

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Representative B. Wood**

A Bill

ACT 643 OF 1995
HOUSE BILL 1509

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 24-10-607(e) AND ARKANSAS
9 CODE § 24-10-610 TO ELIMINATE THE REQUIREMENT THAT A
10 DISABILITY RETIREE UNDER THE LOCAL POLICE AND FIRE
11 RETIREMENT SYSTEM SHALL BE RECERTIFIED AS TO HIS OR HER
12 DISABLED STATUS AFTER THE AGE OF FIFTY-FIVE (55) YEARS;
13 AND FOR OTHER PURPOSES."

Subtitle

16 "TO ELIMINATE THE REQUIREMENT TO
17 RECERTIFY THE DISABILITY OF A DISABLED
18 RETIREE AFTER AGE 55 UNDER THE LOCAL
19 POLICE AND FIRE RETIREMENT SYSTEM
20 (LOPFI)"

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

24 SECTION 1. Arkansas Code § 24-10-607(e) is amended to read as follows:
25 "(e) (1) At least one (1) time each year during the first five (5) years
26 following a member_s retirement on account of disability and at least one (1)
27 time in each three-year period thereafter, the board may require any
28 disability retirant who has not attained age fifty-five (55) to undergo a
29 medical examination to be made by or under the direction of a physician or
30 physicians designated by the board.

31 (2) If the retirant refuses to submit to the medical examination
32 in any period, his disability annuity may be suspended by the board until his
33 withdrawal of his refusal.

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

36 (4) If, upon the medical examination of the retirant, the

1 physician reports to the board that the retirant is physically and mentally
2 able and capable of resuming suitable duty as an employee, his disability
3 retirement shall terminate.

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

9 (6)(A) If the former disability retirant immediately again
10 becomes an employee, he shall immediately again become a member of the system,
11 and his credited service at the time of his disability retirement shall be
12 restored to his credit.

13 (B) He shall be given service credit for the period he was
14 in receipt of the disability annuity.

15 (C) Should the former disability retirant again become
16 totally and permanently disabled within two (2) years immediately following
17 his return to membership, the seventy-five percent (75%) credited service
18 requirement specified in subsection (a) of this section shall be waived."
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20 SECTION 2. Arkansas Code § 24-10-610 is amended to read as follows:

21 "24-10-610. Limitations on death and disability annuities.

22 (a) If a death annuity is payable on behalf of a member who dies in
23 employer service before retirement, or for the portion of a disability annuity
24 payable before a disability retirant's attainment of age fifty-five (55), in
25 no event shall the total amount of the system annuities based on paid service
26 exceed one hundred percent (100%) of the amount of his final average pay at
27 the time of death or disability, as the case may be, less the total of the
28 following amounts:

29 (1) Workers_ compensation, if any, on account of the death or
30 disability;

31 (2) Benefits, if any, from social security on account of the
32 death or disability;

33 (3)(A) If the recipient is a retirant, the remuneration, if any,
34 received by the retirant for personal services rendered by him in any gainful
35 occupation.

1 (B) If the recipient is a beneficiary, the portion of the
2 remuneration, if any, received by the beneficiary for personal services
3 rendered by him in any gainful occupation which is more than the amount of the
4 remuneration being received by the person at the time of the member_s
5 termination from covered employment.

6 (b)(1) Beginning with the January 1 which is at least twelve (12) full
7 months after the effective date of an annuity, an amount of final average pay
8 usable for the purposes of this section shall be redetermined each January 1,
9 and the redetermined amount shall be applicable for the ensuing year.

10 (2) The redetermined amount shall be the amount of final average
11 pay at the time of termination of covered employment increased by any
12 percentage increase in the inflation index for the period from the October
13 immediately preceding the effective date of the benefit to the October
14 immediately preceding the January 1."

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16 SECTION 3. All provisions of this act of general and permanent nature
17 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
18 Revision Commission shall incorporate the same in the Code.

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20 SECTION 4. If any provisions of this act or the application thereof to
21 any person or circumstance is held invalid, the invalidity shall not affect
22 other provisions or applications of the act which can be given effect without
23 the invalid provisions or application, and to this end the provisions of this
24 act are declared to be severable.

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26 SECTION 5. All laws and parts of laws in conflict with this act are
27 hereby repealed.

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30 APPROVED: 3-15-95

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