

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

A Bill

SENATE BILL 230

5 By: Senator Wooldridge
6 By: Representative Biggs
7

For An Act To Be Entitled

10 AN ACT TO AMEND ARKANSAS CODE 24-11-820 TO ALLOW THE
11 TOTAL SURVIVOR'S DEATH BENEFIT TO BE PAID TO THE
12 CHILDREN OF FIRE FIGHTERS UNDER A FIREMEN'S PENSION
13 AND RELIEF FUND IF THE SPOUSE REMARRIES; TO DECLARE AN
14 EMERGENCY; AND FOR OTHER PURPOSES.
15

Subtitle

16 TO ALLOW THE TOTAL SURVIVOR'S DEATH
17 BENEFIT TO BE PAID TO THE CHILDREN OF
18 FIRE FIGHTERS UNDER A FIREMEN'S PENSION
19 AND RELIEF FUND IF THE SPOUSE REMARRIES.
20
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code 24-11-820(b), concerning the survivor's
26 benefit after the death of an active or retired fire fighter under a local
27 firemen's pension and relief fund, is amended to read as follows:

28 (b)(1)(A) In addition to the monthly pension provided in subsection (a)
29 of this section, the board of trustees may order and direct the payment of, in
30 the case of volunteer or part-paid fire fighters, the sum of twenty-five
31 dollars (\$25.00) per month for each child under nineteen (19) years of age who
32 has not completed high school and, in the case of full-paid fire fighters, the
33 sum of one hundred twenty-five dollars (\$125) per month for each child under
34 nineteen (19) years of age who has not completed high school.

35 (B) However, if the child enrolls in an institution of
36 higher education after completing high school, the payments shall continue as

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1 long as the child is a full-time student, but in no instance beyond the
2 child's twenty-third birthday.

3 (2)(A) If there is no eligible spouse at the time of the member's
4 death or if the spouse remarries after the member's death, then the total sums
5 shall be paid to his children until they shall have reached nineteen (19)
6 years of age or until the children have completed high school, whichever
7 occurs first.

8 (B) However, if a child enrolls in an institution of higher
9 education after completing high school, the payments shall continue as long as
10 the child is a full-time student, but in no instance beyond the child's
11 twenty-third birthday.

12 (3) The sum total of the pension to be paid the spouse or the
13 qualifying children of volunteer or part-paid fire fighters shall not exceed
14 one-half (1/2) of the salary attached to the rank the member held at the time
15 of his death as an active member of a volunteer or part-paid fire department,
16 nor shall it be less than thirty dollars (\$30.00) per month.

17 (4) If any spouse or child shall marry, then the person so
18 marrying shall thereafter receive no further pension from the funds provided
19 for the operations of this act.

20 (5) If any retired fire fighter shall marry after his retirement,
21 the spouse, or that spouse's children, shall not receive benefits from the
22 funds.

23

24 SECTION 2. This act applies retroactively to January 1, 1996 to provide
25 that the surviving children of members who died after January 1, 1996 shall
26 receive the total benefit of the fire fighters if the members' spouses
27 remarried after the members' death. Surviving children who did not receive
28 the total benefits because of the prior law shall have the total benefits
29 restored to them after this act becomes effective.

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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 General
6 Assembly that the children of fire fighters who die do not receive the total
7 benefits of the firefighter if the deceased member's spouse remarries; that it
8 creates an inequitable situation and the law must be changed to relieve this
9 inequity; and that this act needs to apply to these situations as soon as
10 possible and should have an immediate effect. Therefore, an emergency is
11 declared to exist and this act being immediately necessary for the
12 preservation of the public peace, health and safety shall become effective on
13 the date of its approval by the Governor. If the bill is neither approved nor
14 vetoed by the Governor, it shall become effective on the expiration of the
15 period of time during which the Governor may veto the bill. If the bill is
16 vetoed by the Governor and the veto is overridden, it shall become effective
17 on the date the last house overrides the veto.