

1 HB112  
2 125417-3  
3 By Representative Johnson (R)  
4 RFD: County and Municipal Government  
5 First Read: 01-MAR-11



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~~ HIV which manifests itself in a law  
23 enforcement officer during the period in which the law  
24 enforcement officer is in the service of the city, county, or  
25 state, provided the law enforcement officer demonstrates by  
26 sufficient evidence that he or she was exposed to ~~AIDS~~ HIV

1 while in the line and scope or his or her employment with the  
2 employing entity unless the employing entity demonstrates by  
3 sufficient evidence that the ~~AIDS~~ HIV may have been caused by  
4 some other means.

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

14 "§36-30-21.

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

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

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

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

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

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

20 "Any sudden exposure to a causative agent from a  
21 single event shall be reported by a claimant to his or her  
22 supervisor within five days of the occurrence of exposure if  
23 it is reasonable to believe the claimant was aware of both his  
24 or her exposure to the agent and of the hazardous and harmful  
25 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.

25           "(a) If a physical examination was not required at  
26 the time of entry into service, a policeman or state trooper

1 who has had at least three years' continuous service as a  
2 policeman or state trooper next preceding September 8, 1967,  
3 shall be deemed eligible for benefits under the provisions of  
4 this article.

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

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

19 Section 2. This act shall become effective on the  
20 first day of the third month following its passage and  
21 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 County and Mu-  
nicipal Government..... . . . . . 01-MAR-11

Read for the second time and placed  
on the calendar 2 amendments ..... . . . . . 24-MAR-11

Read for the third time and passed  
as amended..... . . . . . 05-MAY-11

Yeas 87, Nays 1, Abstains 0

Greg Pappas  
Clerk