

State of Arkansas
76th General Assembly
Regular Session, 1987
By: Senator Dowd

SENATE BILL 80

"AN ACT TO AMEND SECTION 4 OF ACT 491 OF 1921, [ARK. STAT. 19-2204] TO CLARIFY THE PROCEDURE FOR PAYING PENSION BENEFITS TO VOLUNTEER FIREFIGHTERS WITH CREDITED SERVICE IN MORE THAN ONE FIRE PENSION PLAN; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 4 of Act 491 of 1921, the same being Arkansas Statute 19-2204, is hereby amended to read as follows:

"Section 4. (a) Any person who shall have been duly appointed and enrolled, and has served for a period of twenty (20) years or more in some fire department in the State of Arkansas, as now constituted, five (5) years of which shall have been consecutive, immediately preceding the end of such period, as a member in any capacity or rank whatever, of a regularly constituted fire department of any city or town, which is, or may hereafter be, subject to the provisions of this Act and his service in such fire department shall have ceased, shall be entitled to be retired from such service and shall be entitled to be paid from such fund a monthly pension equal to one-half (1/2) of the salary attached to the rank which he may have held in said fire department preceding the date of such retirement whether said service be performed as a volunteer, or a member of a part or full paid department. The term salary shall mean 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 non-recurring or unusual remunerations.

Provided that any such person who shall have completed the period of service as provided for in this section shall receive from the Board set up to administer this Act, a certificate showing that he has completed the term of service required and is entitled to participate in all benefits provided for in this Act upon compliance with and subject to all the other terms and con-

ditions of this Act, whether he sever his connections or continue in service at the expiration of the time as set out above, and said right to participate in the said fund shall become a vested right and shall not be lost by the termination of his services with or without cause. Provided that any full-paid fire fighter who is already retired shall not receive less than \$250 per month. Provided further, that any member of a fire department who is eligible for voluntary retirement and who shall continue to work for said department shall receive the sum of \$5.00 per month upon retirement in addition to his regular monthly retirement pay for each continuous year he shall work over and above his twenty (20) years but in no instance shall he receive more than \$25 per month in addition to his retirement pay. In computing the length of service required under this Act for any presently active member of a full paid, part paid or volunteer fire department, or any members of said department active as of February 16, 1953, in any city or town coming within the provisions of this Act, in order to make such person eligible for benefits, the total term of service shall be considered regardless of whether such service occurred before or after the passage of Act 491 of 1921, Act 167 of 1943 or Act 68 of 1953, and it is the intention of this Section to begin the computation of the period of service for presently active members of fire departments in said cities and towns or any members active in such fire departments as of February 16, 1953 on the actual day that the person was first duly appointed and enrolled in some fire department in the State of Arkansas. Said method of computation shall be used to compute length of service as far as the basic twenty (20) years of service, and shall also be used to compute eligibility for benefits paid for service over and above the basic 20 years of service.

(b) Provided that, from and after March 1, 1957, a volunteer or part paid fireman, who becomes a full paid member of a fire department in such city or town shall be eligible to retire under this Section on the status of a full paid member only if he shall be employed as full paid member of said fire department for a period of at least five (5) years immediately prior to his retirement; provided further that any member of a fire department on the effective date of Act 491 of 1921, who fails to make application and list his qualifications as to participating in the provisions of Act 491 of 1921, within a one (1) year period after his service shall have ceased as a member of the fire department shall waive and forfeit all rights to participate in said benefits as provided therein, except that this provision shall not apply

to any fireman who shall serve notice to the Board of Trustees at the time of his severance of service as to his intent to waive his benefits temporarily, nor shall it apply to any fireman employed by a fire department in a city or town having a population of not less than 2270 but not more than 2275 according to the most recent Federal Decennial Census.

(c) Upon termination of volunteer firefighter service with all Arkansas fire departments, a firefighter whose covered employment has been with more than one (1) Arkansas fire department shall receive a pension based upon such volunteer service if all of the following conditions are satisfied:

(1) His volunteer service with his last employing fire department shall have been for five (5) or more years and ended with his retirement;

(2) Previous volunteer service with each other fire department (i) shall have been for for five (5) or more years, (ii) shall have been covered by a local fire pension plan established by Act 491 of 1921, as amended, and (iii) shall have been requested in writing for service credit by the retiring firefighter. Upon receipt of such request each previous employing fire department shall certify the amount of such previous volunteer service to the local fire pension plan of the last employing fire department. Such last local fire pension plan shall then cause to have performed, at its expense, an actuarial valuation to determine the single sum present value of such previous volunteer service being credited, based upon the benefit program such previous local fire pension plan had in effect at the time the firefighter terminated such previous service; such actuarial valuation shall be performed by the actuary of the Arkansas Fire and Police Pension Review Board. The dollar amount of such present value shall be promptly certified to such previous plan, which shall promptly pay such amount to such last pension plan;

(3) No more than one (1) year of service shall be credited any firefighter for all covered employment rendered by him in any one (1) year, nor shall any firefighter be given credited service for any time he was not an active firefighter;

(4) Such firefighter shall cause to be transferred from each such previous pension plan to the last pension plan the amount of his accumulated employee contributions with such previous pension plan;

(5) The total of all service to be credited as described above must be at least twenty (20) years.

The pension payable from the last pension plan shall be the total of the pension amounts provided by each segment of volunteer service credited as described above; the pension amount provided by each segment shall be based upon the benefit program such previous local fire pension plan had in effect at the time the firefighter terminated such previous service."

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

