

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

A Bill

Act 1453 of 1999
HOUSE BILL 1461

5 By: Representative Broadway
6
7

For An Act To Be Entitled

8
9 "AN ACT TO AMEND ARKANSAS CODE 24-10-602 TO ELIMINATE
10 THE SOCIAL SECURITY DISABILITY REIMBURSEMENT
11 REQUIREMENT FOR THE LOCAL POLICE AND FIRE RETIREMENT
12 SYSTEM; TO DECLARE AN EMERGENCY; AND FOR OTHER
13 PURPOSES. "
14

Subtitle

15
16 "TO ELIMINATE THE LOPFI SOCIAL SECURITY
17 DISABILITY REIMBURSEMENT REQUIREMENT. "
18
19

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

22 SECTION 1. Arkansas Code § 24-10-602(a)(1)(B)(iii), regarding annuities
23 for the Local Police and Fire Retirement System, is amended to read as
24 follows:

25 "(iii) As a condition of awarding the temporary
26 annuity for members retiring under § 24-10-607, the board shall require the
27 disabled member to file any and all appropriate forms and pleadings with the
28 Social Security Administration, and pursue through the administrative process
29 a disability determination. The board shall condition the payment of the
30 temporary annuity that, in the event the disabled member is awarded disability
31 benefits under the federal Social Security Act, the temporary annuity shall
32 terminate ~~and that the member shall reimburse the system an amount equal to~~
33 ~~the after-tax benefits received from social security for the period the member~~
34 ~~has received the temporary annuity. Provided, that the amount of any~~
35 ~~reimbursement shall not exceed the total amount of the actual payments~~
36 ~~received by the member prior to the award of the social security disability~~

1 ~~benefits.~~ "

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 3 SECTION 2. Arkansas Code § Arkansas Code § 24-10-602(a)(2)(C)(iii),
 4 regarding annuities for the Local Police and Fire Retirement System, is
 5 amended to read as follows:

6 "(iii) As a condition of awarding the temporary
 7 annuity for members retiring under § 24-10-607, the board shall require the
 8 disabled member to file any and all appropriate forms and pleadings with the
 9 Social Security Administration, and pursue through the administrative process
 10 a disability determination. The board shall condition the payment of the
 11 temporary annuity that, in the event the disabled member is awarded disability
 12 benefits under the federal Social Security Act, the temporary annuity shall
 13 terminate ~~and that the member shall reimburse the system an amount equal to~~
 14 ~~the after-tax benefits received from social security for the period the member~~
 15 ~~has received the temporary annuity. Provided, that the amount of any~~
 16 ~~reimbursement shall not exceed the total amount of the actual payments~~
 17 ~~received by the member prior to the award of the social security disability~~
 18 ~~benefits.~~ "

19
 20 SECTION 3. The provisions of this act which eliminate the reimbursement
 21 requirement shall apply retroactively to allow certain individuals who paid
 22 the Local Police and Fire Retirement System for Social Security disability
 23 benefits to have those benefit reimbursements restored to them upon this act
 24 becoming effective.

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 26 SECTION 4. No benefit enhancement provided for by this act shall be
 27 implemented if it would cause the publicly supported retirement system's
 28 unfunded actuarial accrued liabilities to exceed a thirty (30) year
 29 amortization. No benefit enhancement provided for by this act shall be
 30 implemented by any publicly supported system which has unfunded actuarial
 31 accrued liabilities being amortized over a period exceeding thirty (30) years
 32 until the unfunded actuarial accrued liability is reduced to a level less than
 33 the standards prescribed by Arkansas Code, Title 24.

34
 35 SECTION 5. All provisions of this act of a general and permanent nature
 36 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

1 Revision Commission shall incorporate the same in the Code.

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3 SECTION 6. If any provision of this act or the application thereof to
4 any person or circumstance is held invalid, such invalidity shall not affect
5 other provisions or applications of the act which can be given effect without
6 the invalid provision or application, and to this end the provisions of this
7 act are declared to be severable.

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9 SECTION 7. All laws and parts of laws in conflict with this act are
10 hereby repealed.

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12 SECTION 8. EMERGENCY CLAUSE. It is hereby found and determined by the
13 Eighty-second General Assembly that certain individuals were required to
14 reimburse the Local Police and Fire Retirement System for Social Security
15 disability payments which they received; that this has worked a financial
16 hardship on individuals who are the least able to absorb the cost of the
17 reimbursements, and that certain individuals who paid the Local Police and
18 Fire Retirement System for Social Security disability benefits should have
19 those benefit reimbursements restored as soon as possible. Therefore, an
20 emergency is declared to exist and this act being immediately necessary for
21 the preservation of the public peace, health and safety shall become effective
22 on the date of its approval by the Governor. If the bill is neither approved
23 nor vetoed by the Governor, it shall become effective on the expiration of the
24 period of time during which the Governor may veto the bill. If the bill is
25 vetoed by the Governor and the veto is overridden, it shall become effective
26 on the date the last house overrides the veto.

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29 APPROVED: 4/15/1999