

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 86th General Assembly  
3 Regular Session, 2007  
4

*As Engrossed: H3/12/07 H3/14/07*

# A Bill

HOUSE BILL 1172

5 *By: Representatives Harris, Greenberg*  
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## For An Act To Be Entitled

9 AN ACT CONCERNING POLICE PENSION AND RELIEF FUNDS  
10 OF CITIES OF THE FIRST CLASS; AND FOR OTHER  
11 PURPOSES.  
12

### Subtitle

14 CONCERNING POLICE PENSION AND RELIEF  
15 FUNDS OF CITIES OF THE FIRST CLASS.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. Arkansas Code § 24-11-405 is amended to read as follows:  
21 24-11-405. Board of trustees.

22 (a) The board of trustees of the policemen's pension and relief fund  
23 shall consist of seven (7) members as follows:

24 (1) The chief executive officer of the city, who shall be chair  
25 of the board;

26 (2) The city treasurer, who shall be treasurer of the fund;

27 (3)(A)(i) Five (5) active or retired members of the pension  
28 fund.

29 (ii)(a) The active pension fund members shall elect  
30 the active members by secret written ballot in May of each year, with the  
31 member or members to be chosen in alternating years.

32 (b) The retired member or members shall be  
33 chosen in May of each year by a method to be determined by the board, with  
34 the member or members to be chosen in alternating years.

35 (c) All member trustees shall serve two-year  
36 terms.



1                                   (d) In the event of a vacancy in a board  
2 position, the board of trustees shall appoint a replacement to serve the  
3 remainder of the unexpired term.

4                                   (iii) If there are no active members of the pension  
5 fund, all five (5) employee members shall be elected ~~from and~~ by the retired  
6 membership of the pension fund and the surviving spouses of deceased members  
7 currently receiving benefits.

8                                   (B) The board shall select one (1) of the police members  
9 as secretary of the board to serve for a period of two (2) years or until his  
10 or her successor is elected and qualified.

11                                  (C) However, if no retirant is available to serve on the  
12 board, all five (5) employee positions shall be held by active members of the  
13 pension fund and shall be elected by secret ballot by the active members of  
14 the pension fund for two-year terms as provided in subdivision (a)(3)(A) of  
15 this section.

16                                  (D) The board shall have the power to make all rules ~~and~~  
17 ~~regulations~~ needful for its guidance to implement the provisions regarding  
18 board composition; and

19                                  (4) The number of active members or retired members to serve on  
20 the board shall be determined by the proportionate number of active members  
21 to retired members as follows:

22                                  (A) When the number of active members equals seventy-five  
23 percent (75%) of the total of retired members and active members, the board  
24 shall be composed of four (4) active members and one (1) retired member;

25                                  (B) When the number of active members equals fifty percent  
26 (50%) of the total of retired members and active members, the board shall be  
27 composed of three (3) active members and two (2) retired members; and

28                                  (C) When the number of retired members equals seventy-five  
29 percent (75%) of the total of retired members and active members, the board  
30 shall be composed of one (1) active member and four (4) retired members.

31                                  (b) The police officer members ~~and the physician representative~~ of the  
32 board shall serve for a period of two (2) years or until their successors are  
33 elected and qualified.

34                                  (c) The board shall have the absolute control and management of the  
35 funds provided for in this subchapter and of all moneys donated, paid, or  
36 assessed for the relief or pension of disabled, superannuated, and retired

1 members of the police department, their surviving spouses and minor children,  
2 or dependent parents solely dependent upon members for their support.

3 (d)(1) The board shall make all necessary rules ~~and regulations~~ for  
4 its government and the discharge of its duties and shall hear and decide all  
5 applications for relief or pension under this subchapter.

6 (2) All decisions upon applications shall be final and  
7 conclusive and not subject to review or reversal except by the board.

8 (3) The board shall ~~cause to be kept~~ keep a record of all its  
9 meetings and proceedings.

10 (e)(1) Each member of the board of trustees of the policemen's pension  
11 and relief fund who receives gifts or other compensation, including, but not  
12 limited to, trips and meals, from current or potential investment advisors or  
13 managers of the policemen's pension and relief fund shall prepare an annual  
14 statement listing:

15 (A) Each item received;

16 (B) The estimated value of each item; and

17 (C) From whom each item was received.

18 (2)(A) Each member of the board of trustees of the policemen's  
19 pension and relief fund shall attest by written affidavit that the member's  
20 annual statement is true and current to the best of his or her knowledge.

21 (B)(i) An annual statement and affidavit from each member  
22 of the board of trustees of the policemen's pension and relief fund shall be  
23 collected by the board of trustees of the policemen's pension and relief fund  
24 or the municipal treasurer.

25 (ii) One (1) copy of the statement and affidavit  
26 shall be filed with the Secretary of State.

27 (iii) A second copy of each statement and affidavit  
28 shall be retained on file by the board of trustees of the policemen's pension  
29 and relief fund or the municipal treasurer and shall be available for review  
30 by any plan participant.

