

State of Arkansas

76th General Assembly

364

Regular Session, 1987

SENATE BILL

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By: Senator Bookout

As engrossed 2-16-87

"AN ACT TO AMEND SECTION 5 OF ACT 491 OF 1921, AS AMENDED [ARK. STAT. 19-2205], AND SECTIONS 7 AND 9 OF ACT 250 OF 1977, AS AMENDED, [ARK STAT. 19-1807 AND 19-1809], TO CREATE A RETIREMENT CATEGORY FOR FULL-PAID FIREMEN AND POLICEMEN INJURED IN THE LINE OF DUTY; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 5 of Act 491 of 1921, as amended, the same being Arkansas Statute 19-2205, is hereby amended to read as follows:

"Section 5. (A) Any fireman who becomes totally and permanently physically or mentally incapacitated for any suitable duty as an employee, as a result of personal injury or disease, may be retired by the Board upon written application filed by or on behalf of the member; provided, that after a medical examination of such member made by or under the direction of a physician (or physicians) designated by the Board, such physician reports in writing that such member is physically or mentally totally incapacitated for the further performance of any suitable duty, that such incapacity will probably be permanent, and that the fireman should be retired. The benefit amount shall be:

(1) If the disabling injury or disease occurred while not actually performing work in gainful employment for the Fire Department, the monthly benefit shall be equal to the benefit paid to normal service retirants; or

(2) For a full-paid fireman who is injured in the line of duty, the monthly disability benefit shall be equal to sixty-five percent (65%) of the salary attached to the rank held by the member in the Fire Department or the benefit paid to normal service retirants, whichever is greater. For purposes of this section, 'injured in the line of duty' means a disabling injury or disease which occurs while conducting official fire department operations or

while in training to become a fireman. The Board shall determine whether the disability occurred in the line of duty, and may require any medical evidence, official reports, expert testimony or other information to be supplied by the applicant, in addition to the required physician's examination and report. The additional benefits provided herein shall be effective for all qualifying applications first received by the Board on or after January 1, 1987.

(B) For purposes of computing all benefits, 'salary' means recurring pays which are received for a regularly scheduled work week and shall not include payments for unused accrued sick leave or annual leave, or the cash value of any non-recurring or unusual remunerations.

(C) Any disability benefit approved under this section shall be effective the first day of the calendar month next following the latter of: the fireman's termination of active membership or six (6) months before the date the written application was filed with the Board.

(D) In the event that a fireman's disability ceases, his benefit shall also cease, and he shall be returned to active service at not less than the same salary he received at the time of his retirement.

(E) Any fireman retired for reasons of disability who has more than twenty years of service shall also be entitled to receive any supplementary benefit for which he would otherwise be qualified under Section 4 of Act 491 of 1921, as amended."

SECTION 2. Section 7 of Act 250 of 1937, as amended, the same being Arkansas Statute 19-1807, is hereby amended to read as follows:

"Section 7. (a) If any member of the police department shall become physically or mentally permanently disabled, and this fact is certified to by the physician on the Board of Trustees, he shall be entitled to retire and receive a pension as provided herein. The Board may first require that a second evaluation be performed by another physician, to be named by the Trustees. No member shall be retired for disability for neutral causes unless he has served at least five (5) years.

(1) If the disabling injury or disease occurred while not actually performing work in gainful employment for the police department, the monthly benefit shall be equal to the benefit paid to normal service retirants.

(2) If, however, a policeman is injured in the line of duty, the monthly disability benefit shall be equal to sixty-five percent (65%) of the

salary attached to the rank held by the member in the police department or the benefit paid to normal service retirants, whichever is greater. For purposes of this section, 'injured in the line of duty' means a disabling injury or disease which occurs while conducting official police department operations or while in training to become a policeman. The Board shall determine whether the disability occurred in the line of duty, and may require any medical evidence, official reports, expert testimony or other information to be supplied by the applicant, in addition to the required physician's examination. The additional benefits provided herein shall be effective for all qualifying applications first received by the Board on or after January 1, 1987.

(b) For purposes of computing all benefits under this section, the term salary shall mean regular salary only, and shall not include overtime pay, payments for unused accrued sick leave or annual leave, or the cash value of any non-recurring or unusual remuneration.

(c) Any policeman retired for reasons of disability who has more than twenty (20) years of service shall also be entitled to receive any supplementary benefit for which he would otherwise be qualified under Section 9 of Act 250 of 1937 as amended."

SECTION 3. Subsection (a) of Section 9 of Act 250 of 1937 as amended, the same being Arkansas Statute 19-1809 (a), is hereby amended to read as follows:

"(a) Any member of a police department who has performed faithful service for a period of at least twenty (20) years shall be eligible for voluntary retirement, and upon written application by the member, the Board of Trustees shall place him on the pension roll at one-half the actual salary based upon his highest salary year during his time of service. The term 'salary' as used herein, shall mean regular salary only, and shall not include overtime pay, payments for unused accrued sick or annual leave, or the cash value of any non-recurring or unusual remuneration. Provided, that the overtime exclusion shall not apply to a benefit computed at any time on a salary year prior to June 28, 1985."

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

/s/ Bookout