

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Jewell**

A BILL ACT 1168 OF 1991
SENATE BILL 287

For An Act To Be Entitled

8 *"AN ACT TO ALLOW POLICE PENSION FUNDS IN CERTAIN FIRST*
9 *CLASS CITIES TO AWARD PARTIAL DISABILITY PENSIONS TO*
10 *ELIGIBLE MEMBERS; AND FOR OTHER PURPOSES."*

11
12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

13
14 *SECTION 1. (a) (1) If any member of the police department of a first*
15 *class city with a population in excess of 170,000 persons as determined by the*
16 *1990 population totals as published by the Bureau of the Census, Department of*
17 *Commerce, United States of America, shall become physically or mentally*
18 *permanently disabled and this fact is certified to by the physician on the*
19 *board of trustees, he shall be entitled to retire and receive a pension as*
20 *provided herein. The physician's certification shall state whether the*
21 *disability is total or partial. In the event such disability is partial the*
22 *physician shall state the extent of such partial disability, apportioned to*
23 *the body as a whole, in percentage terms. The board may first require that a*
24 *second evaluation be performed by another physician to be named by the*
25 *trustees. No member shall be retired for disability for natural causes unless*
26 *he has served at least five (5) years.*

27 *(A) If the disability injury or disease occurred while not*
28 *actually performing work in gainful employment for the police department, and*
29 *the physician member of the board certifies that such disability is total, the*
30 *monthly benefit shall be equal to the benefit paid to normal service*
31 *retirants. If the physician member of the board certifies that such*
32 *disability is partial, the monthly benefits shall be equal to the benefit paid*
33 *to normal service retirants multiplied by the percentage the member is*
34 *disabled, as certified by the physician member of the board.*

35 *(B) If, however, a police officer is injured in the line of*
36 *duty, and the physician member of the board certifies that such disability is*

1 total, the monthly disability benefit shall either be equal to sixty-five
2 percent (65%) of the salary attached to the rank held by the member in the
3 police department or shall be equal to the benefit paid to normal service
4 retirants, whichever is greater. If the physician member certifies that such
5 disability is partial, the monthly benefit shall be equal to sixty-five
6 percent (65%) of the salary attached to the rank held by the member in the
7 police department or shall be equal to the benefit paid to normal service
8 retirants, whichever is greater, multiplied by the percentage the member is
9 disabled, as certified by the physician member of the board.

10 (i) For purposes of this section, injured in the
11 line of duty means a disabling injury or disease which occurs while
12 conducting official police department operations or while in training to
13 become a policeman.

14 (ii) The board shall determine whether the disability
15 occurred in the line of duty and may require any medical evidence, official
16 reports, expert testimony, or other information to be supplied by the
17 applicant in addition to the required physician's examination. The additional
18 benefits provided herein shall be effective for all qualifying applications
19 first received by the board on or after January 1, 1987.

20
21 SECTION 2. All provisions of this act of a general and permanent nature
22 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
23 Revision Commission shall incorporate the same in the Code.

24
25 SECTION 3. If any provision of this act or the application thereof to
26 any person or circumstance is held invalid, such invalidity shall not affect
27 other provisions or applications of the act which can be given effect without
28 the invalid provision or application, and to this end the provisions of this
29 act are declared to be severable.

30
31 SECTION 4. All laws and parts of laws in conflict with this act are
32 hereby repealed.

33
34 /s/Jewell

35
36 APPROVED: 4/10/91