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2 90th General Assembly
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4

As Engrossed: H2/26/15

A Bill

HOUSE BILL 1274

5 By: Representatives Leding, Baine, Baltz, Magie, D. Whitaker, *E. Armstrong, Cozart, Della Rosa, Eads,*
6 *Harris, M. Hodges, Jett, D. Meeks, Neal, Petty, Ratliff, Richey, Sabin, Tucker, Wardlaw, Wright*
7 By: Senators J. Woods, J. Hutchinson, U. Lindsey
8

For An Act To Be Entitled

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

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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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 21-5-705(a), concerning payment of claims
28 to designated beneficiaries or survivors of certain specified public
29 employees killed in the line of duty, is amended to read as follows:

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

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



1 of the Department of Correction whose death occurred:

2 (A) After January 1, 2003; and

3 (B) Either:

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

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

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

14 (3)(A)(i) Firefighter killed in the line of duty after January
15 1, 2012, including death from leukemia, lymphoma, mesothelioma, and multiple
16 myeloma and cancer of the brain, digestive tract, urinary tract, liver, skin,
17 breast, cervical, thyroid, prostate, testicle, or a cancer that has been
18 found by research and statistics to show higher instances of occurrence in
19 firefighters than in the general population, if he or she was exposed to a
20 known carcinogen as determined by the Department of Health with consideration
21 to the findings of the International Agency for Research on Cancer while in
22 the official line of duty.

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

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

28 (i) A maximum of one hundred fifty thousand dollars
29 (\$150,000) per individual death, including educational benefits provided in
30 §6-82-501 et seq.; and

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

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

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

3 (a) One (1) licensed oncologist;

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (viii) The panel shall:

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

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

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

10 (D) This section:

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

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

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

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

21
22 /s/Leding

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25 **APPROVED: 03/06/2015**