

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

SENATE BILL

336

By: Senator Luelf

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 24-11-819 BY REPEALING THE PROVISIONS FOR DAILY HOSPITALIZATION PAYMENTS FOR ELIGIBLE MEMBERS OF LOCAL FIREMEN'S PENSION AND RELIEF FUNDS; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 24-11-819 is hereby amended to read as follows:

"24-11-819 (a) (1) Any fire fighter 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, if, after medical examination of the member made by or under the direction of a physician designated by the board, the physician reports 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 fire fighter should be retired.

(2) The benefit amount shall be:

(A) 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

(B) For a full-paid fire fighter who is injured in the line of duty, the monthly disability benefit shall either be equal to sixty-five percent (65%) of the salary attached to the rank held by the member in the fire department or shall be equal to 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 fire fighter. 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.

(3) 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 nonrecurring or unusual remunerations.

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

(5) In the event that a fire fighter'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.

(6) Any fire fighter 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 24-11-818.

(b) (1) No person shall be retired as provided in this section or receive any pension from the fund unless there shall be filed with the board certificates of his disability, which certificates shall be subscribed and sworn to by the person and by the city or town physician, if there is one, and by the firemen's relief and pension fund physician.

(2) The board may require other evidence of disability before ordering the retirement and payment as provided in this section.

(c) (1) Any person retired for disability under this act may be summoned before the board any time, shall submit himself thereto for examination as to his fitness for duty, and shall abide the decision and order of the board with reference thereto.

(2) All members of the fire department who may be retired under the provisions of this act shall report to the city physician, or some physician designated by the board of the firemen's relief and pension fund of the city or town when so retired, on the first Monday of January, April, July, and October of each year, and more often if required by the board of trustees.

In case of great conflagration or great public emergency, such members may be assigned to, and shall perform, such duty as the chief of the fire department may direct; and the person shall have no claim against the city or town for payment for the duty so performed."

SECTION 2. 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 3. All laws and parts of laws in conflict with this Act are hereby repealed.