

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: S3/16/21

A Bill

SENATE BILL 234

5 By: Senators Rapert, Irvin, B. Johnson
6 By: Representatives S. Smith, Beck, Bentley, M. Berry, Deffenbaugh, McClure, Rye, C. Cooper,
7 Crawford, Watson, Wing
8

For An Act To Be Entitled

10 AN ACT TO AMEND THE LAW CONCERNING RETIREMENT
11 ELIGIBILITY, NONCONTRIBUTORY MEMBERS, MEMBER
12 CONTRIBUTIONS, AND THE BENEFIT MULTIPLIER UNDER THE
13 STATE POLICE RETIREMENT SYSTEM; AND FOR OTHER
14 PURPOSES.

Subtitle

18 TO AMEND THE LAW CONCERNING RETIREMENT
19 ELIGIBILITY, NONCONTRIBUTORY MEMBERS,
20 MEMBER CONTRIBUTIONS, AND THE BENEFIT
21 MULTIPLIER UNDER THE STATE POLICE
22 RETIREMENT SYSTEM.

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

27 SECTION 1. Arkansas Code § 24-6-213(a)(1)(A), concerning eligibility
28 for disability retirement benefits under Tier I of the State Police
29 Retirement System, is amended to read as follows:

30 (a)(1)(A) Upon application filed with the Board of Trustees of the
31 State Police Retirement System by a member or by the Director of the
32 ~~Department~~ Division of Arkansas State Police on behalf of a member, a member
33 who is in the employ of the ~~Department~~ Division of Arkansas State Police, who
34 has ~~five (5)~~ ten (10) or more years of actual service, and who becomes
35 totally and permanently incapacitated for duty in the employ of the
36 ~~department~~ division by reason of a personal injury or disease may be retired



1 by the Board of Trustees of the State Police Retirement System, but only
2 after a medical examination of the member.

3
4 SECTION 2. Arkansas Code § 24-6-213(a)(2), concerning eligibility for
5 disability retirement benefits under Tier I of the State Police Retirement
6 System, is amended to read as follows:

7 (2) The ~~five (5)~~ ten (10) years of service requirement contained
8 in this subsection shall not apply to a member whom the Board of Trustees of
9 the State Police Retirement System finds to be in receipt of workers'
10 compensation for his or her disability arising solely and exclusively out of
11 and in the course of his or her employment with the ~~department~~ division.

12
13 SECTION 3. Arkansas Code § 24-6-226(a), concerning eligibility for
14 benefits and voluntary retirement for Tier I noncontributory members of the
15 State Police Retirement System, is amended to read as follows:

16 (a)(1) Any member who has acquired ~~five (5)~~ ten (10) years but less
17 than ~~thirty (30)~~ twenty-five (25) years of actual service and has attained
18 ~~age sixty-five (65)~~ years of age may retire upon written application filed
19 with the Board of Trustees of the State Police Retirement System.

20 (2) Any member who has acquired ~~five (5)~~ ten (10) or more years
21 of actual service and has attained ~~age fifty-two (52)~~ years of age may retire
22 upon written application filed with the State Police Retirement System.

23 (3) Any member who acquired ~~thirty (30)~~ twenty-five (25) or more
24 years of actual service may retire at any age upon written application filed
25 with the board.

26 (4) For those members with less than ~~thirty (30)~~ twenty-five
27 (25) actual years of service, the ~~age sixty-five (65)~~ years of age
28 requirement shall be reduced by one (1) month for every two (2) months of
29 public safety credit, but in no event to an age younger than fifty-two (52).

30
31 SECTION 4. Arkansas Code § 24-6-227(a)(1), concerning benefits for
32 Tier I noncontributory members of the State Police Retirement System, is
33 amended to read as follows:

34 (a)(1) Upon retirement as provided in this subchapter, a member shall
35 receive a straight life pension equal to ~~one and fifty-five hundredths~~
36 ~~percent (1.55%)~~ one and eighty-six-hundredths percent (1.86%) of his or her

1 final average compensation multiplied by the number of years and any fraction
2 of a year of his or her credited service.

