

State of Arkansas
85th General Assembly
Regular Session, 2005

A Bill

HOUSE BILL 1211

By: Representatives Harris, Sullivan
By: Senator J. Jeffress

For An Act To Be Entitled

AN ACT TO INCREASE THE MINIMUM MONTHLY BENEFIT PAYABLE TO THE SURVIVING SPOUSE AND CHILDREN OF A VOLUNTEER OR PART-PAID FIREFIGHTER UNDER THE LOCAL PENSION AND RELIEF FUNDS; AND FOR OTHER PURPOSES.

Subtitle

AN ACT TO INCREASE THE MINIMUM MONTHLY BENEFIT PAYABLE TO THE SURVIVING SPOUSE AND CHILDREN OF A VOLUNTEER OR PART-PAID FIREFIGHTER UNDER THE LOCAL PENSION AND RELIEF FUNDS.

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

SECTION 1. Arkansas Code § 24-11-820(a) and (b), pertaining to the death benefits paid to the spouse or children of an active or retired firefighter, is amended as follows:

(a)(1) Whenever any member of a fire department of any city, town, or fire improvement district covered by this act shall have lost his or her life, except while actually performing work in gainful employment outside the fire department, or any retired member shall die, leaving a spouse, or children under the age of nineteen (19), then, upon satisfactory proof of those facts made to it, the board of trustees shall order and direct, in the case of volunteer or part-paid firefighters, that a monthly pension equal to the amount of the pension or retirement pay attached to the rank of the



1 member of the fire department at the time of his or her death shall be paid
2 for life to the spouse, and the monthly pension shall not be less than ~~thirty~~
3 ~~dollars (\$30.00)~~ one hundred dollars (\$100.00).

4 (2) In the case of full-paid firefighters' classifications, a
5 monthly pension shall be paid for life to the spouse in the amount of the
6 pension received by the retired firefighter at the time of his or her death,
7 or the amount of the pension to which the member would have been entitled on
8 the day he or she died had he or she been retired, but in no event shall the
9 benefit of the spouse be less than three hundred fifty dollars (\$350) per
10 month, regardless of whether the spouse has already been receiving pension
11 payments, and regardless of whether the firefighter was on active duty or
12 retired.

13 (b)(1)(A) In addition to the monthly pension provided in subsection
14 (a) of this section, the board of trustees may order and direct the payment
15 of, in the case of volunteer or part-paid firefighters, the sum of twenty-
16 five dollars (\$25.00) per month for each child under nineteen (19) years of
17 age who has not completed high school and, in the case of full-paid
18 firefighters, the sum of one hundred twenty-five dollars (\$125) per month for
19 each child under nineteen (19) years of age who has not completed high
20 school.

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

25 (2)(A) If there is no eligible spouse at the time of the
26 member's death, then the total sums shall be paid to his or her children
27 until they shall have reached nineteen (19) years of age or until the
28 children have completed high school, whichever occurs first.

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

33 (3)(A) The sum total of the pension to be paid the spouse or the
34 qualifying children of volunteer or part-paid firefighters shall not exceed
35 one-half (1/2) of the salary attached to the rank the member held at the time
36 of his or her death as an active member of a volunteer or part-paid fire

1 department, nor shall it be less than ~~thirty dollars (\$30.00)~~ one hundred
2 dollars (\$100.00) per month.

3 (B) However, the limit on the sum total amount under
4 subdivision (b)(3)(A) of this section may be exceeded through benefit
5 increases authorized under § 24-11-102.

6 (4) If any spouse or child shall marry, he or she shall
7 thereafter receive no further pension under this subchapter. However, if he
8 or she is a surviving spouse of a firefighter who is killed while in the
9 official performance of his or her duties, then that surviving spouse's
10 benefits may be restored to the spouse whose benefits had been terminated
11 before or after August 1, 1997, upon his or her application to and approval
12 by the board of trustees.

13 (5) If any retired firefighter shall marry after his or her
14 retirement, the surviving spouse may be entitled to a pension under this
15 subchapter if:

16 (A) He or she has been married to the firefighter for a
17 period of at least five (5) years;

18 (B) The board of trustees for the fund decides to extend
19 this benefit for its members; and

20 (C) The pension fund will be actuarially sound as
21 determined by the actuary for the Arkansas Fire and Police Pension Review
22 Board after this benefit increase is extended to members.

23
24 SECTION 2. Arkansas Code § 24-11-832 is amended as follows:

25 24-11-832. Applicability of § 24-11-820.

26 The provisions of § 24-11-820(b)(1) and (2) extending the survivorship
27 benefits for children of deceased firemen through their college years shall
28 apply retroactively to any situation involving a surviving child which began
29 on or after January 1, 1996.