

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

As Engrossed: S2/1/05
A Bill

SENATE BILL 97

5 By: Senator J. Bookout
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8 **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.
15

16 **Subtitle**

17 AN ACT TO ALLOW POLITICAL SUBDIVISIONS
18 TO REMOVE THE AGE REQUIREMENT FOR THE
19 ADDITIONAL MONTHLY PENSION BENEFITS FOR
20 POLICE OFFICERS AND FIREFIGHTERS AND TO
21 EXTEND THE ADDITIONAL MONTHLY PENSION
22 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 (3)(A) By a majority vote of its governing body, each political
21 subdivision not covered by the Arkansas Local Police and Fire Retirement
22 System may elect to provide the additional benefits in subdivision (a)(1) of
23 this section for those police officers who were hired prior to January 1,
24 1983, and who continue to work beyond their twenty-fifth year, but have not
25 reached the age of sixty (60).

26 (B) The clerk or secretary of the governing body of the
27 political subdivision shall certify to the Arkansas Fire and Police Pension
28 Review Board, in a manner and form acceptable to the board, the election to
29 extend the additional benefits to members of any age within ten (10) days of
30 the vote.

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

33 (b) ~~This benefit shall~~ The benefit payable under subdivision (a)(1),
34 (a)(2), or (a)(3) of this section shall also be payable to the member only
35 and not to surviving spouses or member's surviving spouse and dependent
36 children who qualify for benefits under § 24-11-425.

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

6 (2) The term "salary" may include the payments to those police
7 officers under this section for unused accrued sick leave not to exceed
8 ninety (90) work days recorded on the records of the city or town as of the
9 officer's date of retirement, provided the municipality agrees by ordinance
10 to make adequate contributions to the fund to cover the additional costs for
11 the benefits from the increased salary and the fund is judged by an actuarial
12 determination to be actuarially sound. The board of trustees shall determine
13 the actuarial costs of the payments for the unused accrued sick leave to the
14 fund.

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

17 24-11-826. Additional benefits for certain fire fighters hired prior
18 to January 1, 1983.

19 (a)(1) Beginning July 1, 1987, in addition to the monthly pension
20 benefits as set forth in §§ 24-11-801 - 24-11-807, 24-11-809, 24-11-810, 24-
21 11-812 - 24-11-815, 24-11-818, 24-11-820, and 24-11-821, for those fire
22 fighters hired prior to January 1, 1983, and who continue to work beyond
23 their twenty-fifth year, the member shall receive at age sixty (60) and
24 thereafter a benefit on the amount equal to one and one-fourth percent
25 (1.25%) of final salary attached to the rank which he or she may have held in
26 the department preceding the date of retirement multiplied by the number of
27 years of service in excess of twenty-five (25) years, up to a maximum total
28 benefit of seventy-five percent (75%) of final salary, provided that the
29 maximum seventy-five percent (75%) of final salary shall no longer apply to
30 benefits payable on April 30, 1991, and thereafter to persons retiring
31 henceforth and to those persons who retired on or after July 1, 1987.
32 However, in no case shall the benefit payment exceed one hundred percent
33 (100%) of final salary.

34 (2)(A) By a majority vote of its governing body, each political
35 subdivision covered by the Arkansas Local Police and Fire Retirement System
36 may elect to provide the additional benefits in subdivision (a)(1) of this

1 section for those firefighters who were hired prior to January 1, 1983, and
2 who continue to work beyond their twenty-fifth year, but have not reached the
3 age of sixty (60).

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

9 (3)(A) By a majority vote of its governing body, each political
10 subdivision not covered by the Arkansas Local Police and Fire Retirement
11 System may elect to provide the additional benefits in subdivision (a)(1) of
12 this section for those firefighters 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 Fire and Police Pension
17 Review Board, in a manner and form acceptable to the board, the election to
18 extend the additional benefits to members of any age within ten (10) days of
19 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),
23 (a)(2), or (a)(3) of this section shall also be payable to the member only
24 and not to surviving spouses or member's surviving spouse and dependent
25 children who qualify for benefits under § 24-11-820.

26 (c)(1) For the purposes of this section, "salary" means recurring pays
27 which are received for a regularly scheduled workweek 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)(A) The term "salary" may include the payments to those fire
32 fighters under this section for unused accrued sick leave not to exceed
33 ninety (90) workdays recorded on the records of the city or town as of the
34 fire fighter's date of retirement, provided the municipality agrees by
35 ordinance to make adequate contributions to the fund to cover the additional
36 costs for the benefits from the increased salary and the fund is judged by an

1 actuarial determination to be actuarially sound.

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

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/s/ J. Bookout

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