

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas *As Engrossed: S2/3/99 S2/4/99 S2/16/99 S2/17/99*

2 82nd General Assembly

# A Bill

Act 537 of 1999

3 Regular Session, 1999

SENATE BILL 128

4

5 By: Senator Hopkins

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7

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## For An Act To Be Entitled

9 "AN ACT TO MAKE THE ARKANSAS LOCAL POLICE AND FIRE  
10 RETIREMENT SYSTEM A RECIPROCAL SYSTEM WITH OTHER STATE  
11 SUPPORTED SYSTEMS; AND FOR OTHER PURPOSES. "

12

13

## Subtitle

14 "AN ACT TO MAKE THE ARKANSAS LOCAL POLICE  
15 AND FIRE RETIREMENT SYSTEM A RECIPROCAL  
16 SYSTEM WITH OTHER STATE SUPPORTED  
17 SYSTEMS. "

18

19

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

21

22 SECTION 1. Arkansas Code 24-2-401 is amended to read as follows:

23 "24-2-401. Definitions.

24 As used in this subchapter, unless the context otherwise requires:

25 (1) 'Reciprocal system' means the Arkansas Teacher Retirement  
26 System in operation June 30, 1957, and continued by §§ 24-7-202 - 24-7-205,  
27 24-7-301 - 24-7-305, 24-7-401 - 24-7-411, 24-7-501, 24-7-502, 24-7-601 - 24-7-  
28 604, 24-7-606, 24-7-701 - 24-7-713, 24-7-715, and 24-7-716; the Arkansas State  
29 Highway Employees' Retirement System, established by § 24-5-103; the Arkansas  
30 Public Employees' Retirement System, established by § 24-4-103; the State  
31 Police Retirement System, established by § 24-6-203; the Arkansas Judicial  
32 Retirement System, established by § 24-8-201 et seq.; or an alternate  
33 retirement plan for a college, university or the Arkansas Department of Higher  
34 Education provided for under § 24-7-801, et seq., or for a vocational -  
35 technical school or the Division of Vocational and Technical Education  
36 provided for under § 24-7-901, et seq., or the Arkansas Local Police and Fire

1 Retirement System provided for beginning at § 24-10-101;

2 (2) 'State employer' means the public employer whose employees  
3 are covered under the Arkansas Teacher Retirement System, the public employer  
4 whose employees are covered under the Arkansas State Highway Employees'  
5 Retirement System, the public employer whose employees are covered under the  
6 Arkansas Public Employees' Retirement System, the public employer whose  
7 employees are covered under the State Police Retirement System, the public  
8 employer whose employees are chancery or circuit court judges, judges of the  
9 Arkansas Court of Appeals, and Supreme Court justices, whether elected or  
10 appointed to office, covered under the Arkansas Judicial Retirement System, or  
11 a public employer who is a college, university or the Department of Higher  
12 Education whose employees are covered by an alternate retirement plan provided  
13 for under § 24-7-801, et seq., or who is a vocational-technical school or the  
14 Division of Vocational and Technical Education whose employees are covered by  
15 an alternate retirement plan provided for under § 24-7-901, et seq.; and

16 (3) 'Public safety service covered by the Arkansas Public  
17 Employees' Retirement System' means service as a public safety member as  
18 defined in § 24-3-102(5) and by a person who was employed prior to July 1,  
19 1997.

20 (4) 'Deferred retirement option plan' means an option for  
21 retirement under a reciprocal system whereby the retirement system members, in  
22 lieu of terminating employment, can continue with employment with covered  
23 employers and can accept a service retirement benefit pursuant to deferred  
24 retirement option plan provisions in § 24-7-1301, et seq. for the Arkansas  
25 Teacher Retirement System, or for any other deferred retirement option plan  
26 which might be created by, or authorized for creation by, law under a  
27 reciprocal system."

