

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

A Bill

HOUSE BILL 1198

5 By: Representative R. Smith
6 By: Senator J. Jeffress
7
8

For An Act To Be Entitled

10 AN ACT TO INCREASE THE BENEFITS TO DISABLED
11 MEMBERS OF THE ARKANSAS LOCAL POLICE AND FIRE
12 RETIREMENT SYSTEM INJURED IN THE ACTUAL
13 PERFORMANCE OF DUTIES AS AN EMPLOYEE PRIOR TO
14 JULY 1, 2001; TO APPLY THE BENEFIT RETROACTIVELY;
15 AND FOR OTHER PURPOSES.
16

Subtitle

17 TO INCREASE THE BENEFITS TO DISABLED
18 MEMBERS OF THE LOCAL POLICE AND FIRE
19 RETIREMENT SYSTEM INJURED IN THE ACTUAL
20 PERFORMANCE OF THEIR DUTIES PRIOR TO
21 JULY 1, 2001 AND MAKE IT RETROACTIVE.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 24-10-607(d)(2), concerning the annuity
28 amount for a duty disability under the Arkansas Local Police and Fire
29 Retirement System, is amended to read as follows:

30 (2)(A) Upon disability retirement as provided in subsection (c)
31 of this section, ~~which occurs on or after July 1, 2001,~~ for members in paid
32 service, a member shall receive an annuity provided for in § 24-10-602.

33 (B) However, for determining the amount of the annuity,
34 the retirant's annuity amount shall either be equal to sixty-five percent
35 (65%) of the final average salary of the member or shall be equal to the
36 annuity paid to retirants for each year of paid service resulting from



1 employment as provided for in § 24-10-602, whichever is greater.

2
3 SECTION 2. (a) Beginning July 1, 2003, Arkansas Code § 24-10-
4 607(d)(2) shall apply retroactively to allow Arkansas Local Police and Fire
5 Retirement System members who received a disability retirement before July 1,
6 2001, to receive the greater benefit of sixty-five percent (65%) of the final
7 average salary of the member or an amount equal to the annuity paid to
8 retirants for each year of paid service resulting from employment.

9 (b) However, the system shall not be responsible for making benefit
10 payments retroactive to the effective date of the disability.

11
12 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
13 General Assembly of the State of Arkansas that certain individuals under the
14 Arkansas Local Police and Fire Retirement System were injured and disabled in
15 the actual performance of duties as an employee before July 1, 2001; that
16 those members did not receive the advantage of the benefit increase of Act
17 1132 of 2001; that this inequity has worked a financial hardship on
18 individuals who were injured before the benefit was given to those members
19 after July 1, 2001; and that those individuals who were not granted benefits
20 under that law should have benefits restored as soon as possible and to have
21 this act applied retroactively. Therefore, an emergency is declared to exist
22 and this act being necessary for the preservation of the public peace, health
23 and safety shall become effective on July 1, 2003.