

Act 9 of the 1989 Regular Session.

Act 9

HB1106

By: Representative Mahony

"AN ACT TO AMEND TITLE 24, CHAPTER 10, SUBCHAPTER 6, OF THE ARKANSAS CODE OF 1987 TO CLARIFY WHEN A MEMBER SHALL BE ELIGIBLE FOR DISABILITY BENEFITS; TO INCREASE DISABILITY BENEFITS FOR MEMBERS TOTALLY AND PERMANENTLY INJURED DURING THE COURSE OF THEIR EMPLOYMENT; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 24-10-607(c) is hereby amended to read as follows:

"(c) (1) Any active member who has not attained the age and service requirements of 24-10-604 and who becomes totally and permanently physically or mentally incapacitated for any suitable duty as an employee as the result of a personal injury or disease or who has attained the age and service requirements of 24-10-604 and who becomes totally and permanently physically or mentally incapacitated for any suitable duty as an employee as the result of a personal injury and which the board finds to have arisen out of, and in the course of, his actual performance of duty as an employee may be retired by the board upon written application filed with the board by or on behalf of the member. The employee shall be retired only if, after a medical examination of the member made by or under the direction of a physician or physicians designated by the board, the physician reports to the plan in writing that the member is physically or mentally totally incapacitated for the further performance of any suitable duty, that the incapacity will probably be permanent, and that the member should be retired.

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

(A) His termination of active membership; and

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

SECTION 2. Arkansas Code 24-10-607(d) is hereby amended to read as follows:

"(d) (1) Upon disability retirement as provided in subsection (c) of this section, a member shall receive an annuity provided for in 24-10-602; however, for the sole purpose of computing the amount of the annuity for any retirant younger than age fifty-five (55) years at the beginning of the disability retirement, he shall be given credited service for the period from the date of his disability retirement to the date he would attain age fifty-five (55) years. Annuity payments granted under subsection (c) and (d) hereof shall not be less than fifty percent (50%) of the member's final average pay.

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

(3) His disability retirement and annuity shall be subject to the provisions of subsection (e) of this section and to the provisions of 24-10-610."

SECTION 3. All provisions of this act of a general and permanent nature

are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

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

SECTION 5. Emergency. It is hereby found and determined by the General Assembly that there is an urgent need to clarification of retirement laws and disability provisions of those laws when a member is permanently injured during the course of their employment; that it is in the best interest of this state that this Act to provide such clarification take effect immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage.

APPROVED: February 1, 1989

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