

Hall of the House of Representatives

87th General Assembly - Regular Session, 2009

Amendment Form

Subtitle of House Bill No. 2105

"CONCERNING DEATH BENEFITS FOR COVERED PUBLIC EMPLOYEES KILLED IN
THE LINE OF DUTY."

Amendment No. 1 to House Bill No. 2105.

Amend House Bill No. 2105 as originally introduced:

Add Representatives Hobbs, G. Smith, Kerr, Lea, Dale, Betts, Pennartz, Carnine, Stewart, Gaskill, Cook, D. Hutchinson, Powers, Webb, J. Dickinson, Carroll, Breedlove, Harrelson, McLean, McCrary, Wagner, Dunn, Barnett, Cash, Pyle, M. Burris, Glidewell, Slinkard, T. Rogers, Shelby, Abernathy, Everett, Ingram, Baird, Hyde, Rice, J. Edwards, Green, House, Creekmore, Blount, Adcock, Pierce, Davis, L. Smith, D. Rainey, J. Brown, Kidd, Perry, Overby, Lovell, and T. Baker as cosponsors of the bill.

AND

Add Senators Glover and P. Malone as cosponsors of the bill.

AND

Page 1, delete lines 23 through 25 and substitute the following:

"SECTION 1. Arkansas Code §§ 21-5-704 and 21-5-705 are amended to read as follows:

21-5-704. Payment of claim to covered public employees, their designated beneficiaries, or their survivors – Funds.

(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) or, if there is no surviving spouse or surviving children under the age of twenty-two (22), then to the surviving children twenty-two (22) years of age or older or to the surviving parents of any covered public employee who is killed in the official line of duty, the sum of ~~twenty-five~~ fifty thousand dollars (~~(\$25,000)~~ (\$50,000)).

(B) In addition thereto, the municipality ~~which 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) or, if there is no surviving spouse or surviving children under the age of twenty-two (22), 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 ~~any~~ a covered public employee shall suffer ~~any~~ 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.

(b)(1) All allowances as provided for in this section for the designated beneficiary, surviving spouse, surviving children, or surviving parents of covered public employees killed while performing official duties, or allowances provided covered public employees who are totally and permanently disabled while performing official duties, shall be paid totally from state funds appropriated therefor.

(2) The funds shall not be reimbursed by transfer or charging the funds against any state funds allocated for turnback to cities or counties or distributed to the State Highway and Transportation Department Fund or distributed to any Department of Correction fund account or any other state department agency fund account other than the Arkansas State Claims Commission fund accounts and the Miscellaneous Revolving Fund Account, or state funds levied for firefighters, police officers, employees of the Arkansas State Highway and Transportation Department, and employees of the Department of Correction for pension purposes.

(c) It is the intent of this subchapter that the total obligation of providing the benefits provided by this subchapter, even though the funds are to be administered by the Arkansas State Claims Commission, are to be defrayed from state funds and are not to be charged against, or recovered against, any turnback moneys due the cities or counties of this state or allocated to the state highway system of this state or to the Department of Correction or any other state department agency fund account other than the Arkansas State Claims Commission fund accounts and the Miscellaneous Revolving Fund Account.

21-5-705. Payment of claim to designated beneficiaries or survivors of certain specified public employees killed in the line of duty – Funds.

(a) The state shall pay the additional sum of ~~seventy-five~~ one hundred fifty thousand dollars ~~(\$75,000)~~ (\$150,000) to the designated beneficiary, surviving spouse, or surviving children under the age of twenty-two (22) of any:

(1) Police officer, wildlife enforcement officer of the Arkansas State Game and Fish Commission, 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, or employee of the Department of Correction whose death occurred:

(A) After January 1, 2003; and

(B) Either:

(i) 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) In the line of duty while the officer or employee was performing emergency medical activities; and

(2) Firefighter, emergency medical technician, or employee of the Arkansas State 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.

(b) In addition to the benefits provided for in subsection (a) 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) of any police officer, 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) Who was wearing a bulletproof vest approved by the Director of the Department of Arkansas State Police; and

(2) Whose death occurred:

(A) After July 1, 1989; and

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

(c) 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.

(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 in this section shall be made by the Arkansas State Claims Commission in accordance with Arkansas State Claims Commission rules and procedures.

SECTION 2. Arkansas Code § 21-5-707 is amended to read as follows:
21-5-707. Children.

(a) Unless designated as the beneficiary of a covered public employee under § 21-5-708, ~~It~~ in order for a natural child to be eligible to receive benefits under this subchapter:

(1) The natural child must have been born prior to the date of the covered public employee's death or total and permanent disability; or

(2) The covered public employee or the covered public employee's spouse must have been pregnant with the natural child at the time of the covered public employee's death or total and permanent disability.

(b) Unless designated as the beneficiary of a covered public employee

under § 21-5-708, ~~In~~ in order for an adopted child to be eligible to receive benefits under this subchapter:

(1) The adopted child must have been adopted prior to the date of the covered public employee's death or total and permanent disability; or

(2) The adopted child's adoption process must have begun prior to the date of the covered public employee's death or total and permanent disability.

(c) Unless designated as the beneficiary of a covered public employee under § 21-5-708, ~~In~~ in order for a stepchild under nineteen (19) years of age to be eligible to receive benefits under this subchapter:

(1) The stepchild must have been listed as a dependent on the covered public employee's federal and state income tax returns for each of the five (5) income years immediately prior to the date of the covered public employee's death or total and permanent disability; and

(2) The stepchild must have received more than one-half ($\frac{1}{2}$) of his or her financial support from the covered public employee in each of the five (5) income years immediately prior to the date of the covered public employee's death or total and permanent disability.

(d) Unless designated as the beneficiary of a covered public employee under § 21-5-708, ~~In~~ in order for a stepchild nineteen (19) years of age or older to be eligible to receive benefits under this subchapter:

(1) The stepchild must have been listed as a dependent on the covered public employee's federal and state income tax returns in each of the five (5) previous income years; and

(2) The stepchild must have received more than one-half ($\frac{1}{2}$) of his or her financial support from the covered public employee in each of the five (5) previous income years.

SECTION 3. Arkansas Code Title 21, Chapter 5, Subchapter 7 is amended to add an additional section to read as follows:

21-5-708. Designated beneficiary.

(a)(1) A covered public employee may designate a beneficiary on a form provided by his or her employer.

(2) The form to designate a beneficiary shall be completed by the covered public employee, notarized, and submitted to his or her employer to be kept in the covered public employee's personnel file.

(3) If a covered public employee designates a beneficiary, he or she shall review and resubmit the designation form annually.

(b) If the covered public employee does not designate a beneficiary, the benefits shall be paid to the surviving spouse or surviving children under the age of twenty-two (22) or, if there is no surviving spouse or surviving children under the age of twenty-two (22), then to the surviving children twenty-two (22) years of age or older or to the surviving parents."

The Amendment was read _____
By: Representative J. Roebuck
JET/BGS - 03-11-2009 12:59 _____
JET147 Chief Clerk