

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: H4/12/01

A Bill

HOUSE BILL 1322

5 By: Representative R. Smith
6 By: Senator Faris
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8

For An Act To Be Entitled

10 AN ACT TO AMEND ARKANSAS CODE 24-11-819 TO
11 RETROACTIVELY APPLY THE ADDITIONAL BENEFIT FOR
12 DISABLED FIRE FIGHTERS UNDER A FIREMEN' S PENSION
13 AND RELIEF FUND TO JANUARY 1, 1983; TO DECLARE AN
14 EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

16 TO RETROACTIVELY APPLY THE ADDITIONAL
17 BENEFIT FOR DISABLED FIRE FIGHTERS UNDER
18 FIREMEN' S PENSION FUND TO JANUARY
19 1, 1983.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code 24-11-819(a)(2)(B), concerning the additional
26 benefit for disabled firefighters "injured in the line of duty" under a
27 firemen's pension and relief fund, is amended to read as follows:

28 (B)(i) For a full-paid fire fighter who is injured in the
29 line of duty, the monthly disability benefit shall either be equal to sixty-
30 five percent (65%) of the salary attached to the rank held by the member in
31 the fire department or shall be equal to the benefit paid to normal service
32 retirees, whichever is greater.

33 (ii)(a) For purposes of this section, "injured in the
34 line of duty" means a disabling injury or disease which occurs while
35 conducting official fire department operations or while in training to become
36 a fire fighter.

1 (b) The board shall determine whether the
 2 disability occurred in the line of duty, and may require any medical evidence,
 3 official reports, expert testimony, or other information to be supplied by the
 4 applicant, in addition to the required physician's examination and report.

5 (iii)(a) The additional benefits provided in this
 6 section shall be effective for all qualifying applications first received by
 7 the board on or after January 1, 1987, except that the board of trustees of
 8 any municipal firemen's pension and relief fund or of the Local Police and
 9 Fire Retirement System may increase the benefits for any disabled fire fighter
 10 injured in the line of duty before January 1, 1987 but after January 1, 1983
 11 if the board adopts a resolution to extend the benefit retroactively back to
 12 those fire fighters and if the fund will remain actuarially sound as
 13 determined by actuary for the Arkansas Fire and Police Pension Review Board or
 14 the Local Police and Fire Retirement System.

15 (b) The disability benefit provided herein
 16 shall continue to be paid to the fire fighter so long as he is retired and
 17 shall not be reduced to the regular service annuity amount, if less, when he
 18 reaches his normal retirement age.

19 (iv) Upon the death of the retirant, any survivor
 20 benefits shall be based upon the normal service retirement annuity amount.

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 22 SECTION 2. This act applies retroactively to authorize the board of
 23 trustees of the Local Police and Fire Retirement System or of any municipal
 24 firemen's pension and relief fund which will remain actuarially sound to allow
 25 a fire fighter who was disabled from an injury in the line of duty after
 26 January 1, 1983, but before January 1, 1987, to receive the benefit of sixty-
 27 five percent (65%) of the salary attached to his rank, except that benefit
 28 payments shall not be made retroactive to the effective date of the fire
 29 fighter's disability.

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 31 SECTION 3. [THE ARKANSAS CODE REVISION COMMISSION IS NOT REQUIRED TO
 32 CODIFY THIS SECTION.] No benefit enhancement provided for by this act shall
 33 be implemented if it would cause the publicly supported retirement system's
 34 unfunded actuarial accrued liabilities to exceed a thirty (30) year
 35 amortization. No benefit enhancement provided for by this act shall be
 36 implemented by any publicly supported system which has unfunded actuarial

1 accrued liabilities being amortized over a period exceeding thirty (30) years
2 until the unfunded actuarial accrued liability is reduced to a level less than
3 the standards prescribed by Arkansas Code, Title 24.

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5 SECTION 4. Emergency Clause. It is found and determined by the
6 Eighty-third General Assembly of the State of Arkansas that certain disabled
7 individuals under a firemen's pension and relief fund were injured in the line
8 of duty before January 1, 1987; that this has worked a financial hardship and
9 an inequity on individuals who were injured before the benefit was given to
10 those fire fighters after January 1, 1987; and that certain individuals who
11 were never granted benefits under this provision of law should have those
12 benefits restored as soon as possible and to have this act applied
13 retroactively to those individuals. Therefore an emergency is declared to
14 exist and this act being immediately necessary for the preservation of the
15 public peace, health and safety shall become effective on the date of its
16 approval by the Governor. If the bill is neither approved nor vetoed by the
17 Governor, it shall become effective on the expiration of the period of time
18 during which the Governor may veto the bill. If the bill is vetoed by the
19 Governor and the veto is overridden, it shall become effective on the date the
20 last house overrides the veto.

21 /s/ R. Smith
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