

State of Arkansas
76th General Assembly
Regular Session, 1987
By: Senator Bookout

SENATE BILL 60

"AN ACT TO AMEND SECTION 5 OF ACT 491 OF 1921, AS AMENDED [ARK. STAT. 19-2205], TO CREATE A RETIRMENT CATEGORY FOR FULL-PAID FIREFIGHTERS INJURED IN THE LINE OF DUTY; TO ESTABLISH A MONTHLY PENSION BENEFIT AMOUNT; TO PROVIDE A DEFINITION OF SALARY FOR PURPOSES OF DETERMINING BENEFITS; 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) Whenever a person serving as a fireman in such city or town, shall become physically or mentally disabled in said city or town, said Board may, upon his written request, or without such request if it deem it for the good of said department, retire such person from active service, and, if so retired, shall order and direct that he be paid from said fund a monthly pension equal to one of the following:

(1) If the disabling injury occurred while not actually performing work in gainful employment outside of the Fire Department, a monthly pension equal to one-half (|) of the amount of the salary attached to the rank which he may have held in such Fire Department preceding such retirement, whether said service be performed as a volunteer, part paid or full paid fireman; or

(2) (A) For a full-paid firefighter who is injured in the line of duty, a monthly pension equal to sixty-five percent (65%) of the salary attached to the rank which he may have held in such Fire Department preceding such retirement.

(B) For purposes of this pension benefit, 'injured in the line of duty' means a disabling injury which occurs while conducting official fire department operations or while in training to become a firefighter and in

addition may include but need not be limited to injuries related to an occupational disease or illness commonly associated with firefighting, hazardous materials exposure, or infectious disease transmitted while giving first aid. The Board shall determine if a line of duty disability has occurred and may require any medical evidence, official reports, expert testimony or other information to be supplied by the applicant to assist them in making their determination.

(C) The benefit shall be effective for all qualifying applications received by the Board on or after January 1, 1987.

(b) Whenever such disability shall cease, such pension shall cease, and such person shall be restored to active service at not less than the same salary he received at the time of his retirement.

(c) For purposes of this section, '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.

(d) Any fireman who retires upon physical or mental disability and who has more than twenty (20) years service in some fire department in the State of Arkansas shall be entitled to receive the sum of five dollars (\$5.00) per month upon retirement for physical or mental disability in addition to his regular retirement pay for each continuous year he shall have worked over and above his twenty (20) years, but in no instance shall he receive more than \$25.00 per month in addition to his retirement pay."

SECTION 2. All laws and parts of laws in conflict with this Act are hereby repealed.

