

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

ACT 536 OF 1997
HOUSE BILL 1231

4 By: Representatives Wooldridge, Baker, Davis, and Simmons

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 24-11-820 TO PERMIT THE
9 SURVIVING CHILDREN OF DECEASED FIREFIGHTERS TO RECEIVE
10 SURVIVOR'S BENEFITS UNDER THE LOCAL FIREMEN'S PENSION AND
11 RELIEF FUND WHILE ATTENDING COLLEGE; TO DECLARE AN
12 EMERGENCY; AND FOR OTHER PURPOSES."

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Subtitle

15 "TO ALLOW THE CHILDREN OF DECEASED
16 FIREFIGHTERS TO RECEIVE SURVIVOR'S
17 BENEFITS UNDER THE LOCAL FIREMEN'S
18 PENSION AND RELIEF FUND WHILE ATTENDING
19 COLLEGE."

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

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23 SECTION 1. Subsection (b) of Arkansas Code § 24-11-820, pertaining to
24 the retirement benefits under a local firemen's pension and relief fund after
25 the death of an active or retired member, is amended to read as follows:

26 "(b)(1) In addition to the monthly pension provided in subsection (a)
27 of this section, the board of trustees may order and direct the payment of, in
28 the case of volunteer or part-paid fire fighters, the sum of twenty-five
29 dollars (\$25.00) per month for each child under nineteen (19) years of age who
30 has not completed high school and, in the case of full-paid fire fighters, the
31 sum of one hundred twenty-five dollars (\$125) per month for each child under
32 nineteen (19) years of age who has not completed high school. However, if the
33 child enrolls in an institution of higher education after completing high
34 school, the payments shall continue as long as the child is a full-time
35 student, but in no instance beyond the child's twenty-third birthday.

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(2) If there is no eligible spouse at the time of the member's

1 death, then the total sums shall be paid to his children until they shall have
 2 reached nineteen (19) years of age or until the children have completed high
 3 school, whichever occurs first. However, if a child enrolls in an institution
 4 of higher education after completing high school, the payments shall continue
 5 as long as the child is a full-time student, but in no instance beyond the
 6 child's twenty-third birthday.

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

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

15 (5) If any retired fire fighter shall marry after his retirement,
 16 the spouse, or that spouse's children, shall not receive benefits from the
 17 funds."
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19 SECTION 2. The provisions of this act extending the survivorship
 20 benefits for children of deceased firemen through their college years shall
 21 apply retroactively to any situation involving a surviving child which began
 22 on or after January 1, 1996.

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 24 SECTION 3. All provisions of this act of 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 provisions of this act or the application thereof to
 29 any person or circumstance is held invalid, the invalidity shall not affect
 30 other provisions or applications of the act which can be given effect without
 31 the invalid provisions 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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1 SECTION 6. EMERGENCY. It is found and determined by the General
 2 Assembly of the State of Arkansas that the survivorship provisions of the
 3 firemens pension and relief laws are not as liberal in their coverage as
 4 those for police pension funds; that this inequity is borne directly by the
 5 surviving children of the firefighters who have died serving their
 6 communities; and it is necessary to correct this inequity immediately and
 7 provide retroactive coverage for these children. Therefore, in order to
 8 relieve this inequity as soon as possible, an emergency is declared to exist
 9 and this act being immediately necessary for the preservation of the public
 10 peace, health and safety shall become effective on the date of its approval by
 11 the Governor. If the bill is neither approved nor vetoed by the Governor, it
 12 shall become effective on the expiration of the period of time during which
 13 the Governor may veto the bill. If the bill is vetoed by the Governor and the
 14 veto is overridden, it shall become effective on the date the last house
 15 overrides the veto.

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