

1 HB633
2 109745-2
3 By Representative Johnson
4 RFD: Government Appropriations
5 First Read: 25-FEB-10

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ENGROSSED

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 36-30-20, 36-30-21, 36-30-22, and 36-30-23, Code of Alabama 1975, relating to the eligibility for death or disability benefits of certain municipal policemen and state law enforcement officers; to further provide for the definition of law enforcement officer to include any law enforcement officer in this state and to further define occupational disease; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 36-30-20, 36-30-21, 36-30-22, and 36-30-23, Code of Alabama 1975, are amended to read as follows:

"§36-30-20.

"When used in this article, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

1 "~~(1) CITY. Any municipality of the state, regardless~~
2 ~~of its population, provided, however, that such term shall not~~
3 ~~include any municipality in any county having a population in~~
4 ~~excess of 600,000 according to the last federal decennial~~
5 ~~census.~~

6 "~~(2) POLICEMAN. A person employed as a policeman or~~
7 ~~other law enforcement officer by a city.~~

8 "~~(3) STATE TROOPER. State trooper, highway~~
9 ~~patrolman, crime investigation officer, driver's license~~
10 ~~examiner or other police officer personnel of the Alabama~~
11 ~~Department of Public Safety or law enforcement officer~~
12 ~~employed by the Alcoholic Beverage Control Board, those~~
13 ~~officers of the Department of Conservation and Natural~~
14 ~~Resources designated as conservation enforcement officers.~~

15 "~~(6) (1) BENEFIT. Any monetary allowance payable to~~
16 ~~a law enforcement officer by a city or county or by the state~~
17 ~~or from a pension system established for the policemen law~~
18 ~~enforcement officers of a city or county or the state or, in~~
19 ~~the case of a state trooper, from the state Employees'~~
20 ~~Retirement System to a policeman or state trooper on account~~
21 ~~of his or her disability or to his or her dependents on~~
22 ~~account of his or her death, irrespective of whether the same~~
23 ~~is payable under a pension law of the state or under some~~
24 ~~other law of the state.~~

25 "~~(5) (2) DISABILITY. Disability to perform duties~~
26 ~~as a policeman or state trooper law enforcement officer.~~

1 "(3) LAW ENFORCEMENT OFFICER. A full-time law
2 enforcement officer with the power of arrest who is employed
3 with any state agency, department, board, commission, or
4 institution or a full-time law enforcement officer employed by
5 any municipality or county within this state.

6 "~~(4) POLICEMAN'S~~ LAW ENFORCEMENT OFFICER'S
7 OCCUPATIONAL DISEASE. Any condition or impairment of health
8 caused by ~~hypertension, heart disease or respiratory disease.~~
9 any of the following:

10 "a. Hypertension.

11 "b. Heart disease.

12 "c. Respiratory disease.

13 "d. Cancer which manifests itself in a law
14 enforcement officer during the period in which the law
15 enforcement officer is in the service of the city, county, or
16 state, provided the law enforcement officer demonstrates by
17 sufficient evidence that he or she was exposed, while in the
18 employ of the city, county, or state to a known carcinogen
19 which is reasonably linked to the disabling cancer, unless the
20 employing entity demonstrates by sufficient evidence that the
21 cancer may have been caused by some other means.

22 "e. AIDS which manifests itself in a law enforcement
23 officer during the period in which the law enforcement officer
24 is in the service of the city, county, or state, provided the
25 law enforcement officer demonstrates by sufficient evidence
26 that he or she was exposed to AIDS while in the line and scope

1 of his or her employment with the employing entity unless the
2 employing entity demonstrates by sufficient evidence that the
3 AIDS may have been caused by some other means.

4 "f. Hepatitis which manifests itself in a law
5 enforcement officer during the period in which the law
6 enforcement officer is in the service of the city, county, or
7 state, provided the law enforcement officer demonstrates by
8 sufficient evidence that he or she was exposed to hepatitis
9 while in the line and scope of his or her employment with the
10 employing entity unless the employing entity demonstrates by
11 sufficient evidence that the hepatitis may have been caused by
12 some other means."

13 "§36-30-21.