28  
29 SECTION 2. Arkansas Code 24-2-402 [As amended by Acts 1997, Nos. 485  
30 and 927.] is amended to read as follows:

31 "24-2-402. Deferred annuity - Eligibility. ~~[As amended by Acts 1997,~~  
32 ~~Nos. 485 and 927.]~~

33 If a member of a reciprocal system left or leaves a position covered by  
34 a reciprocal system, if an employee in a position covered by a reciprocal  
35 system left the employ of a state employer before the latter position was  
36 covered by a reciprocal system, or if an employee in a position later covered

1 by a reciprocal system leaves that position before it is covered by a  
2 reciprocal system, which in this section in each case is called the 'preceding  
3 system', and if that person entered or enters a position covered by a  
4 reciprocal system, which in this section is called the 'succeeding system',  
5 and if the person is a member of the succeeding system after July 1, 1975,  
6 then he shall be entitled to a deferred annuity payable by the preceding  
7 system subject to the following conditions:

8 (1) He has credited service acquired in the employ of the  
9 preceding state employer;

10 (2)(A) He does not withdraw his accumulated contributions from  
11 the preceding reciprocal system, or if he has withdrawn his accumulated  
12 contributions, he deposits with the preceding reciprocal system the amount he  
13 withdrew, together with interest from the date of withdrawal to the date of  
14 repayment at the rate in effect for the preceding reciprocal system, but that  
15 deposit must be made while he is an active member of a reciprocal system.

16 (B) In addition to the forfeited credited service, the  
17 active member of a reciprocal system shall receive credit for his previous  
18 employment with a public employer upon his paying the prescribed employee and  
19 employer contributions based upon the rate in effect during the previous  
20 employment, together with regular interest from the dates for the previous  
21 service to the date of repayment.

22 (C) The provisions for determining a year of service credit  
23 shall be the prevailing regulations of each reciprocal system;

24 (3) He qualifies for age and service retirement in the succeeding  
25 reciprocal system using his credited service in force with the preceding  
26 reciprocal system plus his credited service acquired in the employ of  
27 succeeding state employers to meet the minimum service requirements of the  
28 succeeding systems;

29 (4)(A) His annuity payable by the preceding reciprocal system  
30 shall be upon the basis of the annuity formula of the preceding reciprocal  
31 system, exclusive of any minimum amount at the time the person begins to  
32 receive monthly retirement benefits from that system.

33 (B) The final average compensation to be used to determine  
34 monthly benefits payable to that person shall be that of the reciprocal system  
35 which furnishes the highest final average salary at the time of retirement,  
36 but each reciprocal system shall use the method of computing final average

1 salary stipulated by its law, and compensation in the Arkansas Judicial  
2 Retirement System shall not be used to determine final average compensation.

3 (C) Any person retiring on or after July 1, 1982, with  
4 credited service in more than one (1) reciprocal system shall have his  
5 benefits recomputed based on the provisions of this section;

6 (5)(A) It is the expressed intention of this subdivision (5) to  
7 provide the same death-in-service benefits that would have been payable had  
8 the member died while an active member of a reciprocal retirement system.

9 (B) A member who dies in service while a member of one (1)  
10 reciprocal system shall be considered as currently employed by all systems in  
11 which the member retains credited service.

12 (C) If a member has accrued credited service under the  
13 provisions of this subchapter but dies before retirement or before becoming  
14 eligible to retire, then the benefits payable shall be those provided by the  
15 reciprocal retirement system named in this subchapter, with each system being  
16 responsible for the payment of the death-in-service benefits provided by the  
17 applicable provisions of its retirement laws.

18 (D) If death-in-service benefits are payable by more than  
19 one (1) reciprocal system to eligible survivors of a deceased member, the  
20 survivors shall not receive more, as a percentage of the deceased member's  
21 final pay or as a minimum dollar amount, than the largest amount payable by  
22 any single reciprocal system.

23 (E) Each reciprocal system that has a minimum benefit  
24 provision in its plan shall pay only a proportionate share of that minimum  
25 amount based on the ratio of service in that system to the total service in  
26 all reciprocal systems.

