

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

A Bill

SENATE BILL 62

4
5 By: Senators Webb, Hill
6 By: Representatives Teague, Lancaster

For An Act To Be Entitled

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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 VOLUNTEER FIREMEN AND STATE FORESTRY EMPLOYEES KILLED
14 WHILE FIGHTING FIRES; AND FOR OTHER PURPOSES."

Subtitle

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17 "TO PROVIDE SCHOLARSHIPS FOR SURVIVING
18 CHILDREN OF VOLUNTEER FIREMEN AND STATE
19 FORESTRY EMPLOYEES KILLED WHILE FIGHTING
20 FIRES."

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

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25 SECTION 1. Arkansas Code § 6-82-501 is amended to read as follows:

26 "6-82-501. Definitions.

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

28 (1) 'Child' or 'children' means any natural child, adopted child, or
29 stepchild, who is eligible under § 6-82-504-~~1~~2

30 (2) 'Law enforcement officer' means:

31 (A) State highway patrolmen, which includes any law enforcement
32 officers, regardless of department or bureau, of the Department of Arkansas
33 State Police;

34 (B) Municipal and college or university police officers, which
35 includes all law enforcement officers of any municipality, college, or
36 university who are regular duty personnel on full-time status and does not

1 include auxiliary officers or those serving on a temporary or part-time
 2 status;

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

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

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

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

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

22 (5) 'State forestry employee' means an employee of the State Forestry
 23 Commission who is actively engaged in his or her duties of fighting forest
 24 fires."

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

27 "6-82-503. Entitlement.

28 (a) If any Arkansas law enforcement officer or full-time or volunteer
 29 fireman or state highway employee or state forestry employee suffers fatal
 30 injuries or wounds or becomes permanently and totally disabled as a result of
 31 injuries or wounds which occurred in the performance of a hazardous duty
 32 within the scope of his employment or which occurred en route to a location
 33 where a hazardous situation existed, his children and spouse shall be entitled
 34 to an eight-semester, or the equivalent thereof, scholarship without cost,
 35 exclusive of books, food, school supplies, materials, and dues or fees for
 36 extracurricular activities, at any state-supported college or university of

his choice within this state.

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

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

SECTION 3. Arkansas Code § 6-82-504 is amended to read as follows:
 "6-82-504. Awards to children.

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

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

(2) The law enforcement officer, ~~municipal fireman,~~ ~~or state highway employee,~~ or state forestry employee or the spouse of the law enforcement officer, ~~municipal fireman,~~ ~~or state highway employee,~~ or state forestry employee must have been pregnant with the child at the time of the death or total and permanent disability of the law enforcement officer, ~~municipal fireman,~~ ~~or state highway employee,~~ or state forestry employee.

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

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

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

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

(1) The stepchild must have been listed as a dependent on the

1 federal and state income tax returns of the law enforcement officer, ~~municipal~~
 2 fireman, ~~or~~ state highway employee, or state forestry employee in each of the
 3 five (5) income years immediately prior to the date of the death or total and
 4 permanent disability of the law enforcement officer, ~~municipal~~ fireman, ~~or~~
 5 state highway employee, or state forestry employee; and

6 (2) The stepchild must have received more than one-half (1/2) of
 7 his or her financial support from the law enforcement officer, ~~municipal~~
 8 fireman, ~~or~~ state highway employee, or state forestry employee in each of the
 9 five (5) income years immediately prior to the date of the death or total and
 10 permanent disability of the law enforcement officer, ~~municipal~~ fireman, ~~or~~
 11 state highway employee, or state forestry employee.

12 (d) In order for a stepchild nineteen (19) years of age or older to be
 13 eligible to receive a scholarship benefit:

14 (1) The stepchild must have been listed as a dependent on the
 15 federal and state income tax returns of the law enforcement officer, ~~municipal~~
 16 fireman, ~~or~~ state highway employee, or state forestry employee in each of five
 17 (5) income years during the eight (8) years immediately prior to the date of
 18 the death or total and permanent disability of the law enforcement officer,
 19 ~~municipal~~ fireman, ~~or~~ state highway employee, or state forestry employee; and

20 (2) The stepchild must have received more than one-half (1/2) of
 21 his or her financial support from the law enforcement officer, ~~municipal~~
 22 fireman, ~~or~~ state highway employee, or state forestry employee in each of five
 23 (5) income years during the eight (8) years immediately prior to the date of
 24 the death or total and permanent disability of the law enforcement officer,
 25 ~~municipal~~ fireman, ~~or~~ state highway employee, or state forestry employee.

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

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

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

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