For An Act To Be Entitled
AN ACT TO AMEND PROVISIONS PROVIDING DEATH BENEFITS TO DESIGNATED BENEFICIARIES OR SURVIVORS OF POLICE OFFICERS; AND FOR OTHER PURPOSES.

Subtitle
TO AMEND PROVISIONS PROVIDING DEATH BENEFITS TO DESIGNATED BENEFICIARIES OR SURVIVORS OF POLICE OFFICERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 12-8-212 is amended to read as follows:

12-8-212. Death benefits—Definitions.
(a)(1)(A) When any police officer of the Department of Arkansas State Police shall have lost his or her life in the course of employment, then upon satisfactory proof of that fact made to the Arkansas State Police Commission, a death benefit in the sum of twenty-five thousand dollars ($25,000) fifty thousand dollars ($50,000) shall be paid to the surviving spouse of the deceased police officer.

(B) In case no spouse survives If there is not a surviving spouse of the police officer, the death benefit under subdivision (a)(1)(A) of this section shall be distributed equally among the police officer's children.

(C) If there is not a surviving spouse or surviving children of the police officer, the death benefit under subdivision (a)(1)(A) of this section shall be paid into the estate of the police officer.

(2) The sum of twenty-five thousand dollars ($25,000) death
benefit under subdivision (a)(1)(A) of this section shall be paid from the Department of Arkansas State Police Fund.

(b) As used in this section, “in the course of employment” means at any time when an a police officer is on duty as a police officer or is performing an act ordinarily performed by a police officer although the police officer is not actually on duty at the time.

(c) Nothing contained in this section shall be construed to This section does not limit or extinguish the right of any police officer or the police officer’s survivors to any other benefits provided by law.

SECTION 2. Arkansas Code § 21-5-704(a), concerning the payment of claims to covered public employees, their designated beneficiaries, or their survivors, is amended to read as follows:

   (a)(1)(A) The state shall pay to the designated beneficiary or, if there is no designated beneficiary, then to the surviving spouse or surviving children under the age of twenty-two (22) years of age or, if there is no surviving spouse or surviving children under the age of twenty-two (22) years of age, then to the surviving children twenty-two (22) years of age or older or to the surviving parents of a covered public employee who is killed in the official line of duty, the sum of fifty thousand dollars ($50,000).

   (B) The state shall pay to the designated beneficiary or, if there is no designated beneficiary, then to the surviving spouse or surviving children under twenty-two (22) years of age or, if there is no surviving spouse or surviving children under twenty-two (22) years of age, then to the surviving children twenty-two (22) years of age or older or to the surviving parents of a police officer who is killed in the official line of duty the sum of one hundred thousand dollars ($100,000).

   (B)(C) In addition thereto, the municipality that employed the police officer or firefighter shall, upon certification of the amount by the police or fire department, pay to the designated beneficiary or, if there is no designated beneficiary, then to the surviving spouse or surviving children under the age of twenty-two (22) years of age or, if there is no surviving spouse or surviving children under the age of twenty-two (22) years of age, then to the surviving children twenty-two (22) years of age or older or to the surviving parents of the deceased police officer or firefighter an
allowance for all sick leave, vacation, or other leave time accumulated to
the credit of the police officer or firefighter at the time of his or her
death.

(2)(A) In the event if a covered public employee shall suffer
suffers an injury while engaged in the performance of official duties
resulting in his or her total and permanent disability, the disabled covered
public employee shall be entitled to the sum of ten thousand dollars
($10,000) from the State of Arkansas upon establishing proof of the total and
permanent disability.

(B) Proof of total and permanent disability shall be
established by offering evidence that the covered public employee was unable
to work in the employment position covered by this subchapter for a period of
more than one (1) year or that the covered public employee received a
disability rating in excess of twenty-five percent (25%) from the Workers’
Compensation Commission.

SECTION 3. Arkansas Code § 21-5-705 is amended to read as follows:
21-5-705. Payment of claim to designated beneficiaries or survivors of
certain specified public employees killed in the line of duty – Funds.
(a)(1) The state shall pay the additional sum of one hundred fifty
thousand dollars ($150,000) to the designated beneficiary, surviving spouse,
or surviving children under twenty-two (22) years of age of a:
(A) Police officer, wildlife enforcement officer, commissioned law enforcement officer or emergency response employee of the
State Parks Division of the Department of Parks and Tourism, Department of
Community Correction employee, employee of the Department of Correction,
jailer, or coroner whose death occurred:
(A)(i) After January 1, 2003; and
(B)(ii) Either in the:
(i)(a) In the official line of duty as the
result of a criminal or negligent action of another person or persons or as
the result of the engagement in exceptionally hazardous duty; or
(ii)(b) In the line of duty while the officer
or employee was performing emergency medical activities;
(2)(B) Firefighter, emergency medical technician, or employee of
the Arkansas Forestry Commission killed after July 1, 1987, while responding
to, engaging in, or returning from a fire, a rescue incident, a hazardous
material or bomb incident, an emergency medical activity, or simulated
training thereof; and

(3)(A)(i)(C)(i)(a) Firefighter killed in the line of duty after
January 1, 2012, including death from leukemia, lymphoma, mesothelioma, and
multiple myeloma and cancer of the brain, digestive tract, urinary tract,
lobe, skin, breast, cervix, thyroid, prostate, testicle, or a cancer that
has been found by research and statistics to show higher instances of
occurrence in firefighters than in the general population, if he or she was
exposed to a known carcinogen as determined by the Department of Health with
consideration to the findings of the International Agency for Research on
Cancer while in the official line of duty.

