

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A Bill

HOUSE BILL

4 **By: Representatives Jim Roberts, Wagner, Hogue, B. Woods and O. Miller**

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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 the firemen's pension and relief fund
20 shall be composed of the chief executive, the city clerk or recorder, and the
21 fire chief of every city, incorporated town, or duly organized fire protection
22 district, in addition to four (4) active or retired members of the pension
23 fund.

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

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

30 (d) The retired members shall elect the retired member or members by
31 secret written ballot in May of each year, with the member or members to be
32 chosen in alternating years.

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

34 (f) The number of active members or retired members to serve on the
35 board shall be determined by the proportionate number of active members to

1 retired members:

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

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

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

11 (4) However, when no retirant is available to serve on the board,
12 all four (4) employee positions shall be held by active members of the pension
13 fund and shall all be elected for two (2) year terms as provided in subsection
14 (e) of this section. However, when no active member is available to serve on
15 the board, all four (4) positions shall be held by retired members of the
16 pension fund and shall all be elected for two (2) year terms as provided in
17 subsection (c) of this section.

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

21 (h) The chief executive in the cities, incorporated towns, or fire
22 protection districts shall be the chairman; the city or town clerk or recorder
23 or clerk of the fire protection district shall be ex officio secretary; and
24 the city, town, or fire protection district treasurer shall be ex officio
25 treasurer of the board of trustees during his respective term of office as the
26 official of the city, incorporated town, or fire protection district.

27 (i) The secretary and treasurer of each board of trustees shall report
28 annually, at the same time annual reports are required as clerk, recorder, or
29 treasurer, the precise status of the firemen's relief and pension fund,
30 showing all receipts and disbursements on account with a full and complete
31 list of all beneficiaries of the fund and the amount paid each beneficiary."
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33 SECTION 2. All provisions of this act of a general and permanent nature
34 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
35 Revision Commission shall incorporate the same in the Code.

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

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

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