

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

A Bill

SENATE 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 TO PROVIDE EQUITY IN BENEFITS TO
10 WIDOWS OF FIREFIGHTERS; AND FOR OTHER PURPOSES."

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

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14 SECTION 1. Arkansas Code §24-11-820 is hereby amended to read as
15 follows:

16 "24-11-820. Benefits - Death of active or retired member other than
17 while employed outside department.

18 (a)(1) Whenever any member of a fire department of any city, town, or
19 fire improvement district covered by this act shall have lost his life, except
20 while actually performing work in gainful employment outside the fire
21 department, or any retired member shall die, leaving a spouse, or children
22 under the age of nineteen (19) years, then, upon satisfactory proof of those
23 facts made to it, the board of trustees shall order and direct, in the case of
24 volunteer or part-paid fire fighters, that a monthly pension equal to the
25 amount of the pension or retirement pay attached to the rank of the member of
26 the fire department at the time of his death shall be paid for life to the
27 spouse, and the monthly pension shall not be less than thirty dollars
28 (\$30.00).

29 (2) In the case of full-paid fire fighters classifications, a
30 monthly pension shall be paid for life to the spouse in the amount of the
31 pension received by the retired fire fighter at the time of his death, or the
32 amount of the pension to which the member would have been entitled on the day
33 he died, had he been retired, but in no event shall the benefit of the spouse
34 be less than two hundred fifty dollars (\$250) per month, regardless of whether
35 the spouse has already been receiving pension payments and regardless of

1 whether the fire fighter was on active duty or retired.

2 (b)(1) In addition to the monthly pension provided in subsection (a) of
3 this section, the board of trustees may order and direct the payment of, in
4 the case of volunteer or part-paid fire fighters, the sum of twenty-five
5 dollars (\$25.00) per month for each child under nineteen (19) years of age who
6 has not completed high school and, in the case of full-paid fire fighters, the
7 sum of one hundred twenty-five dollars (\$125) per month for each child under
8 nineteen (19) years of age who has not completed high school.

9 (2) If there is no eligible spouse at the time of the member's
10 death, then the total sums shall be paid to his children until they shall have
11 reached nineteen (19) years of age or until the children have completed high
12 school, whichever occurs first.

13 (3) The sum total of the pension to be paid the spouse or the
14 qualifying children of volunteer or part-paid fire fighters shall not exceed
15 one-half (1/2) of the salary attached to the rank the member held at the time
16 of his death, as an active member of a volunteer or part-paid fire department,
17 nor shall it be less than thirty dollars (\$30.00) per month.

18 (4) If any spouse or child shall marry, then the person so
19 marrying shall thereafter receive no further pension from the funds provided
20 for the operations of this act.

21 (5) If any retired fire fighter shall marry after his retirement,
22 the spouse, or that spouse's children, shall not receive benefits from the
23 funds.

24 (c)(1) In computing service required under this section for eligibility
25 to participate in benefits, service shall be computed from the day the person
26 from whom benefits are derived was duly appointed and enrolled in some fire
27 department in the State of Arkansas as a fire fighter, and the service shall
28 be considered in determining eligibility for benefits regardless of whether it
29 was performed before or after the passage of Acts 1921, No. 491; Acts 1943,
30 No. 167; or Acts 1953, No. 68.

31 (2) It is the intention of this act that all spouses and
32 dependent children of full-paid, part-paid, and volunteer fire fighters shall
33 receive at least the minimum benefits prescribed in this section, regardless
34 of whether the service upon which the spouses or dependent children derived
35 the benefit was performed before or after the passage of Acts 1921, No. 491;

1 Acts 1943, No. 167; or Acts 1953, No. 68.

2 (d) It is the intention of this section to make eligible for benefits
3 the spouses and dependent children of members who died from illness after
4 leaving active service or who died after being retired for a duty-related
5 injury, as described in this section, regardless if the service, retirement,
6 or death occurred before or after the passage of this section. However,
7 payment to survivors made eligible by this section shall not be made
8 retroactively but shall begin with the passage of this section.

9 (e) If a retirant and, if any, his eligible beneficiary both die before
10 they have received in annuity payments a total amount equal to the accumulated
11 contributions, including any interest credits, standing to the retirant's
12 credit in the system at the time of his retirement, the difference between the
13 accumulated contributions and the total amount of annuities received by them
14 shall be paid to such person or persons as the retirant shall have nominated
15 by written designation duly executed and filed with the board. If no
16 designated person survives the retirant and his beneficiary, the difference
17 shall be paid to the estate of the survivor of the retirant and his
18 beneficiary."

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20 SECTION 2. Any payment to survivors subject to an increase as a result
21 of passage of this act shall not be made retroactively but shall begin with
22 the passage of this act.

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

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28 SECTION 4. If any provision of this act or the application thereof to
29 any person or circumstance is held invalid, such invalidity shall not affect
30 other provisions or applications of the act which can be given effect without
31 the invalid provision or application, and to this end the provisions of this
32 act are declared to be severable.

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

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