14 "(a) If a ~~policeman or state trooper~~ law enforcement
15 officer who qualifies for benefits under the provisions of
16 this article suffers disability as a result of a ~~policeman's~~
17 law enforcement officer's occupational disease, his or her
18 disability shall be compensable the same as any
19 service-connected disability under any law which provides
20 benefits for ~~policemen~~ the law enforcement officer of such
21 municipality, or, if a state trooper law enforcement officer,
22 under the state Employees' Retirement System, the same as if
23 injured in the line of duty. If a ~~policeman or state trooper~~
24 law enforcement officer who qualifies for benefits under the
25 provisions of this article dies as a result of a ~~policeman's~~
26 law enforcement officer's occupational disease, his or her

1 death shall be compensable to the same extent as the death of
2 a ~~policeman or state trooper~~ law enforcement officer killed in
3 the line of duty; ~~provided, that this article shall not apply~~
4 ~~to any municipality which has elected to be covered by the~~
5 ~~workers' compensation laws of this state.~~

6 "(b) In order to qualify for benefits under the
7 provisions of this article based on a law enforcement
8 officer's occupational disease caused by cancer, AIDS, or
9 hepatitis, the law enforcement officer shall demonstrate by
10 sufficient evidence all of the following:

11 "(1) That the disease was caused by significant
12 exposure to an agent known to cause the disease according to
13 current medical literature and research.

14 "(2) The exposure occurred while the claimant was
15 acting in the line and scope of employment as a law
16 enforcement officer.

17 "(3) The exposure to the causative agent must be in
18 excess of that experienced by the general population.

19 "Any sudden exposure to a causative agent from a
20 single event shall be reported by a claimant to his or her
21 supervisor within five days of the occurrence of exposure if
22 it is reasonable to believe the claimant was aware of both his
23 or her exposure to the agent and of the hazardous and harmful
24 effects of the sudden exposure to the agent.

25 "If an occupational disease results from long term
26 exposure to a causative agent, rather than from a single

1 event, a claimant shall notify his or her supervisor, within
2 90 days of a conclusive medical diagnosis of the occupational
3 disease and the determination by a medical doctor that the
4 diagnosis is, or may be, linked to the exposure.

5 "§36-30-22.

6 "The provisions of this article shall apply to
7 ~~policemen~~ a law enforcement officer who, upon entering the
8 service of the city or county as ~~policemen~~ a law enforcement
9 officer, ~~have~~ has successfully passed a physical examination
10 which failed to reveal any evidence of a ~~policeman's~~ law
11 enforcement officer's occupational disease and who ~~have~~ has
12 completed at least three years' service as a ~~policeman~~ law
13 enforcement officer, provided a physical examination was
14 required at the time of entry into service, and shall apply to
15 a state ~~trooper~~ law enforcement officer who, upon entering the
16 service of the state as a ~~state trooper~~ law enforcement
17 officer, successfully passed a physical examination which
18 failed to reveal any evidence of a ~~policeman's~~ law enforcement
19 officer's occupational disease and who has completed no less
20 than three years' service as a state ~~trooper~~ law enforcement
21 officer.

22 "§36-30-23.

23 "(a) If a physical examination was not required at
24 the time of entry into service, a policeman or state trooper
25 who has had at least three years' continuous service as a
26 policeman or state trooper next preceding September 8, 1967,

1 shall be deemed eligible for benefits under the provisions of
2 this article.

3 "(b) If a physical examination was not required at
4 the time of entry into service, a law enforcement officer who
5 became covered by this article pursuant to the act adding this
6 subsection who has had at least three years' continuous
7 service as a law enforcement officer next preceding the
8 effective date of this amendatory act, shall be eligible for
9 benefits under the provisions of this article provided the
10 eligibility requirements as provided in subdivision (4) of
11 Section 36-30-20 are met.

12 (c) The provisions of this article shall not affect
13 or modify the Workers' Compensation Law except that no county
14 law enforcement officer who receives benefits under this
15 article may receive benefits under the Workers' Compensation
16 Law for the same occupational disease."

17 Section 2. This act shall become effective on the
18 first day of the third month following its passage and
19 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Government Ap-
propriations 25-FEB-10

Read for the second time and placed
on the calendar 11-MAR-10

Read for the third time and passed
as amended 08-APR-10

Yeas 100, Nays 0, Abstains 0

Greg Pappas
Clerk