SYSTEM AND THE ARKANSAS LOCAL  
11 POLICE AND FIRE RETIREMENT SYSTEM; AND FOR OTHER  
12 PURPOSES.  
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### Subtitle

15 TO AMEND THE LAW CONCERNING DISABILITY  
16 RETIREMENT ELIGIBILITY UNDER THE ARKANSAS  
17 PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND  
18 THE ARKANSAS LOCAL POLICE AND FIRE  
19 RETIREMENT SYSTEM.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code § 24-4-511(a)(1)(A), concerning eligibility  
26 for benefits and disability retirement under the Arkansas Public Employees'  
27 Retirement System, is amended to read as follows:

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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20 /s/Clowney

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23 **APPROVED: 4/1/19**  
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