3
4 SECTION 5. Arkansas Code § 24-6-227(b), concerning benefits for Tier I
5 noncontributory members of the State Police Retirement System, is amended to
6 read as follows:

7 (b) In the event a member with ~~five (5)~~ ten (10) years or more of
8 actual service in the State Police Retirement System ceases to be employed as
9 a state police officer prior to reaching the required age for voluntary
10 retirement and does not withdraw his or her accumulated employee
11 contributions to the system, the member shall be entitled to receive a
12 pension upon reaching what his or her voluntary retirement age would have
13 been if he or she had continued state police employment from time of
14 termination of employment.

15
16 SECTION 6. Arkansas Code Title 24, Chapter 6, Subchapter 2, is amended
17 to add an additional section to read as follows:

18 24-6-228. Contributions – Tier I noncontributory members.

19 (a) Beginning on July 1, 2022, a noncontributory member of the State
20 Police Retirement System shall become a contributory member of the system.

21 (b) A noncontributory member of the system who becomes a contributory
22 member of the system on July 1, 2022, shall make contributions to the system
23 as follows:

24 (1) Beginning on July 1, 2022, one percent (1%) of the member's
25 salary;

26 (2) Beginning on July 1, 2023, two percent (2%) of the member's
27 salary; and

28 (3) Beginning on July 1, 2024, and continuing every following
29 year, three percent (3%) of the member's salary.

30 (c)(1) Beginning July 1, 2022, the officers responsible for making up
31 the payroll shall cause to be deducted the contribution required from a
32 member under this section from the salary the member receives each payroll
33 period, from the date the member initially becomes a member of the system to
34 the date his or her membership terminates.

35 (2) All deducted contributions shall be paid into the State
36 Police Retirement Fund and shall be credited to each member's individual

1 account in the member's deposit account.

2 (3) The contributions required under this section shall be made
3 regardless of a change to the minimum salary provided by law for a member.

4 (4) Each member shall be deemed to consent and agree to the
5 deductions made and required under this section.

6 (5) Payment of the salary of a member less deductions for
7 contributions required under this section shall be a full and complete
8 discharge and acquittance of all claims and demands for services rendered to
9 the Division of Arkansas State Police by the member, except as to benefits
10 provided by this subchapter.

11 (d) All funds received as contributions made by members of the system
12 shall be held in trust for the exclusive benefit of the individual members
13 and shall not be used for any other purpose.

14 (e) This section does not apply to a member who was a contributory
15 member of the system before July 1, 2022, and subject to contributions
16 described in § 24-6-208.

17
18 SECTION 7. Arkansas Code § 24-6-404(a), concerning eligibility for
19 benefits and voluntary retirement under the Tier Two Benefit Plan for the
20 State Police Retirement System, is amended to read as follows:

21 (a)(1) Any member who has acquired ~~five (5)~~ ten (10) years but less
22 than ~~thirty (30)~~ twenty-five (25) years of credited service and has attained
23 age sixty-five (65) may retire upon his or her written application filed with
24 the Board of Trustees of the State Police Retirement System.

25 (2) Any member who has acquired ~~thirty (30)~~ twenty-five (25) or
26 more years of credited service may retire at any age upon his or her written
27 application filed with the board.

28 (3) For those members with less than ~~thirty (30)~~ twenty-five
29 (25) credited years of service, the age sixty-five requirement shall be
30 reduced by ~~seventy-five hundredths~~ seventy-five-hundredths (0.75) of a month
31 for each credited month of service, but in no event to an age younger than
32 fifty-five (55) years of age.

33
34 SECTION 8. Arkansas Code § 24-6-405(a)(1)(A), concerning eligibility
35 for disability retirement benefits under the Tier Two Benefit Plan for the
36 State Police Retirement System, is amended to read as follows:

1 (a)(1)(A) Upon application filed with the Board of Trustees of the
2 State Police Retirement System by a member or by the Director of the Division
3 of Arkansas State Police on behalf of a member, a member who is in the employ
4 of the Division of Arkansas State Police, who has ~~five (5)~~ ten (10) or more
5 years of actual service, and who becomes totally and permanently
6 incapacitated for duty in the employ of the division by reason of personal
7 injury or disease may be retired by the Board of Trustees of the State Police
8 Retirement System, but only after a medical examination of the member.

