

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1274

5 By: Representatives Leding, Baine, Baltz, Magie, D. Whitaker
6 By: Senators J. Woods, J. Hutchinson, U. Lindsey
7

For An Act To Be Entitled

8
9 AN ACT TO AMEND THE PAYMENT FOR CLAIMS TO COVERED
10 PUBLIC EMPLOYEES, DESIGNATED BENEFICIARIES, OR
11 SURVIVORS OF PUBLIC EMPLOYEES; TO CREATE A
12 PRESUMPTION THAT FIREFIGHTERS WHO DEVELOP CERTAIN
13 FORMS OF CANCER DEVELOPED THOSE CANCERS THROUGH THEIR
14 WORK AS FIREFIGHTERS; AND FOR OTHER PURPOSES.
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Subtitle

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18 TO AMEND THE PAYMENT FOR CLAIMS TO
19 COVERED PUBLIC EMPLOYEES, DESIGNATED
20 BENEFICIARIES, OR SURVIVORS OF PUBLIC
21 EMPLOYEES.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 21-5-705(a), concerning payment of claims
27 to designated beneficiaries or survivors of certain specified public
28 employees killed in the line of duty, is amended to read as follows:

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

32 (1) Police officer, wildlife enforcement officer of the Arkansas
33 State Game and Fish Commission, commissioned law enforcement officer or
34 emergency response employee of the State Parks Division of the Department of
35 Parks and Tourism, Department of Community Correction employee, or employee
36 of the Department of Correction whose death occurred:



1 (A) After January 1, 2003; and

2 (B) Either:

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

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

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

13 (3)(A) Firefighter killed in the line of duty after July 1,
 14 1987, including death from leukemia, lymphoma, mesothelioma, and multiple
 15 myeloma and cancer of the brain, digestive tract, urinary tract, liver, skin,
 16 breast, cervical, thyroid, prostate, testicle, or a cancer that has been
 17 found by research and statistics to show higher instances of occurrence in
 18 firefighters than in the general population, if he or she was exposed to a
 19 known carcinogen as determined by the Department of Health with consideration
 20 to the findings of the International Agency for Research on Cancer while in
 21 the official line of duty.

22 (B) A disease listed in subdivision (a)(3)(A) of this
 23 section shall be presumed to be contracted in the course and scope of
 24 employment if the firefighter:

25 (i) Has been employed for ten (10) or more years as
 26 a firefighter on active suppression duty; and

27 (ii) Is under sixty-eight (68) years of age.

28 (C) The presumption under subdivision (a)(3)(B) of this
 29 section may be rebutted through a showing by a preponderance of the evidence
 30 that:

31 (i) The primary site of the disease has been
 32 established; and

33 (ii) The known carcinogen that the firefighter was
 34 exposed to is not reasonably linked to the disease.

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