

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

A Bill

HOUSE BILL 1253

5 By: Representative D. Johnson
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For An Act To Be Entitled

9 AN ACT TO AUTHORIZE THE PAYMENT OF RETROACTIVE
10 BENEFIT INCREASES TO SURVIVING SPOUSES OF
11 DECEASED FIREFIGHTERS KILLED WHILE ON DUTY WHO
12 APPLY FOR BENEFIT RESTORATION; AND FOR OTHER
13 PURPOSES.
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Subtitle

15 TO AUTHORIZE THE PAYMENT OF RETROACTIVE
16 BENEFIT INCREASES TO SURVIVING SPOUSES
17 OF DECEASED FIREFIGHTERS KILLED WHILE ON
18 DUTY WHO APPLY FOR BENEFIT RESTORATION.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 24-11-820(b)(4), concerning benefits to
25 surviving spouses of deceased firefighters, is amended to read as follows:

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

33 (B) The benefit restored under subdivision (b)(4)(A) of
34 this section may include retroactive benefit increases to the last amount
35 received by the surviving spouse upon approval of the board of trustees after
36 obtaining results of an actuarial study to determine its effect on the fund.



1 The benefit restoration shall not include any retroactive lump sum payment.

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SECTION 2. EMERGENCY CLAUSE. It is hereby found and determined by the General Assembly of the State of Arkansas that surviving spouses of firefighters killed while on duty lose retirement benefits upon any remarriage and should be able to have retirement benefits restored, upon application to their fund's board of trustees, and also be eligible for benefit increases granted during the interim between their benefit termination and restoration, subject to the board of trustees' discretion; and that this act is immediately necessary for the protection of these surviving spouses of firefighters. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

- (1) The date of its approval by the Governor;
- (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or
- (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.