

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 85th General Assembly  
3 Regular Session, 2005  
4  
5 By: Senator J. Bookout  
6  
7

# A Bill

SENATE BILL 97

## For An Act To Be Entitled

9 AN ACT TO ALLOW POLITICAL SUBDIVISIONS TO REMOVE  
10 THE AGE REQUIREMENT FOR THE ADDITIONAL MONTHLY  
11 PENSION BENEFITS FOR POLICE OFFICERS AND  
12 FIREFIGHTERS; TO EXTEND THE ADDITIONAL MONTHLY  
13 PENSION BENEFITS TO SURVIVORS; AND FOR OTHER  
14 PURPOSES.

## Subtitle

15  
16 AN ACT TO ALLOW POLITICAL SUBDIVISIONS  
17 TO REMOVE THE AGE REQUIREMENT FOR THE  
18 ADDITIONAL MONTHLY PENSION BENEFITS FOR  
19 POLICE OFFICERS AND FIREFIGHTERS AND TO  
20 EXTEND THE ADDITIONAL MONTHLY PENSION  
21 BENEFITS TO SURVIVORS.  
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. Arkansas Code § 24-11-432 is amended as follows:

28 24-11-432. Additional benefits for certain officers hired prior to  
29 January 1, 1983.

30 (a)(1) Beginning July 1, 1987, in addition to the monthly pension  
31 benefits as set forth in §§ 14-52-106, 24-11-401 - 24-11-403, 24-11-405 - 24-  
32 11-413, 24-11-416, 24-11-417, 24-11-422, 24-11-423, 24-11-425, 24-11-428 -  
33 24-11-430, 24-11-801 - 24-11-807, 24-11-809, 24-11-810, 24-11-813 - 24-11-  
34 815, and 24-11-818 - 24-11-821, for those police officers hired prior to  
35 January 1, 1983, and who continue to work beyond their twenty-fifth year, the  
36 member shall receive at age sixty (60) and thereafter a benefit on the amount



1 equal to one and one-fourth percent (1.25%) of final salary attached to the  
 2 rank which the member may have held in the department preceding the date of  
 3 retirement multiplied by the number of years of service in excess of twenty-  
 4 five (25) years up to a maximum total benefit of seventy-five percent (75%)  
 5 of final salary, provided that the maximum seventy-five percent (75%) of  
 6 final salary shall no longer apply to benefits payable on April 30, 1993, and  
 7 thereafter to persons retiring henceforth and to those persons who retired on  
 8 or after July 1, 1987.

9 (2)(A) By a majority vote of its governing body, each political  
 10 subdivision covered by the Arkansas Local Police and Fire Retirement System  
 11 may elect to provide the additional benefits in subdivision (a)(1) of this  
 12 section for those police officers who were hired prior to January 1, 1983,  
 13 and who continue to work beyond their twenty-fifth year, but have not reached  
 14 the age of sixty (60).

15 (B) The clerk or secretary of the governing body of the  
 16 political subdivision shall certify to the Arkansas Local Police and Fire  
 17 Retirement System Board, in a manner and form acceptable to the board, the  
 18 election to extend the additional benefits to members of any age within ten  
 19 (10) days of the vote.

20 (C) All benefit increase determinations shall be made in  
 21 compliance with the provisions of §§ 24-11-101 through 24-11-103.

22 ~~(b) This benefit shall~~ The benefit payable under subdivision (a)(1) or  
 23 (a)(2) of this section shall also be payable to the member only and not to  
 24 ~~surviving spouses or member's surviving spouse and~~ dependent children who  
 25 qualify for benefits under § 24-11-425.

26 (c)(1) For the purposes of this section, "salary" means recurring pays  
 27 which are received for a regularly scheduled work week and shall not include,  
 28 except as otherwise provided in this subsection, payments for unused accrued  
 29 sick leave or annual leave or the cash value of any nonrecurring or unusual  
 30 remunerations.

31 (2) The term "salary" may include the payments to those police  
 32 officers under this section for unused accrued sick leave not to exceed  
 33 ninety (90) work days recorded on the records of the city or town as of the  
 34 officer's date of retirement, provided the municipality agrees by ordinance  
 35 to make adequate contributions to the fund to cover the additional costs for  
 36 the benefits from the increased salary and the fund is judged by an actuarial

1 determination to be actuarially sound. The board of trustees shall determine  
2 the actuarial costs of the payments for the unused accrued sick leave to the  
3 fund.

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5 SECTION 2. Arkansas Code § 24-11-826 is amended as follows:

6 24-11-826. Additional benefits for certain fire fighters hired prior  
7 to January 1, 1983.

8 (a)(1) Beginning July 1, 1987, in addition to the monthly pension  
9 benefits as set forth in §§ 24-11-801 - 24-11-807, 24-11-809, 24-11-810, 24-  
10 11-812 - 24-11-815, 24-11-818, 24-11-820, and 24-11-821, for those fire  
11 fighters hired prior to January 1, 1983, and who continue to work beyond  
12 their twenty-fifth year, the member shall receive at age sixty (60) and  
13 thereafter a benefit on the amount equal to one and one-fourth percent  
14 (1.25%) of final salary attached to the rank which he or she may have held in  
15 the department preceding the date of retirement multiplied by the number of  
16 years of service in excess of twenty-five (25) years, up to a maximum total  
17 benefit of seventy-five percent (75%) of final salary, provided that the  
18 maximum seventy-five percent (75%) of final salary shall no longer apply to  
19 benefits payable on April 30, 1991, and thereafter to persons retiring  
20 henceforth and to those persons who retired on or after July 1, 1987.  
21 However, in no case shall the benefit payment exceed one hundred percent  
22 (100%) of final salary.

23 (2)(A) By a majority vote of its governing body, each political  
24 subdivision covered by the Arkansas Local Police and Fire Retirement System  
25 may elect to provide the additional benefits in subdivision (a)(1) of this  
26 section for those firefighters who were hired prior to January 1, 1983, and  
27 who continue to work beyond their twenty-fifth year, but have not reached the  
28 age of sixty (60).

29 (B) The clerk or secretary of the governing body of the  
30 political subdivision shall certify to the Arkansas Local Police and Fire  
31 Retirement System Board, in a manner and form acceptable to the board, the  
32 election to extend the additional benefits to members of any age within ten  
33 (10) days of the vote.

34 (C) All benefit increase determinations shall be made in  
35 compliance with the provisions of §§ 24-11-101 through 24-11-103.

36 (b) ~~This benefit shall~~ The benefit payable under subdivision (a)(1) or

1 (a)(2) of this section shall also be payable to the member only and not to  
2 surviving spouses or member's surviving spouse and dependent children who  
3 qualify for benefits under § 24-11-820.

4 (c)(1) For the purposes of this section, "salary" means recurring pays  
5 which are received for a regularly scheduled workweek and shall not include,  
6 except as otherwise provided in this subsection, payments for unused accrued  
7 sick leave or annual leave or the cash value of any nonrecurring or unusual  
8 remunerations.

9 (2)(A) The term "salary" may include the payments to those fire  
10 fighters under this section for unused accrued sick leave not to exceed  
11 ninety (90) workdays recorded on the records of the city or town as of the  
12 fire fighter's date of retirement, provided the municipality agrees by  
13 ordinance to make adequate contributions to the fund to cover the additional  
14 costs for the benefits from the increased salary and the fund is judged by an  
15 actuarial determination to be actuarially sound.

16 (B) The board of trustees shall determine the actuarial  
17 costs of the payments for the unused accrued sick leave to the fund.

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