27 (F) If the reciprocal system is an alternate retirement  
28 plan under § 24-7-801, et seq., or § 24-7-901, et seq., death-in-service  
29 benefits shall be contingent on provision of that benefit having been provided  
30 by the alternate retirement plan and having been selected by the member as a  
31 benefit;

32 ~~(6) Upon termination of public safety service with all Arkansas~~  
33 ~~governmental units, a public safety employee who was employed prior to July 1,~~  
34 ~~1997 and whose public safety service was covered at different times by the~~  
35 ~~Arkansas Public Employees' Retirement System and by the Arkansas Local Police~~  
36 ~~and Fire Retirement System shall receive retirement benefits based upon public~~

1 ~~safety service covered by either system if all of the following conditions are~~  
2 ~~satisfied:~~

3 ~~(A) The total of public safety service credit in the~~  
4 ~~Arkansas Public Employees' Retirement System and the Arkansas Local Police and~~  
5 ~~Fire Retirement System is at least twenty (20) years, provided the provisions~~  
6 ~~of § 24-3-301(b) are not used to meet the service requirements; and~~

7 ~~(B) The benefit payable by each system shall be based upon~~  
8 ~~the service credit with that system, the benefit program the system had in~~  
9 ~~effect at the time the member terminated service covered by the system, and~~  
10 ~~his service and pay covered by the system while the service was being~~  
11 ~~rendered;~~

12 ~~(7)(6)~~ Both service in the Arkansas Public Employees' Retirement  
13 System as a member of the General Assembly and service in another reciprocal  
14 system during the same period of time may be counted to meet the service  
15 requirements for benefits from the reciprocal system subject to the following:

16 (A) The benefit payable by a reciprocal system will be  
17 based on the credited service in that system and the final average  
18 compensation under that system. However, nothing in this subdivision ~~(7)(6)~~(A)  
19 shall diminish the General Assembly member's right to a benefit for which he  
20 is qualified under the provisions of § 24-4-706; and

21 (B) If a member has less than five (5) years of service  
22 credited in a reciprocal system, then 'final average compensation' means the  
23 monthly average of pay to him during his total years of service in that  
24 system; and

25 ~~(8)(7)~~(A) If the preceding or succeeding reciprocal system is the  
26 *Arkansas Judicial Retirement System and the member's benefits are determined*  
27 *under subchapter 2 of chapter 8 of this title, the benefit payable by the*  
28 *Arkansas Judicial Retirement System shall be determined by multiplying one-*  
29 *half (1/2) of the annual salary payable to the last judicial office held by*  
30 *the following fraction:*

31 (i) The numerator shall be the number of the actual  
32 years of service credited in the Arkansas Judicial Retirement System as a  
33 justice of the Supreme Court or judge of the circuit or chancery courts or the  
34 Court of Appeals; and

35 (ii) The denominator shall be fourteen (14) years.

36 (B) In no instance shall the benefit payable by the

1 Arkansas Judicial Retirement System exceed one-half (1/2) of the annual salary  
2 payable to the last judicial office held.

3 ~~(9)~~(8) If the preceding or succeeding reciprocal system offers a  
4 deferred retirement option plan for its members, both service in the preceding  
5 and the succeeding reciprocal system may be counted to meet the minimum  
6 service credit requirements for benefits under a system's deferred retirement  
7 option plan. The benefit payable by the preceding reciprocal system shall be  
8 based on the annuity formula of the preceding reciprocal system, exclusive of  
9 any minimum amount at the time the person begins to receive monthly retirement  
10 benefits from that system under its deferred retirement option provisions. The  
11 final average compensation to be used to determine monthly benefits payable to  
12 that person shall be that of the reciprocal system which furnishes the highest  
13 final average salary at the time of retirement, but each reciprocal system  
14 shall use the method of computing final average salary stipulated by its law,  
15 and compensation in the Arkansas Judicial Retirement System shall not be used  
16 to determine final average compensation. Any interest credited to the deferred  
17 retirement account will be paid to the member's account under the deferred  
18 retirement option benefit program in effect for that system. The boards of  
19 trustees of each preceding or succeeding system shall promulgate rules and  
20 regulations as are necessary to coordinate their benefits with any system  
21 providing a deferred retirement option plan.

22 (9) If the preceding or succeeding reciprocal system is an  
23 alternate retirement plan for a college, university or the Arkansas Department  
24 of Higher Education provided for under § 24-7-801, et seq., or for a  
25 vocational-technical school or the Division of Vocational and Technical  
26 Education provided for under § 24-7-901, et seq., the benefits payable shall  
27 be in accordance with terms specified in the written alternate retirement plan  
28 document for purchasing the insurance policies or annuity contracts, both  
29 fixed and variable in nature, for the participants."

30  
31 SECTION 3. Arkansas Code 24-3-303 is amended to read as follows:

32 "24-3-303. Credited service - Reciprocity.

