

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: S2/21/11

A Bill

SENATE BILL 100

5 By: Senator J. Jeffress
6

For An Act To Be Entitled

8 AN ACT TO PROVIDE THAT CIVILIAN *FIREFIGHTERS* OF THE
9 STATE MILITARY DEPARTMENT ARE TO BE REGARDED AS
10 PUBLIC SAFETY MEMBERS FOR ENHANCED CREDITED SERVICE
11 IN THE STATE RETIREMENT SYSTEM; AND FOR OTHER
12 PURPOSES.
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Subtitle

15 TO PROVIDE THAT CIVILIAN *FIREFIGHTERS* OF
16 THE STATE MILITARY DEPARTMENT ARE TO BE
17 REGARDED AS PUBLIC SAFETY MEMBERS FOR
18 ENHANCED CREDITED SERVICE IN THE STATE
19 RETIREMENT SYSTEM.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 24-2-401(2), concerning the definition for
26 "public safety service covered by the Arkansas Public Employees' Retirement
27 System", is amended to read as follows:

28 (2) "Public safety service covered by the Arkansas Public
29 Employees' Retirement System" means service as a public safety member as
30 defined in § 24-4-101(34) ~~and by a person who was employed prior to July 1,~~
31 ~~1997;~~
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33 SECTION 2. Arkansas Code § 24-4-101(34), concerning the definition of
34 "public safety member", is amended to read as follows:

35 (34)(A) "Public safety member" means a noncontributory member
36 whose covered employment is for personal services as a police officer or



1 firefighter and his or her employment commenced prior to July 1, 1997, except
2 as provided for public safety members covered under § 24-4-1004.

3 (B)(i)(a) "Police officer" means any regular or permanent
4 employee whose primary duty is law enforcement of a municipal police
5 department, a county sheriff's office, or the Department of Arkansas State
6 Police, including probationary police officers.

7 (b) "Police officer" includes wildlife
8 officers of the Arkansas State Game and Fish Commission, drug enforcement
9 officers of a judicial drug taskforce, civilian firefighters of the State
10 Military Department covered under § 24-4-1004, and all officers and the
11 Director of the State Capitol Police within the office of the Secretary of
12 State.

13 (ii) An officer who, although assigned to
14 administrative duties, is still subject to call for service at patrol duty or
15 duty in the field or is subject to call for duties in emergency situations
16 requiring the officer to be armed with a firearm shall be considered to have
17 the primary duty of law enforcement for the purpose of this subdivision
18 (34)(B).

19 (iii) The term "police officer" shall not include
20 any civilian employee of a police department or any person temporarily
21 employed as a police officer during an emergency.

22 (C)(i) "Firefighter" means any regular employee of a fire
23 department whose primary duty is fire fighting, including probationary
24 firefighters.

25 (ii) "Firefighter" shall not include any civilian
26 employee of a fire department or any person temporarily employed as a
27 firefighter during an emergency.

28 (D)(i) "Public safety member" shall not include a member
29 whose employment as a police officer or firefighter commenced on or after
30 July 1, 1997, except as provided for public safety members covered under §
31 24-4-1004.

32 (ii)(a) If a public safety member leaves his or her
33 employment as a police officer or firefighter for employment as a police
34 officer or firefighter in a position covered by the Arkansas Public
35 Employees' Retirement System, Arkansas State Highway Employees' Retirement
36 System, State Police Retirement System, or Arkansas Local Police and Fire

1 Retirement System and returns to his or her previous employment as a police
2 officer or firefighter, the public safety member shall resume receiving
3 credited service at one and one-half (1½) times the regular rate for
4 crediting service.

5 (b) A person eligible to resume receiving
6 public safety credit prior to July 31, 2007, shall receive credited service
7 for his or her return to employment as a police officer or firefighter at one
8 and one-half (1½) times the regular rate for crediting service.

9 (E) A public safety member who receives or has received
10 credited service at one and one-half (1½) times the regular rate for
11 crediting service may change employers and continue to receive credited
12 service at one and one-half (1½) times the regular rate for crediting
13 service, provided:

14 (i) The person is employed as a public safety
15 officer within six (6) months of termination from employment as a public
16 safety member; and

17 (ii) The employer provides public safety officers
18 credited service at one and one-half (1½) times the regular rate for
19 crediting service;

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21 SECTION 3. Arkansas Code § 24-4-521(b)(1), concerning credited service
22 of public safety member, is amended to read as follows:

23 (b)(1)(A) Noncontributory employment service by a person who was
24 employed prior to July 1, 1997, as a public safety member shall be credited
25 at one and one-half (1½) times the regular rate for crediting service, and
26 employment service by persons employed on and after July 1, 1997, shall be
27 credited at the regular rate for crediting service, except that at least five
28 (5) years of actual service shall be required to meet the retirement
29 eligibility requirements of §§ 24-4-601 and 24-4-510 – 24-4-512, and at least
30 five (5) years of actual service shall be required to meet the eligibility
31 requirements of § 24-4-608.

32 (B)(i) Noncontributory employment service by a person who
33 qualifies as a public safety member under § 24-4-1004 shall be credited at
34 one and one-half (1½) times the regular rate for crediting service.

35 (ii) However, at least five (5) years of actual
36 service shall be required to meet the retirement eligibility requirements of

1 §§ 24-4-601 and 24-4-510 – 24-4-512, and at least five (5) years of actual
2 service shall be required to meet the eligibility requirements of § 24-4-608.

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4 SECTION 4. Arkansas Title 24, Chapter 4, Subchapter 10 is amended to
5 add a new section to read as follows:

6 24-4-1004. Determination of benefits for civilian *firefighters* of State
7 Military Department – Responsibility for additional costs.

8 (a) For purposes of determining benefits under this chapter, all
9 credited service, whenever earned, of persons employed as civilian
10 *firefighters* of the State Military Department as of July 1, 1997, and of
11 persons thereafter employed in those positions shall be treated as public
12 safety member service if the position is one hundred percent (100%) federally
13 funded.

14 (b) The additional cost to the Arkansas Public Employees' Retirement
15 System as computed by actuarial determination is the responsibility of the
16 employer and is in addition to those costs required by §24-2-701(c).

17 (c) Employment as a public safety member shall be credited at one and
18 one-half (1½) times the regular rate for crediting service.

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20 /s/J. Jeffress
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