

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

A Bill

ACT 684 OF 1995
HOUSE BILL 1505

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 24-11-102 PERTAINING TO
9 MUNICIPAL FIREMEN_S AND POLICEMEN_S PENSION FUNDS; TO
10 REPEAL ARKANSAS CODE 24-11-427; AND FOR OTHER PURPOSES."

Subtitle

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13 "AMEND ARKANSAS CODE 24-11-102
14 PERTAINING TO MUNICIPAL FIREMEN_S AND
15 POLICEMEN_S PENSION FUNDS; TO REPEAL
16 ARKANSAS CODE 24-11-427."

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

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20 SECTION 1. Arkansas Code 24-11-102 is amended to read as follows:

21 "§ 24-11-102. Increase in benefits.

22 (a) The board of trustees of a municipal firemen's relief and pension
23 fund and the board of trustees of a policeman's pension and relief fund are
24 authorized to increase benefits for future or current retired members and
25 beneficiaries of the firemen's or policeman's pension and relief funds.

26 (b) Any proposed increase by the board of trustees shall be in strict
27 compliance with the following conditions:

28 (1) The board of trustees of the firemen's or policeman's pension
29 and relief fund shall adopt a resolution approved by not less than
30 three-fourths (3/4) of the membership of the board of trustees, outlining the
31 proposed increase in benefits;

32 (2) (A) The action proposed by the board of trustees under the
33 resolution shall be determined by actuarial evaluations to be actuarially
34 feasible to the extent that the unfunded liabilities resulting from the
35 proposed increase in member or beneficiary benefits under the fund will be
36 funded over a period of not more than thirty (30) years, pursuant to rules

1 promulgated by the Arkansas Fire and Police Pension Review Board, based on the
2 current available and known revenue or income sources available to the
3 retirement and pension fund.

4 (B) The actuarial evaluations shall be made by an actuary
5 who is a member of the American Academy of Actuaries and who is employed by
6 the Arkansas Fire and Police Pension Review Board.

7 (C) The Executive Director of the Arkansas Fire and Police
8 Pension Review Board shall state the actuarial findings in writing to the
9 board of trustees and shall certify the appropriate action to be taken;

10 (3) (A) A copy of the resolution adopted by the board of trustees
11 of the firemen's or policemen's pension and relief fund outlining the proposed
12 increase in member or beneficiary benefits is filed with the executive
13 director who shall determine that an actuarial evaluation has been made in
14 accordance with the provisions of this subchapter and that the actuarial
15 evaluation had determined that the proposed increase in benefits may be
16 funded, over a period of time set forth in subdivision (b) (2) (A) of this
17 section, based on available or defined revenue sources of the relief fund, in
18 which event the executive director may approve the proposed increase to member
19 beneficiary benefits under the firemen's or policemen's pension and relief
20 fund.

21 (B) The board of trustees of the firemen's or policemen's
22 pension and relief fund shall comply with the appropriate action as approved
23 by the executive director;

24 (4) (A) A copy of the resolution adopted by the board of trustees,
25 a copy of the actuarial evaluation, and a copy of the action taken by the
26 executive director is filed with the circuit clerk and the city clerk of the
27 county and city in which the firemen's or policemen's pension and relief fund
28 is located.

29 (B) All actions taken by the executive director shall be
30 subject to review and acceptance by the Arkansas Fire and Police Pension
31 Review Board.

32 (c) If it is determined by the Arkansas Fire and Police Pension Review
33 Board that a local pension plan is not complying with the provisions of law
34 governing benefit increases, the executive director of the board shall certify
35 that noncompliance to the Insurance Commissioner, and the Insurance

1 Commissioner shall withhold all moneys otherwise due the plan from the state
2 until compliance is achieved."

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4 SECTION 2. Arkansas Code 24-11-427 is hereby repealed.

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6 SECTION 3. All provisions of this act of a general and permanent nature
7 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
8 Revision Commission shall incorporate the same in the Code.

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

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

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20 APPROVED: 3-21-95

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