33 (a)(1) Upon the retirement of a member whose credited service results  
34 from employment covered by more than one (1) named plan, or the Arkansas  
35 Teacher Retirement System or the Arkansas State Highway Employees' Retirement  
36 System or the Arkansas Judicial Retirement System or an alternate retirement

1 plan under § 24-7-801, et seq., or § 24-7-901, et seq. or the Arkansas Local  
2 Police and Fire Retirement System, the amount of his annuity shall be based  
3 upon his total credited service in force at the time of his retirement,  
4 exclusive of any minimums.

5 (2) Each named plan or retirement system shall be responsible  
6 financially for only that portion of the annuity based upon the credited  
7 service in the plan or system.

8 (3)(A) The final average compensation on which benefits shall be  
9 determined shall be based on the period of total credited service for the  
10 named plans, the Arkansas Teacher Retirement System, ~~and~~ the Arkansas State  
11 Highway Employees' Retirement System and the Arkansas Local Police and Fire  
12 Retirement System, with each plan or system computing the final average  
13 compensation by the method as determined by its laws.

14 (B) Compensation for credited service in the Arkansas  
15 Judicial Retirement System or an alternate retirement plan under § 24-7-801,  
16 et seq., or § 24-7-901, et seq. shall not be used to determine final average  
17 compensation.

18 (4) The final average compensation for persons receiving benefits  
19 from the Arkansas State Highway Employees' Retirement System shall be based on  
20 the final average compensation at the date of termination of employment  
21 covered by that system.

22 (5) The benefit program to be applied to each portion of credited  
23 service shall be the benefit program in effect in each plan or system at the  
24 time of retirement.

25 (b)(1) Upon the retirement on disability or death in service of a  
26 member of either the Arkansas Public Employees' Retirement System, the  
27 Arkansas Teacher Retirement System, the Arkansas State Highway Employees'  
28 Retirement System, the Arkansas Judicial Retirement System, the State Police  
29 Retirement System or an alternate retirement plan under § 24-7-801, et seq.,  
30 or § 24-7-901, et seq. or the Arkansas Local Police and Fire Retirement  
31 System, who has credited service in more than one (1) of the plans, an annuity  
32 shall be payable based upon his total credited service with all systems in  
33 force at the time of retirement, with each system being responsible for the  
34 payment of such disability or death-in-service benefits as are provided by the  
35 applicable provisions of each system's laws or plan's provisions.

36 (2) If the greatest benefit payable to a survivor is a minimum

1 percentage of the deceased member's final pay or a minimum dollar amount, then  
2 each reciprocal system that has a minimum benefit provision in its plan shall  
3 only pay a proportionate share of the minimum amount based on the ratio of  
4 service in the system to the total service in all reciprocal systems.

5 (3) A member who dies in service while a member of one (1)  
6 reciprocal system shall be considered as currently employed by all systems in  
7 which the member has credited service at the time of death.

8 (4) If a member has service credit in an alternate retirement  
9 plan under § 24-7-801, et seq., or § 24-7-901, et seq., disability and death-  
10 in-service benefits shall be contingent on provision of those benefits having  
11 been provided by the alternate retirement plan and having been selected by the  
12 member as a benefit.

13 (c) Any person retiring on or after July 1, 1982, with credited service  
14 in more than one (1) reciprocal system shall have his benefits recomputed  
15 based on the provisions of this section.

16 (d) It is the intent of this section to provide reciprocal service  
17 credits, as provided by §§ 24-2-401 - 24-2-405, between contributory and  
18 noncontributory members of the Arkansas Public Employees' Retirement System,  
19 the Arkansas Teacher Retirement System, the Arkansas Judicial Retirement  
20 System, the Arkansas State Highway Employees' Retirement System, the State  
21 Police Retirement System, and an alternate retirement plan for a college,  
22 university or the Arkansas Department of Higher Education provided for under §  
23 24-7-801, et seq., or for a vocational-technical school or the Division of  
24 Vocational and Technical Education provided for under § 24-7-901, et seq., or  
25 the Arkansas Local Police and Fire Retirement System.

