

Hall of the House of Representatives
84th General Assembly - Regular Session, 2003
Amendment Form

Subtitle of House Bill No. 1123

"AN ACT TO REVISE THE REQUIREMENTS FOR SURVIVOR BENEFICIARY ANNUITY
UNDER THE ARKANSAS LOCAL POLICE AND FIRE RETIREMENT SYSTEM."

Amendment No. 1 to House Bill No. 1123.

Amend House Bill No. 1123 as originally introduced:

Add Senators J. Bookout, J. Jeffress, Faris as cosponsors of the bill

AND

Page 1, delete lines 10 through 13, and substitute the following:
"AN ACT TO MAKE CERTAIN TECHNICAL CORRECTIONS
TO THE REQUIREMENTS TO RECEIVE ANNUITIES UNDER
THE LOCAL POLICE AND FIRE RETIREMENT SYSTEM, AND FOR OTHER PURPOSES."

AND

Page 1, delete lines 16 through 19, and substitute the following:
"TO MAKE CERTAIN TECHNICAL CORRECTIONS
TO THE REQUIREMENTS TO RECEIVE ANNUITIES UNDER
THE LOCAL POLICE AND FIRE RETIREMENT SYSTEM."

AND

Delete Section 1. and Section 2. of the bill and substitute the new sections to read as follows:

"SECTION 1. Arkansas Code § 24-10-501(c), concerning paid and volunteer service under the Arkansas Local Police and Fire Retirement System, is amended to read as follows:

(c)(1) ~~Not~~ Except for an employer covering volunteer service for future employment credit under subdivision (c)(3) of this section, not later than one (1) year from and after the date an employer covers its employees and before the retirement of a member included in the employees so covered, the employer shall certify to the board the periods of prior employment of each of its members to be considered for credit as paid service and for credit as volunteer service.

(2) No prior employment shall be so certified by an employer for any member unless he or she was employed by the employer within the one-year



period immediately preceding the date an employer covers its employees and unless he or she is continuously employed by the employer:

- (A) From and after that date for one (1) year;
- (B) Until his or her death; or
- (C) Until his or her total and permanent disability,

whichever is earliest.

(3)(A) Beginning January 1, 2004, at the option of an employer covering volunteer service only, the employer may cover its employees under the system with service credit from the effective date of the coverage forward into the future with service credit from and after the effective date of coverage.

(B) An employee of an employer choosing coverage under this subdivision (c)(3) shall receive credited service for employment rendered from and after the effective date of coverage, and shall receive no service credit for periods of prior employment or prior volunteer service.

(C) An employer choosing coverage under this subdivision (c)(3) is not responsible for contributions to pay for periods of a member's prior employment or prior volunteer service.

(D) An employer may choose to include an equal proportion of each employee's prior service in a portion that is twenty-five percent (25%), fifty percent (50%), or seventy-five percent (75%) of the prior service.

(E) If an employer elects to include a portion of prior service, then the employer shall be responsible to pay for that portion.

(F) Each employee shall receive the same percentage of service prior to coverage as credited service.

SECTION 2. Arkansas Code § 24-10-602(a)(4), concerning the annuity generally under the Arkansas Local Police and Fire Retirement System, is amended to read as follows:

(4)(A) The total benefit amount computed under subdivision (a)(1) of this section shall not exceed at the time of retirement eighty percent (80%) of the final average pay plus the amounts provided in subdivision (a)(5) of this section for volunteer service;

(B) If the member accrued a benefit at any time under Benefit Program #2 described in subdivision (a)(2) of this section, then ~~In no event shall~~ the total of the amounts computed pursuant to subdivision (a)(1) and (2) of this section shall not exceed at the time of retirement ~~eighty percent (80%)~~ eighty-five percent (85%) of the final average pay plus the amounts provided in subdivision (a)(5) of this section for volunteer service;

SECTION 3. Arkansas Code § 24-10-607(a), concerning disability benefits under the Arkansas Local Police and Fire Retirement System, is amended to read as follows:.

(a)(1)(A) Any active member with five (5) years of credited service, including credited service for seventy-five percent (75%) of the two (2) years immediately preceding his or her disability, who becomes totally and permanently physically or mentally incapacitated for any suitable duty as an employee as a result of a personal injury or disease may be retired by the Board of Trustees of the Arkansas Local Police and Fire Retirement System upon written application filed with the board by or on behalf of the member.

(B) The employee shall be retired only if, after a medical examination of the member made by or under the direction of a physician or physicians designated by the board, the physician reports to the plan in writing that the member is physically or mentally totally incapacitated for the further performance of any suitable duty, that the incapacity will probably be permanent, and that the member should be retired.

(2) A written application to the board by the member or on behalf of the member shall be filed with the board not later than one (1) year after the termination of active membership.

~~(2)~~(3) The disability annuity shall be effective the first day of the calendar month next following the later of:

(A) His or her termination of active membership; or

(B) Six (6) months before the date the written application is filed with the board.

SECTION 4. Arkansas Code § 24-10-607(c), concerning disability benefits under the Arkansas Local Police and Fire Retirement System, is amended to read as follows:

(c)(1)(A) Any active member who becomes totally and permanently physically or mentally incapacitated for any suitable duty as an employee as the result of a personal injury or disease which the board finds to have arisen out of, and in the course of, his or her actual performance of duty as an employee may be retired by the board upon written application filed with the board by or on behalf of the member.

(B) The employee shall be retired only if, after a medical examination of the member made by or under the direction of a physician or physicians designated by the board, the physician reports to the plan in writing that the member is physically or mentally totally incapacitated for the further performance of any suitable duty, that the incapacity will probably be permanent, and that the member should be retired.

(2) A written application to the board by the member or on behalf of the member shall be filed with the board not later than one (1) year after the termination of active membership.

~~(2)~~(3) The disability annuity shall be effective the first day of the calendar month next following the later of:

(A) His or her termination of active membership; or

(B) Six (6) months before the date the written application is filed with the board.”

The Amendment was read _____

By: Representative R. Smith
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Chief Clerk