

**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.  
Act 1921 of the Regular Session**

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005  
4

# A Bill

HOUSE BILL 1211

5 By: Representatives Harris, Sullivan  
6 By: Senator J. Jeffress  
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8

## For An Act To Be Entitled

AN ACT TO INCREASE THE MINIMUM MONTHLY BENEFIT  
PAYABLE TO THE SURVIVING SPOUSE AND CHILDREN OF A  
VOLUNTEER OR PART-PAID FIREFIGHTER UNDER THE  
LOCAL PENSION AND RELIEF FUNDS; AND FOR OTHER  
PURPOSES.

## Subtitle

AN ACT TO INCREASE THE MINIMUM MONTHLY  
BENEFIT PAYABLE TO THE SURVIVING SPOUSE  
AND CHILDREN OF A VOLUNTEER OR PART-PAID  
FIREFIGHTER UNDER THE LOCAL PENSION AND  
RELIEF FUNDS.

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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. Arkansas Code § 24-11-820(a) and (b), pertaining to the  
27 death benefits paid to the spouse or children of an active or retired  
28 firefighter, is amended as follows:

29 (a)(1) Whenever any member of a fire department of any city, town, or  
30 fire improvement district covered by this act shall have lost his or her  
31 life, except while actually performing work in gainful employment outside the  
32 fire department, or any retired member shall die, leaving a spouse, or  
33 children under the age of nineteen (19), then, upon satisfactory proof of  
34 those facts made to it, the board of trustees shall order and direct, in the  
35 case of volunteer or part-paid firefighters, that a monthly pension equal to



1 the amount of the pension or retirement pay attached to the rank of the  
 2 member of the fire department at the time of his or her death shall be paid  
 3 for life to the spouse, and the monthly pension shall not be less than ~~thirty~~  
 4 ~~dollars (\$30.00)~~ one hundred dollars (\$100.00).

5 (2) In the case of full-paid firefighters' classifications, a  
 6 monthly pension shall be paid for life to the spouse in the amount of the  
 7 pension received by the retired firefighter at the time of his or her death,  
 8 or the amount of the pension to which the member would have been entitled on  
 9 the day he or she died had he or she been retired, but in no event shall the  
 10 benefit of the spouse be less than three hundred fifty dollars (\$350) per  
 11 month, regardless of whether the spouse has already been receiving pension  
 12 payments, and regardless of whether the firefighter was on active duty or  
 13 retired.

14 (b)(1)(A) In addition to the monthly pension provided in subsection  
 15 (a) of this section, the board of trustees may order and direct the payment  
 16 of, in the case of volunteer or part-paid firefighters, the sum of twenty-  
 17 five dollars (\$25.00) per month for each child under nineteen (19) years of  
 18 age who has not completed high school and, in the case of full-paid  
 19 firefighters, the sum of one hundred twenty-five dollars (\$125) per month for  
 20 each child under nineteen (19) years of age who has not completed high  
 21 school.

22 (B) However, if the child enrolls in an institution of  
 23 higher education after completing high school, the payments shall continue as  
 24 long as the child is a full-time student, but in no instance beyond the  
 25 child's twenty-third birthday.

26 (2)(A) If there is no eligible spouse at the time of the  
 27 member's death, then the total sums shall be paid to his or her children  
 28 until they shall have reached nineteen (19) years of age or until the  
 29 children have completed high school, whichever occurs first.

30 (B) However, if a child enrolls in an institution of  
 31 higher education after completing high school, the payments shall continue as  
 32 long as the child is a full-time student, but in no instance beyond the  
 33 child's twenty-third birthday.

34 (3)(A) The sum total of the pension to be paid the spouse or the  
 35 qualifying children of volunteer or part-paid firefighters shall not exceed  
 36 one-half (1/2) of the salary attached to the rank the member held at the time

1 of his or her death as an active member of a volunteer or part-paid fire  
2 department, nor shall it be less than ~~thirty dollars (\$30.00)~~ one hundred  
3 dollars (\$100.00) per month.

4 (B) However, the limit on the sum total amount under  
5 subdivision (b)(3)(A) of this section may be exceeded through benefit  
6 increases authorized under § 24-11-102.

7 (4) If any spouse or child shall marry, he or she shall  
8 thereafter receive no further pension under this subchapter. However, if he  
9 or she is a surviving spouse of a firefighter who is killed while in the  
10 official performance of his or her duties, then that surviving spouse's  
11 benefits may be restored to the spouse whose benefits had been terminated  
12 before or after August 1, 1997, upon his or her application to and approval  
13 by the board of trustees.

14 (5) If any retired firefighter shall marry after his or her  
15 retirement, the surviving spouse may be entitled to a pension under this  
16 subchapter if:

17 (A) He or she has been married to the firefighter for a  
18 period of at least five (5) years;

19 (B) The board of trustees for the fund decides to extend  
20 this benefit for its members; and

21 (C) The pension fund will be actuarially sound as  
22 determined by the actuary for the Arkansas Fire and Police Pension Review  
23 Board after this benefit increase is extended to members.

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25 SECTION 2. Arkansas Code § 24-11-832 is amended as follows:

26 24-11-832. Applicability of § 24-11-820.

27 The provisions of § 24-11-820(b)(1) and (2) extending the survivorship  
28 benefits for children of deceased firemen through their college years shall  
29 apply retroactively to any situation involving a surviving child which began  
30 on or after January 1, 1996.

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APPROVED: 04/11/2005

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