

1 HB95
2 134356-2
3 By Representative Johnson (R)
4 RFD: Ways and Means General Fund
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6 PFD: 02/02/2012

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ENROLLED, 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) CITY. Any municipality of the state, regardless of its population; provided, however, that such term shall not include any municipality in any county having a population in~~

1 ~~excess of 600,000 according to the last federal decennial census.~~

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

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

11 ~~"(6) (1) BENEFIT. Any monetary allowance payable to~~
 12 ~~a law enforcement officer by a city or county or by the state~~
 13 ~~or from a pension system established for the policemen law~~
 14 ~~enforcement officers of a city or county or the state or, in~~
 15 ~~the case of a state trooper, from the state Employees'~~
 16 ~~Retirement System to a policeman or state trooper on account~~
 17 ~~of his or her disability or to his or her dependents on~~
 18 ~~account of his or her death, irrespective of whether the same~~
 19 ~~is payable under a pension law of the state or under some~~
 20 ~~other law of the state.~~

21 ~~"(5) (2) DISABILITY. Disability to perform duties~~
 22 ~~as a policeman or state trooper law enforcement officer.~~

23 ~~"(3) LAW ENFORCEMENT OFFICER. A full-time law~~
 24 ~~enforcement officer with the power of arrest who is employed~~
 25 ~~with any state agency, department, board, commission, or~~

1 institution or a full-time law enforcement officer employed by
2 any municipality or county within this state.

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

7 "a. Hypertension.

8 "b. Heart disease.

9 "c. Respiratory disease.

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

19 "e. HIV which manifests itself in a law enforcement
20 officer during the period in which the law enforcement officer
21 is in the service of the city, county, or state, provided the
22 law enforcement officer demonstrates by sufficient evidence
23 that he or she was exposed to HIV while in the line and scope
24 or his or her employment with the employing entity unless the

1 employing entity demonstrates by sufficient evidence that the
2 HIV may have been caused by some other means.

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

12 "§36-30-21.

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

1 "If an occupational disease results from long term
2 exposure to a causative agent, rather than from a single
3 event, a claimant shall notify his or her supervisor, within
4 90 days of a conclusive medical diagnosis of the occupational
5 disease and the determination by a medical doctor that the
6 diagnosis is, or may be, linked to the exposure.

7 "§36-30-22.

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

24 "§36-30-23.

1 "(a) If a physical examination was not required at
2 the time of entry into service, a policeman or state trooper
3 who has had at least three years' continuous service as a
4 policeman or state trooper next preceding September 8, 1967,
5 shall be deemed eligible for benefits under the provisions of
6 this article.

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

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

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