26 (e) A member of the Arkansas Public Employees Retirement System who is  
27 receiving a retirement annuity from another reciprocal system, as defined in  
28 subsection (d) of this section, shall not be eligible to use the reciprocal  
29 provisions of this section or the reciprocal provisions of §§ 24-2-401 - 24-2-  
30 405 to determine the benefit payable by the Arkansas Public Employees  
31 Retirement System."

32  
33 SECTION 4. Arkansas Code Title 24, Chapter 10, Subchapter 5 is amended  
34 to add an additional section to read as follows:

35 "24-10-507. Reciprocal system.

36 (a) The Arkansas Local Police and Fire Retirement System is a reciprocal



1 system under the provisions of §§ 24-2-401 – 24-2-405.

2 (b) In establishing eligibility for a benefit from the Arkansas Local  
3 Police and Fire Retirement System, the credited service under all reciprocal  
4 systems shall be totaled and the total credited service shall be used in  
5 determining eligibility for a system benefit.

6 (c) In determining the amount of a benefit from this system, there shall  
7 be used only the credited service under this system and the benefit formula of  
8 this system.

9 (d) The final average compensation used shall be that of the reciprocal  
10 system which furnishes the highest final salary at the time of retirement.

11 (e) Wherever this system provides a benefit amount which is not  
12 dependent on length of credited service, the benefit amount shall be reduced  
13 to the proportion that system-credited service bears to total reciprocal  
14 system-credited service."

15  
16 SECTION 5. Arkansas Code 24-2-402 [As amended by Acts 1997, Nos. 485  
17 and 857.] is repealed.

18 ~~24-2-402. Deferred annuity – Eligibility. [As amended by Acts 1997, Nos.~~  
19 ~~485 and 857.]~~

20 ~~If a member of a reciprocal system left or leaves a position covered by~~  
21 ~~a reciprocal system, if an employee in a position covered by a reciprocal~~  
22 ~~system left the employ of a state employer before the latter position was~~  
23 ~~covered by a reciprocal system, or if an employee in a position later covered~~  
24 ~~by a reciprocal system leaves that position before it is covered by a~~  
25 ~~reciprocal system, which in this section in each case is called the "preceding~~  
26 ~~system", and if that person entered or enters a position covered by a~~  
27 ~~reciprocal system, which in this section is called the "succeeding system",~~  
28 ~~and if the person is a member of the succeeding system after July 1, 1975,~~  
29 ~~then he shall be entitled to a deferred annuity payable by the preceding~~  
30 ~~system subject to the following conditions:~~

31 ~~(1) He has credited service acquired in the employ of the~~  
32 ~~preceding state employer;~~

33 ~~(2)(A) He does not withdraw his accumulated contributions from~~  
34 ~~the preceding reciprocal system, or if he has withdrawn his accumulated~~  
35 ~~contributions, he deposits with the preceding reciprocal system the amount he~~  
36 ~~withdrew, together with interest from the date of withdrawal to the date of~~

1 ~~repayment at the rate in effect for the preceding reciprocal system, but that~~  
2 ~~deposit must be made while he is an active member of a reciprocal system.~~

3 ~~(B) In addition to the forfeited credited service, the~~  
4 ~~active member of a reciprocal system shall receive credit for his previous~~  
5 ~~employment with a public employer upon his paying the prescribed employee and~~  
6 ~~employer contributions based upon the rate in effect during the previous~~  
7 ~~employment, together with regular interest from the dates for the previous~~  
8 ~~service to the date of repayment.~~

9 ~~(C) The provisions for determining a year of service credit~~  
10 ~~shall be the prevailing regulations of each reciprocal system;~~

11 ~~(3) He qualifies for age and service retirement in the succeeding~~  
12 ~~reciprocal system using his credited service in force with the preceding~~  
13 ~~reciprocal system plus his credited service acquired in the employ of~~  
14 ~~succeeding state employers to meet the minimum service requirements of the~~  
15 ~~succeeding systems;~~

16 ~~(4)(A) His annuity payable by the preceding reciprocal system~~  
17 ~~shall be upon the basis of the annuity formula of the preceding reciprocal~~  
18 ~~system, exclusive of any minimum amount at the time the person begins to~~  
19 ~~receive monthly retirement benefits from that system.~~

