Senate Engrossed House Bill

FILED
JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-sixth Legislature
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CHAPTER 177

HOUSE BILL 2050

AN ACT

AMENDING SECTIONS 38-642 AND 38-644, ARIZONA REVISED STATUTES; RELATING TO FIREFIGHTER CANCER INSURANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 38-642, Arizona Revised Statutes, is amended to read:

38-642. Fire fighter cancer insurance policy program

A. The fund manager shall establish and administer a fire fighter cancer insurance policy program for participating employers that employ fire fighters. For the purposes of the internal revenue code, the program is an integral part of a political subdivision of this state.

B. Participating employers that employ fire fighters shall participate in the program.

C. The fund manager shall contract for a group cancer insurance policy to provide coverage as prescribed by section 38-645 or may self-insure the program by establishing an insurance policy that is of its own design and that is underwritten by the assets of the fire fighter cancer insurance policy program account established by section 38-643. When procuring, establishing or administering any cancer insurance policy provided pursuant to this article the fund manager is exempt from the requirements of title 41, chapter 23.

D. On or before July 31 of each year, the fund manager shall notify each employer required to participate in the program of the total amount payable to the fund manager to pay for the costs of the program. The amount charged to each employer shall ~~equal~~ NOT EXCEED one hundred eighty dollars for each employee of the employer who is a fire fighter on record with the fund manager as of June 30 of that year. Each employer shall pay this amount to the fund manager on or before August 31 of each year.

E. Employers that fail to pay the amount required by subsection D of this section by August 31 shall pay a fifteen per cent late charge to the fund manager on all delinquent amounts accrued monthly. If the amount due and the late charge are not paid within thirty days, the fund manager may recover the amounts due from the employer by either:

1. Filing an action in a court of competent jurisdiction to recover the amount due.

2. Requesting a deduction of any monies, including excise revenue taxes, payable to the employer by any department or agency of this state.

F. If the fund manager self-insures the program the fund manager and the program are exempt from title 20 and any rules adopted pursuant to title 20.

Sec. 2. Section 38-644, Arizona Revised Statutes, is amended to read:

38-644. Eligibility

A. Except as provided in subsections B, ~~and~~ C AND D, to qualify for covered benefits under the program, a person must satisfy all of the following criteria:

1. Be an active or retired member of the public safety personnel retirement system.

2. Be a ~~fire fighter~~ FIREFIGHTER who is or was regularly assigned to hazardous duty of the type normally expected of a ~~fire fighter~~ FIREFIGHTER.

3. Have cancer that was first diagnosed after the person's date of membership in the public safety personnel retirement system.

B. Persons who terminate employment with a participating employer are not eligible for benefits under the program unless the person has made a valid claim for payment of expenses under the program before termination of employment.

C. On retirement, persons who were either receiving benefits under the program before retirement or who are diagnosed with cancer subsequent to retirement remain eligible for coverage under the program for five months for each year of credited service accumulated toward retirement under the public safety personnel retirement system.

D. A PERSON WHOSE ELIGIBILITY TO RECEIVE BENEFITS UNDER SUBSECTION C IS EXPIRING MAY CONTINUE TO REMAIN ELIGIBLE FOR COVERAGE UNDER THE PROGRAM IF THE PERSON MAKES AN ELECTION WITH THE FUND MANAGER AND PAYS TO THE FUND MANAGER THE COST OF THE PREMIUM AS DETERMINED BY THE FUND MANAGER AT THE TIME DETERMINED BY THE FUND MANAGER.

~~D.~~ E. A person is not eligible for benefits under the program if there is any evidence that the cancer that forms the basis for a benefit claim under the program existed before the person's membership in the public safety personnel retirement system.

APPROVED BY THE GOVERNOR MAY 3, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 3, 2004.