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**Testimony to the Senate Financial Institutions and Insurance Committee  
In Support of SB15  
February 6, 2019**

Chairman Olson and Committee Members,

Our associations support SB15. Police Officers, Firefighters and Emergency Medical personnel are often exposed to hazardous substances that can lead to disabling diseases. The primary exposure for law enforcement officers is exposure to diseases through either blood or saliva. These exposures for law enforcement often happen at times when it is impossible to use protective gear, for example, taking a resistive suspect into custody who is either bleeding from injuries or spits on officers.

This bill establishes an officer who is a KP&F member and disabled by certain diseases will qualify for KP&F disability. The bill appears to have adequate provisions to assure the conditions are duty related and that employees are cooperating with preventative treatment and testing after exposure.

Our proposed amendments will cover contagious diseases included in the bill were determined by the Kansas Department of Health and Environment pursuant to KSA 65-128. The 2013 Legislature directed KDHE to develop regulations “. . . providing for the protection of individuals who provide medical or nursing services, clinical or forensic laboratory services, emergency medical services and firefighting, law enforcement and correctional services. . . where the individual may encounter occupational exposure to blood and other potentially infectious materials.” It seems only to use this list of diseases established as those diseases we typically encounter.

The exposure risk to law enforcement officers to carcinogens also occurs, although probably not at the risk level of our firefighters. Therefore, we also support the provisions regarding the cancers proposed in the bill.

We ask for your support of SB15.

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Financial Institutions & Insurance

DATE: 2-6-19

ATTACHMENT # 9

**SENATE BILL No. 15**

By Joint Committee on Pensions, Investments, and Benefits

1-14

Proposed amendment to SB 15  
Senate Committee on Financial Institutions and Insurance  
February 6, 2019  
Prepared by David Wiese, Office of Revisor of Statutes

1 AN ACT concerning retirement and pensions; relating to the Kansas police  
2 and firemen's retirement system; definition of service-connected;  
3 amending K.S.A. 74-4952 and repealing the existing section.  
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 74-4952 is hereby amended to read as follows: 74-  
7 4952. As used in K.S.A. 74-4951 et seq., and amendments thereto:

8 (1) "Accumulated contributions" means the sum of all contributions  
9 by a member to the system which shall be credited to the member's  
10 account with interest allowed thereon after June 30, 1982.

11 (2) "Disability" means the total inability to perform permanently the  
12 duties of the position of a policeman or fireman.

13 (3) "Eligible employer" means any city, county, township or other  
14 political subdivision of the state employing one or more employees as  
15 firemen or policemen.

16 (4) "Employee" means any policeman or fireman employed by a  
17 participating employer whose employment for police or fireman purposes  
18 is not seasonal or temporary and requires at least 1,000 hours of work per  
19 year.

20 (5) "Entry date" means the date as of which an eligible employer  
21 joins the system; the first entry date pursuant to this act is January 1, 1967.

22 (6) "Final average salary" means:

23 (a) For members who are first hired as an employee, as defined in  
24 subsection (4), before July 1, 1993, the average highest annual  
25 compensation paid to a member for any three of the last five years of  
26 participating service immediately preceding retirement or termination of  
27 employment, or if participating service is less than three years, then the  
28 average annual compensation paid to the member during the full period of  
29 participating service, or if a member has less than one calendar year of  
30 participating service, then the member's final average salary shall be  
31 computed by multiplying the member's highest monthly salary received in  
32 that year by 12;

33 (b) for members who are first hired as an employee, as defined in  
34 subsection (4), on and after July 1, 1993, the average highest annual salary,  
35 as defined in K.S.A. 74-4902(33), and amendments thereto, paid to a  
36 member for any three of the last five years of participating service

, including an emergency medical service technician  
under K.S.A. 74-4954a, and amendments thereto,

9-2

1 "Retirement system" or "system" means the Kansas police and  
 2 firemen's retirement system as established by this act and as it may be  
 3 hereafter amended.

4 (10) "Service-connected" means:

5 (a) With regard to a death or any physical or mental disability, any  
 6 such death or disability resulting from external force, violence or disease  
 7 occasioned by an act of duty as a policeman or fireman and, for any  
 8 member after five years of credited service, there shall be a rebuttable  
 9 presumption, that any death or disability resulting from *any of the*  
 10 *following*:

11 (i) A heart disease;~~or;~~

12 (ii) a disease of the lung or respiratory tract;~~or;~~

13 (iii) *contraction of a bloodborne pathogen as provided in this*  
 14 *subsection; or*

15 (iv) *cancer of the brain, skin, digestive system, hematological system*  
 16 *or genitourinary system as provided in this subsection;*~~except that.~~

