

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: S2/2/99 S2/4/99 H3/18/99

A Bill

Act 1034 of 1999
SENATE BILL 156

5 By: Senator Bradford
6 By: Representative Vess
7

For An Act To Be Entitled

10 "AN ACT TO AMEND VARIOUS SECTIONS OF ARKANSAS CODE
11 TITLE 6, CHAPTER 82, SUBCHAPTER 5, CONCERNING
12 SCHOLARSHIPS FOR SURVIVING CHILDREN, TO INCLUDE
13 DEPARTMENT OF CORRECTION EMPLOYEES KILLED IN THE LINE
14 OF DUTY, VOLUNTEER FIREMEN AND STATE FORESTRY
15 EMPLOYEES KILLED WHILE FIGHTING FIRES, STATE PARKS
16 EMPLOYEES KILLED IN THE LINE OF DUTY, PUBLIC SCHOOL
17 TEACHERS KILLED IN THE LINE OF DUTY; AND FOR OTHER
18 PURPOSES. "

Subtitle

20 "TO AMEND VARIOUS SECTIONS OF THE
21 ARKANSAS CODE CONCERNING SCHOLARSHIPS
22 FOR SURVIVING CHILDREN. "
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Arkansas Code 6-82-501 is amended to read as follows:

29 "6-82-501. Definitions.

30 As used in this subchapter, unless the context otherwise requires:

31 (1) 'Child' or 'children' means any natural child, adopted child, or
32 stepchild, who is eligible under § 6-82-504-1;

33 (2) 'Law enforcement officer' means:

34 (A) State highway patrolmen, which includes any law enforcement
35 officers, regardless of department or bureau, of the Department of Arkansas
36 State Police;

1 (B) Municipal and college or university police officers, which
2 includes all law enforcement officers of any municipality, college, or
3 university who are regular duty personnel on full-time status and does not
4 include auxiliary officers or those serving on a temporary or part-time
5 status;

6 (C) Sheriffs and deputy sheriffs, which includes all law
7 enforcement officers of full-time status on a regular basis serving the
8 sheriff's department of any county, but does not include deputy sheriffs who
9 are engaged in administrative or civil duty or deputy sheriffs serving in a
10 temporary capacity or part-time basis;

11 (D) Constables, which includes all duly elected constables of any
12 beat of any county within the state while actually engaged in the performance
13 of their duties concerning the criminal laws of the county and state; and

14 (E) Game wardens, which includes all appointed game wardens
15 employed by the State of Arkansas on a full-time duty status while actually
16 engaged in their duties concerning the game laws of this state;

17 (3) ~~'Municipal fireman'~~ 'Fireman' means any ~~municipal~~ fireman employed
18 on a full-time or volunteer duty status while actually engaged in the
19 performance of his or her duties;

20 (4) 'State highway employee' means any employee of the Arkansas State
21 Highway and Transportation Department who actively engages in highway
22 maintenance, construction, or traffic operations on the roadways and bridges
23 of the state highway system while the roadways and bridges are open for use by
24 the traveling public;

25 (5) 'State forestry employee' means an employee of the State Forestry
26 Commission who is actively engaged in his or her duties of fighting forest
27 fires;

28 (6) 'State correction employee' means any employee of the Department of
29 Correction or the Department of Correction School District who becomes subject
30 to injury through contact with inmates or parolees of the department;

31 (7) 'State parks employee' means any employee of the State Parks
32 Division of the Department of Parks and Tourism who is a commissioned law
33 enforcement officer or emergency response employee while actively engaged in
34 the performance of his or her duties; and

35 (8) 'Teacher' means any person employed by a public school for
36 the purpose of giving instructions and whose employment requires state

1 certification."

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3 SECTION 2. Arkansas Code 6-82-503 is amended to read as follows:

4 "6-82-503. Entitlement.

5 (a) If any Arkansas law enforcement officer, ~~or~~ full-time or volunteer
6 fireman, ~~or~~ state highway employee, state correction employee, state parks
7 employee, teacher, or state forestry employee suffers fatal injuries or wounds
8 or becomes permanently and totally disabled as a result of injuries or wounds
9 which occurred in the performance of a hazardous duty within the scope of his
10 employment or which occurred en route to a location where a hazardous
11 situation existed, his children and spouse shall be entitled to an eight-
12 semester, or the equivalent thereof, scholarship without cost, exclusive of
13 books, food, school supplies, materials, and dues or fees for extracurricular
14 activities, at any state-supported college or university of his choice within
15 this state.

16 (b) Scholarship benefits shall not accrue under this subchapter to any
17 person if the wounds or injuries suffered by any law enforcement officer,
18 fireman, ~~or~~ state highway employee, state correction employee, state parks
19 employee, teacher, or state forestry employee are self-inflicted or whose
20 death is self-induced.

21 (c) The Arkansas State Claims Commission shall, unless § 6-82-504(e) is
22 applicable, award any scholarship benefit provided by the provisions of this
23 subchapter at the same time any death benefit or total and permanent
24 disability benefit is awarded by the Claims Commission under the provisions of
25 ~~§ 21-5-701, et seq.~~ Title 21, Chapter 5, Subchapter 7 of the Arkansas Code."