(ii) Subdivision (a)(3)(A)(i)(a) of
this section does not include a firefighter who was diagnosed with cancer
prior to the start of firefighter service.

(B)(ii) A death benefit under subdivision
(a)(3)(A)(a)(1)(C)(i) of this section shall be limited to:

(a) A maximum of one hundred fifty thousand
dollars ($150,000) per individual death, including educational benefits
provided in § 6-82-501 et seq.; and

(b) A firefighter who is under sixty-eight (68)
years of age.

(C)(i)(iii)(a) The Firefighter Benefit Review Panel is
created for the purpose of making recommendations to the Arkansas State
Claims Commission regarding determinations of death benefits under
subdivision (a)(3)(A)(a)(1)(C)(i) of this section for deaths associated with
cancer.

(ii) The panel shall consist of the following
seven (7) individuals to be appointed by the Governor:

(a) One (1) licensed oncologist;

(b) Two (2) firefighters paid by the
state, a county, or a municipality.

(b) One (1) firefighter under
be appointed from a list of names submitted by the Arkansas Professional Fire
Fighters Association;
(e)(1)(3)(A) Two (2) volunteer firefighters.

(d)(8) One (1) firefighter under
be appointed from a list of names submitted by the Arkansas State
Firefighters Association;

(d)(4) One (1) fire chief who may be appointed
from a list of names submitted by the Arkansas Association of Fire Chiefs;
and

(e)(5) One (1) citizen with experience in
either cancer and healthcare professions or firefighter relations.

(iii)(a)(c)(l) Panel members shall serve a term of
four (4) years.

(b)(2) In the event of a vacancy in the
membership of the panel, the Governor shall appoint a person meeting the
applicable eligibility requirements of the vacated position to fill the
vacancy for the remainder of the unexpired term.

(iv)(a)(d)(l) The panel shall hold at least one (1)
regular meeting in each calendar year at a time and place determined by the
panel.

(b)(2) Special meetings may be called at the
discretion of the chair selected under subdivision


(e)(e) The panel shall select a chair and vice chair
during the first annual meeting of each four-year term.

(f) Four (4) members of the panel shall
constitute a quorum to transact business.

(g) The members of the panel may receive
expense reimbursement in accordance with § 25-16-901 et seq.

(h) The panel shall:

(a)(l) Render advisory opinions and reports
concerning research and statistics that show higher instances of cancer among
firefighters;

(b)(2) Review claims for death benefits of
firefighters who have died of cancer; and

(e)(3) Make recommendations to the Arkansas
State Claims Commission on death benefit awards under subdivision

(D)(iv) This section:

(i)(a) Shall not be applied to any other benefits granted by the state, a county, a city, or a municipality; and

(ii)(b) Does not grant a cause of action against the state, a county, a city, or a municipality.

(b)(2) In addition to the benefits provided for in subsection (a) subdivision (a)(1) of this section, the state shall pay the additional sum of twenty-five thousand dollars ($25,000) to the designated beneficiary, surviving spouse, or surviving children under the age of twenty-two (22) years of age of any police officer, a wildlife enforcement officer of the Arkansas State Game and Fish Commission, commissioned law enforcement officer of the State Parks Division of the Department of Parks and Tourism, Department of Community Correction employee, or employee of the Department of Correction:

(1)(A) Who was wearing a bulletproof vest approved by the Director of the Department of Arkansas State Police; and

(2)(B) Whose death occurred:

(A)(i) After July 1, 1989; and

(B)(ii) In the official line of duty as the result of a criminal action of another person or persons.

(b)(1) The state shall pay the additional sum of three hundred thousand dollars ($300,000) to the designated beneficiary, surviving spouse, or surviving children under twenty-two (22) years of age of a police officer whose death occurred:

(A) After July 1, 2017; and

(B) Either in the:

(i) Official line of duty as the result of a criminal or negligent action of another person or persons or as the result of the engagement in exceptionally hazardous duty; or

(ii) Line of duty while the police officer was performing emergency medical activities.

(2) In addition to the benefits provided for in subdivision (b)(1) of this section, the state shall pay the additional sum of fifty thousand dollars ($50,000) to the designated beneficiary, surviving spouse, or surviving children under twenty-two (22) years of age of a police officer:
(A) Who was wearing a bulletproof vest approved by the Director of the Department of Arkansas State Police; and

(B) Whose death occurred:

   (i) After July 1, 2017; and

   (ii) In the official line of duty as the result of a criminal action of another person or persons.

(c)(1) Except as provided in subdivision (c)(2) of this section, the benefits shall be paid totally from state funds appropriated for these benefits. The funds shall not be reimbursed by a transfer or charging the funds against any state funds allocated for turnback to cities or counties or distributed to any other state department agency fund account other than the Arkansas State Claims Commission fund accounts and the Miscellaneous Revolving Fund Account.

   (2)(A) Seventy-five thousand dollars ($75,000) of the one hundred fifty thousand dollars ($150,000) provided in subdivision (c)(1) of this section shall be paid by the appropriate state department agency fund account.

   (B) The appropriate state department agency shall transfer the necessary funds to the Arkansas State Claims Commission fund accounts for payment.

(d) The additional benefits provided in this section shall be paid to the designated beneficiary, surviving spouse, surviving children, or surviving parents in three (3) equal annual payments, the first of which shall be paid in July of the next fiscal year after the date of the original order of the Arkansas State Claims Commission establishing entitlement to additional payments and annually thereafter.

(e) Determination of eligibility for the additional payments provided for in this section shall be made by the Arkansas State Claims Commission in accordance with Arkansas State Claims Commission rules and procedures.