20 ~~(B) The final average compensation to be used to determine~~  
21 ~~monthly benefits payable to that person shall be that of the reciprocal system~~  
22 ~~which furnishes the highest final average salary at the time of retirement,~~  
23 ~~but each reciprocal system shall use the method of computing final average~~  
24 ~~salary stipulated by its law, and compensation in the Arkansas Judicial~~  
25 ~~Retirement System or in a position covered by an alternate retirement plan for~~  
26 ~~a college, university or the Arkansas Department of Higher Education provided~~  
27 ~~for under § 24-7-801, et seq., or for a vocational-technical school or the~~  
28 ~~Division of Vocational and Technical Education provided for under § 24-7-901,~~  
29 ~~et seq., shall not be used to determine final average compensation.~~

30 ~~(C) Any person retiring on or after July 1, 1982, with~~  
31 ~~credited service in more than one (1) reciprocal system shall have his~~  
32 ~~benefits recomputed based on the provisions of this section;~~

33 ~~(5)(A) It is the expressed intention of this subdivision (5) to~~  
34 ~~provide the same death-in-service benefits that would have been payable had~~  
35 ~~the member died while an active member of a reciprocal retirement system.~~

36 ~~(B) A member who dies in service while a member of one (1)~~

1 ~~reciprocal system shall be considered as currently employed by all systems in~~  
2 ~~which the member retains credited service.~~

3 ~~(C) If a member has accrued credited service under the~~  
4 ~~provisions of this subchapter but dies before retirement or before becoming~~  
5 ~~eligible to retire, then the benefits payable shall be those provided by the~~  
6 ~~reciprocal retirement system named in this subchapter, with each system being~~  
7 ~~responsible for the payment of the death-in-service benefits provided by the~~  
8 ~~applicable provisions of its retirement laws.~~

9 ~~(D) If death-in-service benefits are payable by more than~~  
10 ~~one (1) reciprocal system to eligible survivors of a deceased member, the~~  
11 ~~survivors shall not receive more, as a percentage of the deceased member's~~  
12 ~~final pay or as a minimum dollar amount, than the largest amount payable by~~  
13 ~~any single reciprocal system.~~

14 ~~(E) Each reciprocal system that has a minimum benefit~~  
15 ~~provision in its plan shall pay only a proportionate share of that minimum~~  
16 ~~amount based on the ratio of service in that system to the total service in~~  
17 ~~all reciprocal systems.~~

18 ~~(F) If the reciprocal system is an alternate retirement~~  
19 ~~plan under § 24-7-801, et seq., or § 24-7-901, et seq., death-in-service~~  
20 ~~benefits shall be contingent on provision of that benefit having been provided~~  
21 ~~by the alternate retirement plan and having been selected by the member as a~~  
22 ~~benefit;~~

23 ~~(6) Upon termination of public safety service with all Arkansas~~  
24 ~~governmental units, a public safety employee who was employed prior to July 1,~~  
25 ~~1997 and whose public safety service was covered at different times by the~~  
26 ~~Arkansas Public Employees' Retirement System and by the Arkansas Local Police~~  
27 ~~and Fire Retirement System shall receive retirement benefits based upon public~~  
28 ~~safety service covered by either system if all of the following conditions are~~  
29 ~~satisfied:~~

30 ~~(A) The total of public safety service credit in the~~  
31 ~~Arkansas Public Employees' Retirement System and the Arkansas Local Police and~~  
32 ~~Fire Retirement System is at least twenty (20) years, provided the provisions~~  
33 ~~of § 24-3-301(b) are not used to meet the service requirements; and~~

34 ~~(B) The benefit payable by each system shall be based upon~~  
35 ~~the service credit with that system, the benefit program the system had in~~  
36 ~~effect at the time the member terminated service covered by the system, and~~

1 ~~his service and pay covered by the system while the service was being~~  
2 ~~rendered;~~

3 ~~(7) Both service in the Arkansas Public Employees' Retirement~~  
4 ~~System as a member of the General Assembly and service in another reciprocal~~  
5 ~~system during the same period of time may be counted to meet the service~~  
6 ~~requirements for benefits from the reciprocal system subject to the following:~~

7 ~~(A) The benefit payable by a reciprocal system will be~~  
8 ~~based on the credited service in that system and the final average~~  
9 ~~compensation under that system. However, nothing in this subdivision (7)(A)~~  
10 ~~shall diminish the General Assembly member's right to a benefit for which he~~  
11 ~~is qualified under the provisions of § 24-4-706; and~~

