

*As Engrossed: 2/5/91*

1 **State of Arkansas**

2 **78th General Assembly**

3 **Regular Session, 1991**

4 **By: Reps. Jim Roberts, Wagner, Hogue, B. Wood and O. Miller**

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

8 "AN ACT TO AMEND ARKANSAS CODE 24-11-405 TO PROVIDE FOR  
9 PROPORTIONATE REPRESENTATION BETWEEN ACTIVE AND RETIRED  
10 MEMBERS TO SERVE ON POLICE PENSION AND RELIEF FUNDS  
11 ORGANIZED UNDER ARKANSAS CODE 24-11-401 ET SEQ.; AND FOR  
12 OTHER 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 24-11-405 is amended to read as follows:

17 "24-11-405. Board of trustees.

18 (a) The board of trustees of the policemen's pension and relief fund  
19 shall consist of seven (7) members, as follows:

20 (1) The chief executive officer of the city, who shall be  
21 chairman of the board;

22 (2) The city treasurer, who shall be the treasurer of the fund;

23 (3)(A)(i) Four (4) active or retired members of the pension fund;

24 (ii) The active pension fund members shall elect the

25 active members by secret written ballot in May of each year, with the member

26 or members to be chosen in alternating years. The retired member or members

27 shall be chosen in May of each year, *by a method to be determined by the*

28 *board*, with the member or members to be chosen in alternating years. All

29 member trustees shall serve two-year terms;

30 (iii) If there are no active members of the pension

31 fund, all four (4) employee members shall be elected from and by the retired

32 membership of the pension fund;

33 (B) The board shall select one (1) of the police members as

34 secretary of the board to serve for a period of two (2) years or until his

35 successor is elected and qualified;

1 (C) However, if no retirant is available to serve on the  
2 board, all four (4) employee positions shall be held by active members of the  
3 pension fund and shall all be elected by secret ballot by the active members  
4 of the pension fund for two-year terms as provided above. The board shall have  
5 the power to make all rules and regulations needful for its guidance to  
6 implement the provisions regarding board composition;

7 (4) The six (6) members provided for in subdivisions (1) through  
8 (3) of this subsection shall elect one (1) more member who shall be a  
9 reputable physician and who shall represent the board of trustees in the  
10 examination of any member of the department upon a claim of disability.

11 (5) The number of active members or retired members to serve on  
12 the board shall be determined by the proportionate number of active members to  
13 retired members:

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

17 (B) When the number of active members equals fifty percent  
18 (50%) of the total of retired members and active members, the board shall be  
19 comprised of two (2) active members and two (2) retired members.

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

23 (b) The police officer members and the physician representative of the  
24 board shall serve for a period of two (2) years or until their successors are  
25 elected and qualified.

26 (c) The board shall have the absolute control and management of the  
27 funds provided for in this subchapter and of all moneys donated, paid, or  
28 assessed for the relief or pension of disabled, superannuated, and retired  
29 members of the police department, their surviving spouses and minor children,  
30 or dependent parents solely dependent upon members for their support.

31 (d) The board shall make all necessary rules and regulations for its  
32 government and the discharge of its duties and shall hear and decide all  
33 applications for relief or pension under this subchapter; all decisions upon  
34 applications shall be final and conclusive and not subject to review or  
35 reversal except by the board. The board shall cause to be kept a record of

1 all its meetings and proceedings."

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

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

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

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*/s/ Jim Roberts et al*

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