

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

# A Bill

**HOUSE BILL**

## **For An Act To Be Entitled**

8 "AN ACT TO AMEND TITLE 24, CHAPTER 11, SUBCHAPTER 8 OF THE  
9 ARKANSAS CODE OF 1987, AS AMENDED, TO PROVIDE FOR THE  
10 RECALCULATION OF BENEFITS FOR A MEMBER WHO RESCINDS HIS  
11 DECISION TO RETIRE; AND FOR OTHER PURPOSES."

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

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15 SECTION 1. Title 24, Chapter 11, Subchapter 8 of the Arkansas Code of  
16 1987, as amended, is hereby amended by adding a new subsection to read as  
17 follows:

18 "24-11-827. Rescission of termination of active membership.

19 (a) A retirant who meets all requirements to fill a position in the  
20 fire department from which he retired may rescind the decision to terminate  
21 active membership and may become an active member upon reemployment.

22 (b) Persons rescinding their decisions to terminate active membership  
23 shall file a written rescission on the form furnished by the board.

24 (c) The rescission shall become effective the first day of the calendar  
25 month next-following the date the written rescission is received by the board.

26 (d) Upon rescission, a former retirant shall be considered an active  
27 member and shall accrue additional credited service subject to the provisions  
28 of subsection (e) of this section. Any benefit formerly due from the system  
29 shall be terminated upon the effective date of the rescission.

30 (e) (1) If reemployment terminates before the end of the fiscal year in  
31 which a former retirant has accumulated at least three (3) years of credited  
32 service, the former retirant shall become a retired member and the payment of  
33 the benefit shall resume upon such termination. The former retirant shall be  
34 entitled to receive any member contributions which may have been made during  
35 the reemployment period.

1           (2) If reemployment terminates after the end of the fiscal year  
2 in which the former retirant has accumulated at least three (3) years of  
3 credited service, upon termination of reemployment, the former retirant shall  
4 become a retired member and receive a benefit which has been recalculated  
5 based on the salary attached to the rank he held at the time of such  
6 termination of reemployment."

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8           SECTION 2. Any person who terminated active membership on or after  
9 January 1, 1986, shall be entitled to the recalculation of his benefit as set  
10 forth above upon termination of reemployment provided member and employer  
11 contributions were made during the reemployment period, such person  
12 accumulated at least three (3) years of credited service prior to termination  
13 of reemployment and such person applies to the board for a recalculation of  
14 his benefits prior to January 1, 1992.

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16           SECTION 3. All provisions of this act of a general and permanent nature  
17 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
18 Revision Commission shall incorporate the same in the Code.

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20           SECTION 4. If any provision of this act or the application thereof to  
21 any person or circumstance is held invalid, such invalidity shall not affect  
22 other provisions or applications of the act which can be given effect without  
23 the invalid provision or application, and to this end the provisions of this  
24 act are declared to be severable.

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26           SECTION 5. All laws and parts of laws in conflict with this act are  
27 hereby repealed.

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