

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Everett**

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 24-11-820 TO PERMIT A
9 RETIRED FIRE FIGHTER_S SPOUSE TO RECEIVE RETIREMENT
10 BENEFITS UNDER THE LOCAL FIREMEN_S PENSION AND RELIEF
11 FUND; AND FOR OTHER PURPOSES."

Subtitle

14 "AN ACT TO ALLOW A RETIRED FIRE FIGHTER_S SPOUSE TO
15 RECEIVE RETIREMENT BENEFITS UNDER THE LOCAL FIREMEN_S
16 RELIEF AND PENSION FUND."

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

20 SECTION 1. Subsection (b) of Arkansas Code § 24-11-820 is hereby
21 amended to read as follows:

22 "24-11-820. Benefits - Death of active or retired member other than
23 while employed outside department.

24 (a) (1) Whenever any member of a fire department of any city, town, or
25 fire improvement district covered by this act shall have lost his life, except
26 while actually performing work in gainful employment outside the fire
27 department, or any retired member shall die, leaving a spouse, or children
28 under the age of nineteen (19) years, then, upon satisfactory proof of those
29 facts made to it, the board of trustees shall order and direct, in the case of
30 volunteer or part-paid fire fighters, that a monthly pension equal to the
31 amount of the pension or retirement pay attached to the rank of the member of
32 the fire department at the time of his death shall be paid for life to the
33 spouse, and the monthly pension shall not be less than thirty dollars
34 (\$30.00).

35 (2) In the case of full-paid fire fighters classifications, a

1 monthly pension shall be paid for life to the spouse in the amount of the
2 pension received by the retired fire fighter at the time of his death, or the
3 amount of the pension to which the member would have been entitled on the day
4 he died, had he been retired, but in no event shall the benefit of the spouse
5 be less than two hundred fifty dollars (\$250) per month, regardless of whether
6 the spouse has already been receiving pension payments and regardless of
7 whether the fire fighter was on active duty or retired.

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

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

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

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

27 (5) If any retired fire fighter shall marry after his retirement,
28 the new spouse shall be eligible for a pension benefit for life, as if he or
29 she was the spouse of an active or retired member at the time of retirement,
30 but the spouse's children, shall not receive benefits from the funds.

31 (c)(1) In computing service required under this section for eligibility
32 to participate in benefits, service shall be computed from the day the person
33 from whom benefits are derived was duly appointed and enrolled in some fire
34 department in the State of Arkansas as a fire fighter, and the service shall
35 be considered in determining eligibility for benefits regardless of whether it

1 was performed before or after the passage of Acts 1921, No. 491; Acts 1943,
2 No. 167, or Acts 1953, No. 68.

3 (2) It is the intention of this act that all spouses and
4 dependent children of full-paid, part-paid, and volunteer fire fighters shall
5 receive at least the minimum benefits prescribed in this section, regardless
6 of whether the service upon which the spouses or dependent children derived
7 the benefit was performed before or after the passage of Acts 1921, No. 491;
8 Acts 1943, No. 167; or Acts 1953, No. 68.

9 (d) Any payment of benefits above the minimum amounts stated in this
10 section shall not be made except upon determination that the fund will remain
11 actuarially sound.

12 (e) It is the intention of this section to make eligible for benefits
13 the spouses and dependent children of members who died from illness after
14 leaving active service or who died after being retired for a duty-related
15 injury, as described in this section, regardless if the service, retirement,
16 or death occurred before or after the passage of this section. However,
17 payment to survivors made eligible by this section shall not be made
18 retroactively but shall begin with the passage of this section.

19 (f) If a retirant and, if any, his eligible beneficiary both die before
20 they have received in annuity payments a total amount equal to the accumulated
21 contributions, including any interest credits, standing to the retirant's
22 credit in the system at the time of his retirement, the difference between the
23 accumulated contributions and the total amount of annuities received by them
24 shall be paid to such person or persons as the retirant shall have nominated
25 by written designation duly executed and filed with the board. If no
26 designated person survives the retirant and his beneficiary, the difference
27 shall be paid to the estate of the survivor of the retirant and his
28 beneficiary."

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30 SECTION 2. All provisions of this act of general and permanent nature
31 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
32 Revision Commission shall incorporate the same in the Code.

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34 SECTION 3. If any provisions of this act or the application thereof to
35 any person or circumstance is held invalid, the invalidity shall not affect

1 other provisions or applications of the act which can be given effect without
2 the invalid provisions or application, and to this end the provisions of this
3 act are declared to be severable.

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

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