

**Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.**

INTERIM STUDY PROPOSAL 2007-026

State of Arkansas

*As Engrossed: H2/1/07*

86th General Assembly

**A Bill**

Regular Session, 2007

HOUSE BILL 1207

By: Representative E. Brown

Referred to

Judiciary Committee- House

by the House of Representatives

on 03/08/2007

**For An Act To Be Entitled**

AN ACT TO EXEMPT CERTAIN DEATH OR DISABILITY  
BENEFITS OF COVERED PUBLIC EMPLOYEES OR THEIR  
SURVIVORS FROM LEGAL PROCESS; AND FOR OTHER  
PURPOSES.

**Subtitle**

TO EXEMPT CERTAIN DEATH OR DISABILITY  
BENEFITS OF COVERED PUBLIC EMPLOYEES OR  
THEIR SURVIVORS FROM LEGAL PROCESS.

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

SECTION 1. Arkansas Code § 21-5-704 is amended to read as follows:

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

(a)(1)(A) The state shall pay 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 thousand dollars (\$25,000).

(B) In addition thereto, the municipality which employed

1 the police officer or firefighter shall, upon certification of the amount by  
2 the police or fire department, pay to the surviving spouse or surviving  
3 children under the age of twenty-two (22) or, if there is no surviving spouse  
4 or surviving children under the age of twenty-two (22), then to the surviving  
5 children twenty-two (22) years of age or older or to the surviving parents of  
6 the deceased police officer or firefighter an allowance for all sick leave,  
7 vacation, or other leave time accumulated to the credit of the police officer  
8 or firefighter at the time of his or her death.

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

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

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

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

35 (c) It is the intent of this subchapter that the total obligation of  
36 providing the benefits provided by this subchapter, even though the funds are

1 to be administered by the Arkansas State Claims Commission, are to be  
2 defrayed from state funds and are not to be charged against, or recovered  
3 against, any turnback moneys due the cities or counties of this state or  
4 allocated to the state highway system of this state or to the Department of  
5 Correction or any other state department agency fund account other than the  
6 Arkansas State Claims Commission fund accounts and the Miscellaneous  
7 Revolving Fund Account.

8 (d) Fifty percent (50%) of any money paid under this section shall not  
9 be subject to garnishment, attachment, levy, execution, or any other legal  
10 process or remedy provided for the collection of debt.

11  
12 /s/ E. Brown  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

- 1
- 2
- 3
- 4
- 5