

State of Arkansas

76th General Assembly

Regular Session, 1987 AS ENGROSSED 1/27/87

HOUSE BILL 1308

By: Representative Landers

"AN ACT TO AMEND SECTION 1 OF ACT 43 OF 1969 AS AMENDED [ARK. STATS. 12-2347] TO DEFINE 'EMERGENCY MEDICAL TECHNICIAN'; TO AMEND SUBSECTIONS (a) AND (b) OF SECTION 2 OF ACT 43 OF 1969, AS AMENDED [ARK. STATS. 12-2348(a) and (b)] TO PROVIDE DEATH AND DISABILITY BENEFITS FOR EMERGENCY MEDICAL TECHNICIANS AND TO PROVIDE CERTAIN BENEFITS FOR SURVIVING SPOUSE AND CHILDREN OF POLICEMEN AND FIREMEN WHO ARE KILLED IN THE LINE OF DUTY WHILE PERFORMING EMERGENCY MEDICAL ACTIVITIES; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 1 of Act 43 of 1969 as amended, the same being Arkansas Statutes 12-2347, is hereby amended by adding a new subsection at the end thereof to read as follows:

"(g) 'Emergency Medical Technician' means emergency medical technicians as defined in subsection (4) of Section 2 of Act 435 of 1975 as amended."

SECTION 2. Subsections (a) and (b) of Section 2 of Act 43 of 1969, the same being Arkansas Statutes 12-2348(a) and (b), are hereby amended to read as follows:

"(a) On and after July 1, 1987, the State shall pay to the spouse or surviving children of any policeman or firefighter or State Highway Employee or State Correction Employee or Emergency Services Workers, or Forestry Commission Workers, commissioned law enforcement personnel of the State Parks Division, wildlife enforcement officers of the Game and Fish Commission, or Emergency Medical Technicians, as defined herein, who are killed in the official line of duty, the sum of Twenty-Five Thousand Dollars (\$25,000.00), and in addition thereto, the municipality by which such policeman or fireman

was employed shall, upon certification of the amount thereof by the police or fire department, pay to the spouse or surviving children of such deceased policeman or fireman an allowance for all sick leave, vacation, or other leave time accumulated to the credit of such policeman or fireman at the time of his death. In the event any policeman or firefighter or State Highway Employee or State Correction Employee or Emergency Services Workers, or Forestry Commission Workers, commissioned law enforcement personnel of the State Parks Division, wildlife enforcement officers of the Game and Fish Commission, or Emergency Medical Technicians, as defined herein, shall suffer any injury while engaged in the performance of official duties resulting in his total and permanent disability, said disabled policeman or firefighter or State Highway Employee or State Correction Employee or Emergency Services Worker, or Forestry Commission Worker, commissioned law enforcement personnel of the State Parks Division, wildlife enforcement officers of the Game and Fish Commission, or Emergency Medical Technicians shall be entitled to the sum of Ten Thousand Dollars (\$10,000.00) from the State of Arkansas upon establishing proof of said total and permanent disability; provided that such allowances as provided herein for the spouse or surviving children of policemen, firefighters, State Highway Employees, State Correction Employees and Emergency Services Workers and Forestry Commission Workers, commissioned law enforcement personnel of the State Parks Division, wildlife enforcement officers of the Game and Fish Commission, and Emergency Medical Technicians killed while performing official duties, or allowances provided policemen, firefighters, State Highway Employees, State Correction Employees, Emergency Services Workers, and Forestry Commission Workers, commissioned law enforcement personnel of the State Parks Division, wildlife enforcement officers of the Game and Fish Commission or Emergency Medical Technicians who are totally and permanently disabled while performing official duties, shall be paid totally from State funds appropriated therefor and the same shall not be reimbursed by transfer or charging the same against any State funds allocated for turnback to cities or counties or distributed to the State Highway Department Fund or distributed to any Arkansas 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 and policemen and State Highway Department Employees and State Correction Employees pension purposes, it being the intent

of this Act that the total obligation of providing the benefits provided by this Act, even though the same are to be administered by the 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 Arkansas 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.

(b) The State shall pay to the spouse or surviving children of any policeman, wildlife enforcement officer of the Game and Fish Commission, or State Correction Employees whose death occurred in the official line of duty and was the result of a felonious criminal action of another person or persons or whose death occurred in the line of duty while such officer or employee was performing emergency medical activities and to the spouse or surviving children of any firefighter killed while actively participating in fighting a fire of any type or whose death occurred in the line of duty while such firefighter was performing emergency medical activities, the additional sum of \$75,000.00, provided such death occurs after July 1, 1987. Such benefits shall be paid totally from State funds appropriated therefor and the same shall not be reimbursed by a transfer or charging the same 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. The additional benefits provided herein shall be paid to such spouse or surviving children in three equal annual payments, the first of which shall be paid one year from the date of the original order of the Arkansas State Claims Commission establishing entitlement to additional payments and annually thereafter. Determination for eligibility for the additional payments provided herein shall be made by the Arkansas State Claims Commission in accordance with Commission rules and procedures."

SECTION 3. The provisions of this Act shall be in effect on and after July 1, 1987.

SECTION 4. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 5. EMERGENCY. It is hereby found and determined by the General Assembly that emergency medical technicians are not currently covered by the law which death benefits for survivors of law enforcement officers and fire-fighters. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1987.

/s/ Lacy Landers