9
10 SECTION 9. Arkansas Code § 24-6-406(a)(1), concerning benefits under
11 the Tier Two Benefit Plan for the State Police Retirement System, is amended
12 to read as follows:

13 (a)(1) Upon retirement as provided in this subchapter, a member shall
14 receive a straight life pension equal to ~~two and four hundred seventy-five~~
15 ~~thousandths percent (2.475%)~~ two and ninety-seven-hundredths percent (2.97%)
16 of the member's final average compensation multiplied by the number of years
17 and any fraction of a year of his or her service.

18
19 SECTION 10. Arkansas Code § 24-6-406(b), concerning benefits under the
20 Tier Two Benefit Plan for the State Police Retirement System, is amended to
21 read as follows:

22 (b) In the event a member with ~~five (5)~~ ten (10) years or more of
23 actual service in the State Police Retirement System ceases to be employed as
24 a state police officer prior to reaching fifty-five (55) years of age and
25 does not withdraw his or her accumulated employee contributions to the
26 system, the member shall be entitled to receive a pension upon reaching what
27 the member's voluntary retirement age would have been if he or she had
28 continued state police employment from the time of termination of employment.

29
30 SECTION 11. Arkansas Code § 24-6-410(a)(2), concerning early
31 retirement benefits under the Tier Two Benefit Plan for the State Police
32 Retirement System, is amended to read as follows:

33 (2) The member or former member eligible for a vested
34 termination annuity must have at least ~~five (5)~~ ten (10) years of actual
35 service and be within ten (10) years of voluntary retirement age.

36

1 SECTION 12. Arkansas Code § 24-6-411(a), concerning death benefits
2 under the Tier Two Benefit Plan for the State Police Retirement System, is
3 amended to read as follows:

4 (a) If an active member with ~~five (5)~~ ten (10) or more years of actual
5 service, including service for the year immediately preceding his or her
6 death, dies in employer service before retirement, the applicable benefit
7 provided in this section shall be paid upon written application to the Board
8 of Trustees of the State Police Retirement System.

9
10 SECTION 13. Arkansas Code § 24-6-411(b)(2)(A), concerning death
11 benefits under the Tier Two Benefit Plan for the State Police Retirement
12 System, is amended to read as follows:

13 (2)(A) If an active member with ~~five (5)~~ ten (10) or more years
14 of actual service does not have credited service for the year immediately
15 preceding death due to illness which eventually leads to his or her death or
16 due to his or her employer's removing the member from the payroll because of
17 temporary economic conditions of the employer or weather conditions, the
18 active member shall be considered, only for eligibility purposes of ~~the~~ this
19 section, to have credited service for the year preceding death.

20
21 SECTION 14. Arkansas Code Title 24, Chapter 6, Subchapter 4, is
22 amended to add an additional section to read as follows:

23 24-6-416. Contributions – Tier II noncontributory members.

24 (a) Beginning on July 1, 2022, a noncontributory member of the Tier
25 Two Benefit Plan for the State Police Retirement System shall become a
26 contributory member of the State Police Retirement System.

27 (b) A noncontributory member who becomes a contributory member of the
28 system on July 1, 2022, shall make contributions to the system as follows:

29 (1) Beginning on July 1, 2022, one percent (1%) of the member's
30 salary;

31 (2) Beginning on July 1, 2023, two percent (2%) of the member's
32 salary; and

33 (3) Beginning on July 1, 2024, and continuing every following
34 year, three percent (3%) of the member's salary.

35 (c)(1) The officers responsible for making up the payroll shall cause
36 to be deducted the contribution required from a member under this section

1 from the salary the member receives each payroll period, from the date the
2 member initially becomes a member of the system to the date his or her
3 membership terminates.

4 (2) All deducted contributions shall be paid into the State
5 Police Retirement Fund and shall be credited to each member's individual
6 account in the member's deposit account.

7 (3) The contributions required under this section shall be made
8 regardless of a change to the minimum salary provided by law for a member.

9 (4) Each member shall be deemed to consent and agree to the
10 deductions made and required under this section.

11 (5) Payment of the salary of a member less deductions for
12 contributions required under this section shall be a full and complete
13 discharge and acquittance of all claims and demands for services rendered to
14 the Division of Arkansas State Police by the member, except as to benefits
15 provided by this subchapter.

16 (d) All funds received as contributions made by members of the system
17 shall be held in trust for the exclusive benefit of the individual members
18 and shall not be used for any other purpose.

19 (e) This section does not apply to a member who was a contributory
20 member of the system before July 1, 2022.

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22 */s/Rapert*
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