

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 1250

5 By: Representative Lendall
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For An Act To Be Entitled

9 AN ACT TO ALLOW MEMBERS OF THE ARKANSAS LOCAL
10 POLICE AND FIRE RETIREMENT SYSTEM TO RECEIVE
11 RETIREMENT BENEFITS WHILE A DETERMINATION OF
12 DISABILITY IS PENDING; AND FOR OTHER PURPOSES.
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Subtitle

14 AN ACT TO ALLOW MEMBERS OF THE ARKANSAS
15 LOCAL POLICE AND FIRE RETIREMENT SYSTEM
16 TO RECEIVE RETIREMENT BENEFITS WHILE A
17 DETERMINATION OF DISABILITY IS PENDING.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 24-10-607 is amended to read as follows:
24 24-10-607. Disability retirement.

25 (a)(1)(A) Any active member with five (5) years of credited service,
26 including credited service for seventy-five percent (75%) of the two (2)
27 years immediately preceding his or her disability, who becomes totally and
28 permanently physically or mentally incapacitated for any suitable duty as an
29 employee as a result of a personal injury or disease may be retired by the
30 Board of Trustees of the Arkansas Local Police and Fire Retirement System
31 upon written application filed with the board by or on behalf of the member.

32 (B) The employee shall be retired only if, after a medical
33 examination of the member made by or under the direction of a physician or
34 physicians designated by the board, the physician reports to the plan in
35 writing that the member is physically or mentally totally incapacitated for
36 the further performance of any suitable duty, that the incapacity will



1 probably be permanent, and that the member should be retired.

2 (2) The disability annuity shall be effective the first day of
3 the calendar month next following the later of:

4 (A) His or her termination of active membership; or

5 (B) Six (6) months before the date the written application
6 is filed with the board.

7 (b)(1) Upon disability retirement as provided in subsection (a) of
8 this section, a member shall receive an annuity provided for in § 24-10-602.

9 (2) He or she shall have the right to elect an option provided
10 for in § 24-10-603.

11 (3) His or her disability retirement and annuity shall be
12 subject to the provisions of subsection (e) of this section and to the
13 provisions of § 24-10-610.

14 (c)(1)(A) Any active member who becomes totally and permanently
15 physically or mentally incapacitated for any suitable duty as an employee as
16 the result of a personal injury or disease which the board finds to have
17 arisen out of, and in the course of, his or her actual performance of duty as
18 an employee may be retired by the board upon written application filed with
19 the board by or on behalf of the member.

20 (B) The employee shall be retired only if, after a medical
21 examination of the member made by or under the direction of a physician or
22 physicians designated by the board, the physician reports to the plan in
23 writing that the member is physically or mentally totally incapacitated for
24 the further performance of any suitable duty, that the incapacity will
25 probably be permanent, and that the member should be retired.

26 (2) The disability annuity shall be effective the first day of
27 the calendar month next following the later of:

28 (A) His or her termination of active membership; or

29 (B) Six (6) months before the date the written application
30 is filed with the board.

31 (d)(1)(A) Upon disability retirement as provided in subsection (c) of
32 this section, a member shall receive an annuity provided for in § 24-10-602.

33 (B) However, for the sole purpose of computing the amount
34 of the annuity for such a retirant who does not have twenty-five (25) years
35 of credited service in force at the beginning of the disability retirement,
36 credited service shall be granted for the period from the date of disability

1 retirement to the date the retirant would have completed twenty-five (25)
 2 years of credited service.

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

6 (B) However, for determining the amount of the annuity,
 7 the retirant's annuity amount shall either be equal to sixty-five percent
 8 (65%) of the final average salary of the member or shall be equal to the
 9 annuity paid to retirants for each year of paid service resulting from
 10 employment as provided for in § 24-10-602, whichever is greater.

11 (3) The retirant shall have the right to elect an option
 12 provided for in § 24-10-603.

13 (4) The retirant's disability retirement and annuity shall be
 14 subject to the provisions of subsection (e) of this section and to the
 15 provisions of § 24-10-610.

16 (e)(1) At least one (1) time each year during the first five (5) years
 17 following a member's retirement on account of disability and at least one (1)
 18 time in each three-year period thereafter, the board may require any
 19 disability retirant who has not attained age fifty-five (55) to undergo a
 20 medical examination to be made by or under the direction of a physician or
 21 physicians designated by the board.

22 (2) If the retirant refuses to submit to the medical examination
 23 in any period, his or her disability annuity may be suspended by the board
 24 until his or her withdrawal of his or her refusal.

25 (3) If his or her refusal continues for one (1) year, all his or
 26 her rights in and to a disability annuity may be revoked by the board.

27 (4) If, upon the medical examination of the retirant, the
 28 physician reports to the board that the retirant is physically and mentally
 29 able and capable of resuming suitable duty as an employee, his or her
 30 disability retirement shall terminate.

31 (5) If the former disability retirant does not immediately again
 32 become an employee, then, for the purpose of determining his or her
 33 eligibility for any other system benefit, he or she shall be considered to
 34 have terminated active membership as of the time of disability retirement,
 35 but for a reason other than disability or death.

36 (6)(A) If the former disability retirant immediately again

1 becomes an employee, he or she shall immediately again become a member of the
2 system, and his or her credited service at the time of his or her disability
3 retirement shall be restored to his or her credit.

4 (B) He or she shall be given service credit for the period
5 he or she was in receipt of the disability annuity.

6 (C) Should the former disability retirant again become
7 totally and permanently disabled within two (2) years immediately following
8 his or her return to membership, the seventy-five percent (75%) credited
9 service requirement specified in subsection (a) of this section shall be
10 waived.

11 (f) A member that has applied to receive disability benefits
12 under this section, shall receive regular retirement benefits during the
13 period of time the members disability determination is pending.

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