17 (b) In the event that the member ceases to be a contributing member  
 18 by reason of a service-connected disability for a period of six months or  
 19 more and then again becomes a contributing member, the provision  
 20 relating to death or disability resulting from *any of the following*:

21 (i) A heart disease;

22 (ii) a disease of the lung or respiratory tract;~~or;~~

23 (iii) *contraction of a bloodborne pathogen as provided in this*  
 24 *subsection; or*

25 (iv) *cancer of the brain, skin, digestive system, hematological system*  
 26 *or genitourinary system as provided in this subsection shall not apply until*  
 27 *such member has again become a contributing member for a period of not*  
 28 *less than two years or unless clear and precise evidence is presented that*  
 29 *the heart disease, disease of the lung or respiratory tract, contraction of a*  
 30 *bloodborne pathogen as provided in this subsection or cancer as provided*  
 31 *in this subsection was in fact occasioned by an act of duty as a policeman*  
 32 *or fireman. If the retirement system receives evidence to the contrary of*  
 33 *such presumption, the burden of proof shall be on the member or other*  
 34 *party to present evidence that such death or disability was service-*  
 35 *connected.*

36 (c) *The provisions of this subsection relating to the presumption that*  
 37 *the death or disability resulting from the contraction of a bloodborne*  
 38 *pathogen is service-connected shall only apply if all of the following*  
 39 *conditions are satisfied:*

40 (i) *A baseline test is provided by the employer to be performed within*  
 41 *five days after the member reports the on-the-job exposure. The member*  
 42 *must report the exposure within two days after the member knew or*  
 43 *reasonably should have known of the exposure;*

. Reasonable knowledge includes knowledge of obvious exposure to bodily fluids or to persons who carry a disease, or symptoms developed by the member that can reasonably be linked to a particular work-related incident

1 (ii) the baseline test establishes that the employee was not infected  
 2 with a bloodborne pathogen at the time of the on-the-job exposure;  
 3 (iii) the member complies with reasonable and necessary medical  
 4 procedures; and

5 (iv) the member is determined to have a bloodborne pathogen within  
 6 24 months after the on-the-job exposure to the known or possible source.

7 (d) The provisions of this ~~section~~ subsection relating to the  
 8 presumption that the death or disability resulting from cancer of the brain,  
 9 skin, digestive system, hematological system or genitourinary system is  
 10 service-connected shall only apply if the ~~condition that caused the death or~~  
 11 ~~disability is a type of cancer which may, in general, result from exposure~~  
 12 ~~to heat, radiation or a known carcinogen, at the time of becoming a~~  
 13 ~~policeman or fireman, or thereafter; the policeman or fireman underwent a~~  
 14 ~~physical examination that failed to reveal substantial evidence of such~~  
 15 ~~cancer that preexisted such policeman's or fireman's employment as a~~  
 16 ~~policeman or fireman.~~

17 (11) Prior to July 1, 1998, "fireman" or "firemen" means an employee  
 18 assigned to the fire department and engaged in the fighting and  
 19 extinguishment of fires and the protection of life and property therefrom or  
 20 in support thereof and who is specifically designated, appointed,  
 21 commissioned or styled as such by the governing body or city manager of  
 22 the participating employer and certified to the retirement system as such.  
 23 On and after July 1, 1998, "fireman" or "firemen" means an employee  
 24 assigned to the fire department whose principal duties are engagement in  
 25 the fighting and extinguishment of fires and the protection of life and  
 26 property therefrom and who is specifically designated, appointed,  
 27 commissioned or styled as such by the governing body or city manager of  
 28 the participating employer and certified to the retirement system as such.

29 (12) Prior to July 1, 1998, "police," "policeman" or "policemen"  
 30 means an employee assigned to the police department and engaged in the  
 31 enforcement of law and maintenance of order within the state and its  
 32 political subdivisions, including sheriffs and sheriffs' deputies, or in  
 33 support thereof and who is specifically designated, appointed,  
 34 commissioned or styled as such by the governing body or city manager of  
 35 the participating employer and certified to the retirement system as such.  
 36 On and after July 1, 1998, "police," "policeman" or "policemen" means an  
 37 employee assigned to the police department whose principal duties are  
 38 engagement in the enforcement of law and maintenance of order within the  
 39 state and its political subdivisions, including sheriffs and sheriffs' deputies;  
 40 who has successfully completed the required course of instruction for law  
 41 enforcement officers approved by the Kansas law enforcement training  
 42 center and is certified pursuant to the provisions of K.S.A. 74-5607a, and  
 43 amendments thereto; and who is specifically designated, appointed,

(e) For purposes of this subsection, bloodborne pathogen includes any disease that is present in human blood and is designated as infectious or contagious by the secretary of health and environment through rules and regulations adopted pursuant to K.S.A. 65-128, and amendments thereto.