

As Engrossed: 2/4/91, 3/18/91

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

A BILL ACT 770 OF 1991
SENATE BILL 121

For An Act To Be Entitled

8 "AN ACT TO AMEND TITLE 24, CHAPTER 11, SUBCHAPTER 8 OF THE
9 ARKANSAS CODE OF 1987 TO PROVIDE FOR PROPORTIONATE
10 REPRESENTATION BETWEEN ACTIVE AND RETIRED MEMBERS TO SERVE
11 ON LOCAL FIREMEN'S PENSION AND RELIEF FUNDS; AND FOR OTHER
12 PURPOSES."

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

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16 SECTION 1. Arkansas Code §24-11-801 is hereby amended to read as
17 follows:

18 "24-11-801. Board of trustees - Members.

19 (a) *The Board of Trustees of every Firemen's Pension and Relief Fund*
20 *established in a city, incorporated town or duly qualified fire protection*
21 *district pursuant to the provisions of this subchapter shall be composed of*
22 *the following:*

23 (1) *The chief executive, who shall serve as chairman of the*
24 *board;*

25 (2) *The city or district clerk or recorder, who shall serve as*
26 *secretary of the board;*

27 (3) *The fire chief, or, if the fire chief is not a member of the*
28 *fund, the highest ranking member of the fire department who is a member and*
29 *who is willing to serve; and*

30 (4) *Four (4) active or retired members of the pension fund.*

31 (b) *The board thus created shall provide for the disbursement of the*
32 *firemen's relief and pension fund and shall designate its beneficiaries as*
33 *directed in this act.*

34 (c) *The fire department shall elect the active member or members by*
35 *secret written ballot in May of each year, with the member or members to be*
36 *chosen in alternating years.*

1 (d) The retired members shall elect the retired member or members by
2 secret written ballot in May of each year, with the member or members to be
3 chosen in alternating years by a method to be determined by the board.

4 (e) All member trustees shall serve two (2) year terms.

5 (f) The number of active members or retired members to serve on the
6 board shall be determined by the proportionate number of active members to
7 retired members:

8 (1) When the number of active members equals seventy-five percent
9 (75%) of the total of retired members and active members, the board shall be
10 comprised of three (3) active members and one (1) retired member.

11 (2) When the number of active members equals fifty percent (50%)
12 of the total of retired members and active members, the board shall be
13 comprised of two (2) active members and two (2) retired members.

14 (3) When the number of retired members equals seventy-five
15 percent (75%) of the total of retired members and active members, the board
16 shall be comprised of one (1) active member and three (3) retired members.

17 (4) However, when no retirant is available to serve on the board,
18 all four (4) employee positions shall be held by active members of the pension
19 fund and shall all be elected for two (2) year terms as provided in subsection
20 (e) of this section. However, when no active member is available to serve on
21 the board, all four (4) positions shall be held by retired members of the
22 pension fund and shall all be elected for two (2) year terms as provided in
23 subsection (c) of this section.

24 (g) The board shall have the power to make all rules and regulations
25 needful for its guidance to implement the provisions regarding board
26 composition.

27 (h) The chief executive in the cities, incorporated towns, or fire
28 protection districts shall be the chairman; the city or town clerk or recorder
29 or clerk of the fire protection district shall be ex officio secretary; and
30 the city, town, or fire protection district treasurer shall be ex officio
31 treasurer of the board of trustees during his respective term of office as the
32 official of the city, incorporated town, or fire protection district.

33 (i) The secretary and treasurer of each board of trustees shall report
34 annually, at the same time annual reports are required as clerk, recorder, or
35 treasurer, the precise status of the firemen's relief and pension fund,

1 showing all receipts and disbursements on account with a full and complete
2 list of all beneficiaries of the fund and the amount paid each beneficiary."

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4 SECTION 2. All provisions of this act of a general and permanent nature
5 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
6 Revision Commission shall incorporate the same in the Code.

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8 SECTION 3. If any provision of this act or the application thereof to
9 any person or circumstance is held invalid, such invalidity shall not affect
10 other provisions or applications of the act which can be given effect without
11 the invalid provision or application, and to this end the provisions of this
12 act are declared to be severable.

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14 SECTION 4. All laws and parts of laws in conflict with this act are
15 hereby repealed.

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/s/Bookout

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APPROVED: 3/26/91

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