

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 S2/22/05

A Bill

SENATE BILL 97

5 By: Senator J. Bookout
6
7

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 that has had administrative responsibility of its funds assigned
11 to the Arkansas Local Police and Fire Retirement System may elect to provide
12 the additional benefits in subdivision (a)(1) of this section for those
13 police officers who were hired prior to January 1, 1983, and who continue to
14 work beyond their twenty-fifth year, but have not reached the age of sixty
15 (60).

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

21 (3)(A) By a majority vote of its governing body, each political
22 subdivision that has not had administrative responsibility of its funds
23 assigned to the Arkansas Local Police and Fire Retirement System may elect to
24 provide the additional benefits in subdivision (a)(1) of this section for
25 those police officers who were hired prior to January 1, 1983, and who
26 continue to work beyond their twenty-fifth year, but have not reached the age
27 of sixty (60).

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

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

35 (b)(1) ~~This benefit shall~~ The benefit payable under subdivision (a)(1)
36 of this section shall also be payable to the ~~member only and not to surviving~~

1 ~~spouses or~~ member's surviving spouse and dependent children who qualify for
2 benefits under § 24-11-425.

3 (2) If the additional benefits provided under subdivision (a)(2)
4 or (a)(3) are approved by a majority vote of the political subdivision's
5 governing body and are in compliance with the provisions of §§ 24-11-101
6 through 24-11-103, then the benefits shall also be payable to the member's
7 surviving spouse and dependent children who qualify for benefits under § 24-
8 11-425.

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

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

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

25 24-11-826. Additional benefits for certain fire fighters hired prior
26 to January 1, 1983.

27 (a)(1) Beginning July 1, 1987, in addition to the monthly pension
28 benefits as set forth in §§ 24-11-801 - 24-11-807, 24-11-809, 24-11-810, 24-
29 11-812 - 24-11-815, 24-11-818, 24-11-820, and 24-11-821, for those fire
30 fighters hired prior to January 1, 1983, and who continue to work beyond
31 their twenty-fifth year, the member shall receive at age sixty (60) and
32 thereafter a benefit on the amount equal to one and one-fourth percent
33 (1.25%) of final salary attached to the rank which he or she may have held in
34 the department preceding the date of retirement multiplied by the number of
35 years of service in excess of twenty-five (25) years, up to a maximum total
36 benefit of seventy-five percent (75%) of final salary, provided that the

1 maximum seventy-five percent (75%) of final salary shall no longer apply to
2 benefits payable on April 30, 1991, and thereafter to persons retiring
3 henceforth and to those persons who retired on or after July 1, 1987.
4 However, in no case shall the benefit payment exceed one hundred percent
5 (100%) of final salary.

6 (2)(A) By a majority vote of its governing body, each political
7 subdivision that has had administrative responsibility of its funds assigned
8 to the Arkansas Local Police and Fire Retirement System may elect to provide
9 the additional benefits in subdivision (a)(1) of this section for those
10 firefighters who were hired prior to January 1, 1983, and who continue to
11 work beyond their twenty-fifth year, but have not reached the age of sixty
12 (60).

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

18 (3)(A) By a majority vote of its governing body, each political
19 subdivision that has not had administrative responsibility of its funds
20 assigned to the Arkansas Local Police and Fire Retirement System may elect to
21 provide the additional benefits in subdivision (a)(1) of this section for
22 those firefighters who were hired prior to January 1, 1983, and who continue
23 to work beyond their twenty-fifth year, but have not reached the age of sixty
24 (60).

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

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

32 (b)(1) ~~This benefit shall~~ The benefit payable under subdivision (a)(1)
33 of this section shall also be payable to the ~~member only and not to surviving~~
34 ~~spouses or~~ member's surviving spouse and dependent children who qualify for
35 benefits under § 24-11-820.

36 (2) If the additional benefits provided under subdivision (a)(2)

1 or (a)(3) are approved by a majority vote of the political subdivision's
2 governing body and are in compliance with the provisions of §§ 24-11-101
3 through 24-11-103, then the benefits shall also be payable to the member's
4 surviving spouse and dependent children who qualify for benefits under § 24-
5 11-820.

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

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

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

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21 /s/ J. Bookout
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