

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 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: S2/18/09 S3/3/09 S3/19/09

A Bill

SENATE BILL 179

5 By: Senator G. Jeffress
6 By: *Representative Sample*
7

For An Act To Be Entitled

10 AN ACT TO INCREASE THE MULTIPLIER USED BY THE
11 LOCAL POLICE AND FIRE RETIREMENT SYSTEM; TO FUND
12 THE INCREASED MULTIPLIER BY AN INCREASE IN THE
13 MEMBER'S CONTRIBUTION; AND FOR OTHER PURPOSES.
14

Subtitle

15 TO INCREASE THE MULTIPLIER USED BY THE
16 LOCAL POLICE AND FIRE RETIREMENT SYSTEM
17 AND TO FUND THE INCREASED MULTIPLIER BY
18 AN INCREASE IN THE MEMBER'S
19 CONTRIBUTION.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 *SECTION 1. Arkansas Code § 24-10-404(b), concerning a member's*
26 *contribution to the Local Police and Fire Retirement System, is amended to*
27 *read as follows:*

28 *(b)(1) If a member's covered employment is not also covered by social*
29 *security, or if his or her covered employment is also covered by social*
30 *security and his or her political subdivision has elected Benefit Program 2,*
31 *as provided in § 24-10-602, and if he or she is receiving pays resulting in*
32 *paid service credit, his or her contributions to the system shall be six*
33 *percent (6%) of his or her pays.*

34 *(2)(A) Beginning July 1, 2009, the contribution for covered*
35 *members defined in subdivision (b)(1) of this section shall be eight and one-*
36 *half percent (8.5%) of his or her pay.*



1 (B) Beginning July 1, 2009, the contribution for paid
 2 service members not defined in subdivision (b)(1) of this section shall be
 3 two and one-half percent (2.5%) of his or her pay.

4 ~~(2)(3)~~ The contributions shall be made notwithstanding that the
 5 minimum salary or wages provided by law for any member shall thereby be
 6 changed.

7 ~~(3)(4)~~ Each member shall be deemed to consent and agree to the
 8 deductions made and provided for in this section.

9 ~~(4)(5)~~ Payment of a member's pay less the deductions shall be a
 10 full and complete discharge and acquittance of all claims and demands
 11 whatsoever for services rendered by him or her to a political subdivision,
 12 except as to benefits provided by this system.

13
 14 SECTION 2. Arkansas Code § 24-10-602(a)(1)(A), concerning annuities in
 15 the Local Police and Fire Retirement System, is amended to read as follows:

16 (A) For each year of paid service resulting from
 17 employment:

18 (i) In a position not also covered by social
 19 security, ~~two and seven-tenths percent (2.7%)~~ two and ninety-four hundredths
 20 percent (2.94%) of his or her final average pay; and

21 (ii) In a position also covered by social security,
 22 ~~one and seven-tenths percent (1.7%)~~ one and ninety-four hundredths percent
 23 (1.94%) of his or her final average pay.

24
 25 SECTION 3. Arkansas Code § 24-10-602(a)(2)(A) and (B), concerning
 26 annuities in the Local Police and Fire Retirement System, is amended to read
 27 as follows:

28 (A) For each year of paid service rendered on or after the
 29 election date of the Benefit Program 2 and before the election is rescinded:

30 (i) In a position also covered by social security,
 31 ~~two and six-tenths percent (2.6%)~~ two and ninety-four hundredths percent
 32 (2.94%) of the member's final average salary; and

33 (ii) In a position not covered by social security,
 34 ~~three and one-tenth percent (3.1%)~~ three and twenty-eight hundredths percent
 35 (3.28%) of the member's final average salary.

36 (B)(i) For each year of paid service rendered before the

1 election date of the Benefit Program 2 or after the election is rescinded:

2 (a) In a position also covered by social
3 security, ~~one and seven tenths percent (1.7%)~~ one and ninety-four hundredths
4 percent (1.94%) of the member's final average salary; and

5 (b) In a position not covered by social
6 security, ~~two and seven tenths percent (2.7%)~~ two and ninety-four hundredths
7 percent (2.94%) of the member's final average salary.

8 (ii) A member who has paid service rendered before
9 the election date of Benefit Program 2 or after the election is rescinded and
10 subsequently readopted may have the paid service rendered on or after July
11 28, 1995, treated as though the paid service had been rendered after the
12 election date of Benefit Program 2 by paying to the system the actuarial cost
13 of the increased benefit by a single contribution or by an agreement to pay
14 an increased rate of contributions if approved by the board.

15 (iii) As used in subdivision (a)(2)(B)(ii) of this
16 section, "actuarial cost" means an amount that is the actuarial equivalent of
17 the value of the credited service to be purchased at the time of the
18 purchase, as determined by the system's actuary.

19
20 SECTION 4. Arkansas Code § 24-10-602(a)(4), concerning annuities in
21 the Local Police and Fire Retirement System, is amended to read as follows:

22 (4)(A) ~~The total benefit amount computed under subdivision~~
23 subdivisions (a)(1) and (2) of this section shall not exceed at the time of
24 retirement ~~eighty-five percent (85%)~~ one hundred percent (100%) of the final
25 average pay plus the amounts provided in subdivision (a)(5) of this section
26 for volunteer service; and

27 ~~(B) If the member accrued a benefit at any time under~~
28 ~~Benefit Program 2 described in subdivision (a)(2) of this section, then the~~
29 ~~total of the amounts computed pursuant to subdivisions (a)(1) and (2) of this~~
30 ~~section shall not exceed at the time of retirement eighty-five percent (85%)~~
31 ~~this section for volunteer service; and~~

32
33 SECTION 5. Arkansas Code § 24-10-612, concerning a redetermination of
34 retirement benefits, is amended to add an additional subsection to read as
35 follows:

36 (c)(1) Effective July 1, 2009, there will be a one-time

1 redetermination of benefits for paid service members who were receiving a
2 benefit on or before June 30, 2009.

3 (2) The paid service retirants will receive a benefit beginning
4 July 1, 2009, which is the greater of:

5 (A) The benefit calculated under § 24-10-602, as in effect
6 on July 1, 2009, using the member's final average salary at retirement; or

7 (B) The monthly benefit that otherwise would be paid on
8 July 1, 2009, under this section.

9 (3)(A) Except as provided in subdivision (c)(3)(B) of this
10 section, the redetermination under subdivisions (c)(1) and (2) of this
11 section is applicable to all paid service members or their beneficiaries
12 receiving benefits under this subchapter.

13 (B) The redetermination under subdivisions (c)(1) and (2)
14 of this section does not apply to service members receiving benefits under §
15 24-10-607.

16 (4) The Arkansas Local Police and Fire Retirement System shall
17 not make any benefit payments retroactive to a date before July 1, 2009.

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19 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the
20 General Assembly of the State of Arkansas that economic conditions have
21 resulted in the need to increase retirement benefits; that it is sound public
22 policy to increase the retirement benefit multiplier; and that the increase
23 should be funded by an increase in the member's contribution. Therefore, an
24 emergency is declared to exist and this act being necessary for the
25 preservation of the public peace, health, and safety shall become effective
26 on July 1, 2009.

27 /s/ G. Jeffress
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