12 ~~(B) If a member has less than five (5) years of service~~  
13 ~~credited in a reciprocal system, then "final average compensation" means the~~  
14 ~~monthly average of pay to him during his total years of service in that~~  
15 ~~system;~~

16 ~~(8)(A) If the preceding or succeeding reciprocal system is the~~  
17 ~~Arkansas Judicial Retirement System, the benefit payable by the Arkansas~~  
18 ~~Judicial Retirement System shall be determined by multiplying one-half (1/2)~~  
19 ~~of the annual salary payable to the last judicial office held by the following~~  
20 ~~fraction:~~

21 ~~(i) The numerator shall be the number of the actual~~  
22 ~~years of service credited in the Arkansas Judicial Retirement System as a~~  
23 ~~justice of the Supreme Court or judge of the circuit or chancery courts or the~~  
24 ~~Court of Appeals; and~~

25 ~~(ii) The denominator shall be fourteen (14) years.~~

26 ~~(B) In no instance shall the benefit payable by the~~  
27 ~~Arkansas Judicial Retirement System exceed one-half (1/2) of the annual salary~~  
28 ~~payable to the last judicial office held; and~~

29 ~~(9) If the preceding or succeeding reciprocal system is an~~  
30 ~~alternate retirement plan for a college, university or the Arkansas Department~~  
31 ~~of Higher Education provided for under § 24-7-801, et seq., or for a~~  
32 ~~vocational-technical school or the Division of Vocational and Technical~~  
33 ~~Education provided for under § 24-7-901, et seq., the benefits payable shall~~  
34 ~~be in accordance with terms specified in the written alternate retirement plan~~  
35 ~~document for purchasing the insurance policies or annuity contracts, both~~  
36 ~~fixed and variable in nature, for the participants.~~

1  
2 SECTION 6. Arkansas Code 24-10-505 [As amended by Acts 1997, No.  
3 485.], Arkansas Code 24-10-505 [As amended by Acts 1997, No. 1011.], and  
4 Arkansas Code 24-10-505 [As amended by Acts 1997, No. 1024.] are repealed.

5  
6 ~~24-10-505. Public safety service with two other Arkansas systems. [As~~  
7 ~~amended by Acts 1997, No. 485.]~~

8 ~~(a)(1) "Public safety service", for the purpose of this section, means~~  
9 ~~paid service as a police officer or fire fighter or service as a public safety~~  
10 ~~member with the Public Employees' Retirement System by a person whose~~  
11 ~~employment occurred prior to July 1, 1997;~~

12 ~~(2) "Related system", for the purpose of this section, means any~~  
13 ~~of three (3) retirement systems: the Arkansas Local Police and Fire Retirement~~  
14 ~~System, the Arkansas Public Employees' Retirement System, or the State Police~~  
15 ~~Retirement System.~~

16 ~~(b) Upon termination of public safety service with all Arkansas~~  
17 ~~governmental units, a public safety employee whose public safety service was~~  
18 ~~covered at different times by more than one (1) related system shall receive~~  
19 ~~retirement benefits based upon public safety service covered by a related~~  
20 ~~system if the total of public safety service credit with all related systems~~  
21 ~~is at least twenty (20) years, provided the provisions of § 24-3-301(b) are~~  
22 ~~not used to meet this total service requirement. The minimum service~~  
23 ~~requirements for an age and service benefit shall then be considered to be~~  
24 ~~satisfied for each related system.~~

25 ~~(c) The benefit payable by each related system shall be based upon the~~  
26 ~~service credit with that system, the benefit program the related system had in~~  
27 ~~effect at the time the member terminated service covered by the related~~  
28 ~~system, and his service and pay covered by the related system while the~~  
29 ~~service was being rendered.~~

30  
31 ~~24-10-505. Public safety service with two other Arkansas systems. [As~~  
32 ~~amended by Acts 1997, No. 1011.]~~

33 ~~(a)(1) "Public safety service", for the purpose of this section, means~~  
34 ~~paid service as a police officer, law enforcement officer, or fire fighter~~  
35 ~~with an Arkansas state or local government agency, department, or institution~~  
36 ~~which is covered by a related system for retirement purposes. Provided,~~