31 (C)(i) As part of the annual report to the Arkansas Fire  
32 and Police Pension Review Board, the chair of each board of trustees of the  
33 policemen's pension and relief fund for each plan shall certify that the  
34 statements and affidavits as described in this subsection have been completed  
35 and appropriately filed.

36 (ii) Each plan's annual report shall not be

1 considered complete without this certification.

2  
3 SECTION 2. Arkansas Code § 24-11-425(a), concerning the payment of  
4 benefits upon the death of an active police officer or retired member, is  
5 amended to read as follows:

6 (a)(1)(A) If any active police officer or any retired member dies from  
7 any cause, leaving a surviving spouse, then the board of trustees shall  
8 direct a monthly pension during the surviving spouse's life in an amount  
9 equal to the lesser of the:

10 (i) ~~pension~~ Pension attached to the rank of the  
11 deceased police officer at the time of his or her death; or

12 (ii) Monthly pension amount being paid to the  
13 deceased police officer at the time of his or her death, — but.

14 (B) ~~in~~ In no event shall the benefit of the surviving  
15 spouse be less than three hundred fifty dollars (\$350) per month.

16 (2) If any active police officer or any retired member dies from  
17 any cause and leaves no surviving spouse but has a surviving child or  
18 children under the age of eighteen (18) who have not completed high school,  
19 then the board shall direct a monthly pension benefit to the surviving child  
20 or children under the age of eighteen (18) in an aggregate amount to the  
21 children equal to the pension attached to the rank of the deceased police  
22 officer at the time of his or her death, but in no event shall the benefits  
23 to the surviving children be less than three hundred fifty dollars (\$350) per  
24 month. However, if any child enrolls in an institution of higher learning  
25 after completing high school, then the payment shall continue as long as the  
26 child is a full-time student but not beyond the child's twenty-third birthday  
27 unless he or she is a dependent child who is physically or mentally  
28 permanently disabled.

29 (3)(A) The board may continue a benefit for life for a dependent  
30 child who is physically or mentally permanently disabled and this fact is  
31 certified to the board by a physician ~~on the board.~~

32 (B) The board may first require that a second evaluation  
33 be performed by another physician to be named by the board, and they shall  
34 review the child's disabled status from time to time, but at least every five  
35 (5) years.

36 (4)(A)(i) If a retired member dies from any cause and leaves a

1 surviving former spouse who was receiving a portion of the retired member's  
 2 retirement benefit and also leaves a surviving spouse entitled to benefits  
 3 under subsection (a)(1) of this section, then until the surviving former  
 4 spouse or surviving spouse dies or remarries, the surviving former spouse  
 5 shall continue to receive the same benefit he or she was receiving when the  
 6 retired member died.

7 (ii) Upon the death or remarriage of the surviving  
 8 former spouse, the monthly pension of the surviving spouse shall be increased  
 9 to the pension attached to the rank of the deceased police officer at the  
 10 time of his or her death.

11 (B) A surviving former spouse shall not be entitled to any  
 12 benefit increases approved by the board for its members.

13  
 14 SECTION 3. Arkansas Code § 24-11-425(g), concerning the receipt of  
 15 benefits by surviving spouses or children, is amended to read as follows:

16 (g)(1) If any surviving spouse, surviving former spouse, or child  
 17 shall marry, he or she shall thereafter receive no further pension under this  
 18 subchapter except that if he or she is a surviving spouse of a police officer  
 19 who is killed while in the official performance of his or her duties, then  
 20 any such surviving spouse's or former spouses's benefits shall continue.

21 (2) Benefits may be restored to the a surviving spouse whose  
 22 benefits had been terminated prior to or after August 1, 1997, upon his or  
 23 her application to and approval by the board.

24  
 25 SECTION 4. Arkansas Code § 24-11-430 is amended to read as follows:

26 24-11-430. ~~Funeral expenses~~ Death benefit.

27 (a) Whenever an active or retired police officer ~~shall die or be~~ dies  
 28 or is killed, the board of trustees shall appropriate pay from the fund a sum  
 29 of not less than one hundred dollars (\$100) nor more than four thousand  
 30 dollars (\$4,000) to pay the funeral expenses of the decedent to:

31 (1) The surviving spouse of the police officer; or

32 (2) The police officer's estate if there is no surviving spouse.

33 (b) Each board of trustees shall adopt a policy establishing the  
 34 amount to be paid for ~~funeral expenses~~ death benefits pursuant to this  
 35 section, and the amount shall be awarded uniformly to all eligible persons.

36 (c) The board of trustees may change the amount of ~~funeral expenses~~

1 death benefits payable under this section, but in that instance the amount  
2 shall be uniformly distributed likewise.

3 ~~(d) The effective date of the 1983 amendment to this section shall be~~  
4 ~~retroactive to June 17, 1981.~~

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*/s/ Harris, et al*