26
27 SECTION 3. Arkansas Code 6-82-504 is amended to read as follows:

28 "6-82-504. Awards to children.

29 (a) In order for a natural child to be eligible to receive a
30 scholarship benefit:

31 (1) The child must have been born prior to the date of the death
32 or total and permanent disability of the law enforcement officer, ~~municipal~~
33 fireman, ~~or~~ state highway employee, state correction employee, state parks
34 employee, teacher, or state forestry employee; or

35 (2) The law enforcement officer, ~~municipal~~ fireman, ~~or~~ state
36 highway employee, state correction employee, state parks employee, teacher, or

1 state forestry employee or the spouse of the law enforcement officer,
2 ~~municipal~~ fireman, ~~or~~ state highway employee, state correction employee, state
3 parks employee, teacher, or state forestry employee must have been pregnant
4 with the child at the time of the death or total and permanent disability of
5 the law enforcement officer, ~~municipal~~ fireman, ~~or~~ state highway employee,
6 state correction employee, state parks employee, teacher, or state forestry
7 employee.

8 (b) In order for an adopted child to be eligible to receive a
9 scholarship benefit:

10 (1) The child must have been adopted prior to the date of the
11 death or total and permanent disability of the law enforcement officer,
12 ~~municipal~~ fireman, ~~or~~ state highway employee, state correction employee, state
13 parks employee, teacher, or state forestry employee; or

14 (2) The child's adoption process must have begun prior to the
15 date of the death or total and permanent disability of the law enforcement
16 officer, ~~municipal~~ fireman, ~~or~~ state highway employee, state correction
17 employee, state parks employee, teacher, or state forestry employee.

18 (c) In order for a stepchild under the age of nineteen (19) to be
19 eligible to receive a scholarship benefit:

20 (1) The stepchild must have been listed as a dependent on the
21 federal and state income tax returns of the law enforcement officer, ~~municipal~~
22 ~~fireman, or~~ state highway employee, state correction employee, state parks
23 employee, teacher, or state forestry employee in each of the five (5) income
24 years immediately prior to the date of the death or total and permanent
25 disability of the law enforcement officer, ~~municipal~~ fireman, ~~or~~ state highway
26 employee, state correction employee, state parks employee, teacher, or state
27 forestry employee; and

28 (2) The stepchild must have received more than one-half (1/2) of
29 his or her financial support from the law enforcement officer, ~~municipal~~
30 ~~fireman, or~~ state highway employee, state correction employee, state parks
31 employee, teacher, or state forestry employee in each of the five (5) income
32 years immediately prior to the date of the death or total and permanent
33 disability of the law enforcement officer, ~~municipal~~ fireman, ~~or~~ state highway
34 employee, state correction employee, state parks employee, teacher, or state
35 forestry employee.

36 (d) In order for a stepchild nineteen (19) years of age or older to be

1 eligible to receive a scholarship benefit:

2 (1) The stepchild must have been listed as a dependent on the
3 federal and state income tax returns of the law enforcement officer, ~~municipal~~
4 fireman, ~~or~~ state highway employee, state correction employee, state parks
5 employee, teacher, or state forestry employee in each of five (5) income years
6 during the eight (8) years immediately prior to the date of the death or total
7 and permanent disability of the law enforcement officer, ~~municipal~~ fireman, ~~or~~
8 state highway employee, state correction employee, teacher, state parks
9 employee, or state forestry employee; and

10 (2) The stepchild must have received more than one-half (1/2) of
11 his or her financial support from the law enforcement officer, ~~municipal~~
12 fireman, ~~or~~ state highway employee, state correction employee, state parks
13 employee, teacher, or state forestry employee in each of five (5) income years
14 during the eight (8) years immediately prior to the date of the death or total
15 and permanent disability of the law enforcement officer, ~~municipal~~ fireman, ~~or~~
16 state highway employee, state correction employee, state parks employee,
17 teacher, or state forestry employee.

18 (e) If the covered public employee or his/her heirs did not file for
19 the available death or disability benefit, but were otherwise eligible to
20 receive, within the time frame provided in § 21-5-703, then the covered public
21 employee's child or children, who would have otherwise been eligible to
22 receive the provided educational scholarship benefit under § 6-82-504, may
23 individually file, prior to their twenty-first birthdays, a claim to receive
24 the provided educational scholarship benefit."

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26 SECTION 4. All provisions of this act of general and permanent nature
27 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
28 Revision Commission shall incorporate the same in the Code.

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30 SECTION 5. If any provisions of this act or the application thereof to
31 any person or circumstance is held invalid, the invalidity shall not affect
32 other provisions or applications of the act which can be given effect without
33 the invalid provisions or application, and to this end the provisions of this
34 act are declared to be severable.

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36 SECTION 6. All laws and parts of laws in conflict with this act are

1 hereby repeal ed.

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/s/ Bradford, et al

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APPROVED: 4/1/1999

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