1 ~~however, nothing in this section shall entitle a position listed herein to~~  
2 ~~public safety credit in the Arkansas Public Employees' Retirement System~~  
3 ~~unless the position is defined as "public safety member" in § 24-3-102(5).;~~  
4 ~~[sic]~~

5 ~~(2) "Related system", for the purpose of this section, means any~~  
6 ~~of three (3) retirement systems: the Arkansas Local Police and Fire Retirement~~  
7 ~~System, the Arkansas Public Employees' Retirement System, or the State Police~~  
8 ~~Retirement System.~~

9 ~~(b) Upon termination of public safety service with all Arkansas~~  
10 ~~governmental units, a public safety employee whose public safety service was~~  
11 ~~covered at different times by more than one (1) related system shall receive~~  
12 ~~retirement benefits based upon public safety service covered by a related~~  
13 ~~system if the person has reached age sixty-two (62) years of age or older and~~  
14 ~~has total public safety service credit with all related systems of at least~~  
15 ~~ten (10) years or if the total of public safety service credit with all~~  
16 ~~related systems is at least twenty (20) years, provided the provisions of §~~  
17 ~~24-3-301(b) are not used to meet this total service requirement. The minimum~~  
18 ~~service requirements for an age and service benefit and for vesting shall then~~  
19 ~~be considered to be satisfied for each related system.~~

20 ~~(c) The benefit payable by each related system shall be based upon the~~  
21 ~~service credit with that system, the benefit program the related system had in~~  
22 ~~effect at the time the member terminated service covered by the related~~  
23 ~~system, and his service and pay covered by the related system while the~~  
24 ~~service was being rendered.~~

25  
26 ~~24-10-505. Public safety service with two other Arkansas systems. [As~~  
27 ~~amended by Acts 1997, No. 1024.]~~

28 ~~(a)(1) "Public safety service", for the purpose of this section, means~~  
29 ~~paid service as a police officer or fire fighter;~~

30 ~~(2) "Related system", for the purpose of this section, means any~~  
31 ~~of four (4) retirement systems: the Arkansas Local Police and Fire Retirement~~  
32 ~~System, the Arkansas Public Employees' Retirement System, the State Police~~  
33 ~~Retirement System, or the Arkansas Teacher Retirement System.~~

34 ~~(b) Upon termination of public safety service with all Arkansas~~  
35 ~~governmental units, a public safety employee whose public safety service was~~  
36 ~~covered at different times by more than one (1) related system shall receive~~

1 ~~retirement benefits based upon public safety service covered by a related~~  
2 ~~system if the total of public safety service credit with all related systems~~  
3 ~~is at least twenty (20) years, provided the provisions of § 24-3-301(b) are~~  
4 ~~not used to meet this total service requirement. The minimum service~~  
5 ~~requirements for an age and service benefit shall then be considered to be~~  
6 ~~satisfied for each related system.~~

7 ~~(c) The benefit payable by each related system shall be based upon the~~  
8 ~~service credit with that system, the benefit program the related system had in~~  
9 ~~effect at the time the member terminated service covered by the related~~  
10 ~~system, and his service and pay covered by the related system while the~~  
11 ~~service was being rendered.~~

12  
13 SECTION 7. No benefit enhancement provided for by this act shall be  
14 implemented if it would cause the publicly supported retirement system's  
15 unfunded actuarial accrued liabilities to exceed a thirty (30) year  
16 amortization. No benefit enhancement provided for by this act shall be  
17 implemented by any publicly supported system which has unfunded actuarial  
18 accrued liabilities being amortized over a period exceeding thirty (30) years  
19 until the unfunded actuarial accrued liability is reduced to a level less than  
20 the standards prescribed by Arkansas Code, Title 24.

21  
22 SECTION 8. All provisions of this act of a general and permanent nature  
23 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
24 Revision Commission shall incorporate the same in the Code.

25  
26 SECTION 9. If any provision of this act or the application thereof to  
27 any person or circumstance is held invalid, such invalidity shall not affect  
28 other provisions or applications of the act which can be given effect without  
29 the invalid provision or application, and to this end the provisions of this  
30 act are declared to be severable.

31  
32 SECTION 10. All laws and parts of laws in conflict with this act are  
33 hereby repealed.

34 /s/

35  
36 APPROVED: 3/11/1999