

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 234

5 By: Senators Rapert, Irvin, B. Johnson
6 By: Representatives S. Smith, Beck, Bentley, M. Berry, Deffenbaugh, McClure, Rye
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING RETIREMENT
10 ELIGIBILITY, NONCONTRIBUTORY MEMBERS, MEMBER
11 CONTRIBUTIONS, AND THE BENEFIT MULTIPLIER UNDER THE
12 STATE POLICE RETIREMENT SYSTEM; AND FOR OTHER
13 PURPOSES.
14

Subtitle

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17 TO AMEND THE LAW CONCERNING RETIREMENT
18 ELIGIBILITY, NONCONTRIBUTORY MEMBERS,
19 MEMBER CONTRIBUTIONS, AND THE BENEFIT
20 MULTIPLIER UNDER THE STATE POLICE
21 RETIREMENT SYSTEM.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 24-6-213(a)(1)(A), concerning eligibility
27 for disability retirement benefits under Tier I of the State Police
28 Retirement System, is amended to read as follows:

29 (a)(1)(A) Upon application filed with the Board of Trustees of the
30 State Police Retirement System by a member or by the Director of the
31 ~~Department~~ Division of Arkansas State Police on behalf of a member, a member
32 who is in the employ of the ~~Department~~ Division of Arkansas State Police, who
33 has ~~five (5)~~ ten (10) or more years of actual service, and who becomes
34 totally and permanently incapacitated for duty in the employ of the
35 ~~department~~ division by reason of a personal injury or disease may be retired
36 by the Board of Trustees of the State Police Retirement System, but only



1 after a medical examination of the member.

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3 SECTION 2. Arkansas Code § 24-6-213(a)(2), concerning eligibility for
4 disability retirement benefits under Tier I of the State Police Retirement
5 System, is amended to read as follows:

6 (2) The ~~five (5)~~ ten (10) years of service requirement contained
7 in this subsection shall not apply to a member whom the Board of Trustees of
8 the State Police Retirement System finds to be in receipt of workers'
9 compensation for his or her disability arising solely and exclusively out of
10 and in the course of his or her employment with the ~~department~~ division.

11

12 SECTION 3. Arkansas Code § 24-6-226(a), concerning eligibility for
13 benefits and voluntary retirement for Tier I noncontributory members of the
14 State Police Retirement System, is amended to read as follows:

15 (a)(1) Any member who has acquired ~~five (5)~~ ten (10) years but less
16 than ~~thirty (30)~~ twenty-five (25) years of actual service and has attained
17 ~~age~~ sixty-five (65) years of age may retire upon written application filed
18 with the Board of Trustees of the State Police Retirement System.

19 (2) Any member who has acquired ~~five (5)~~ ten (10) or more years
20 of actual service and has attained ~~age~~ fifty-two (52) years of age may retire
21 upon written application filed with the State Police Retirement System.

22 (3) Any member who acquired ~~thirty (30)~~ twenty-five (25) or more
23 years of actual service may retire at any age upon written application filed
24 with the board.

25 (4) For those members with less than ~~thirty (30)~~ twenty-five
26 (25) actual years of service, the ~~age~~ sixty-five (65) years of age
27 requirement shall be reduced by one (1) month for every two (2) months of
28 public safety credit, but in no event to an age younger than fifty-two (52).

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30 SECTION 4. Arkansas Code § 24-6-227(a)(1), concerning benefits for
31 Tier I noncontributory members of the State Police Retirement System, is
32 amended to read as follows:

33 (a)(1) Upon retirement as provided in this subchapter, a member shall
34 receive a straight life pension equal to ~~one and fifty-five hundredths~~
35 ~~percent (1.55%)~~ one and eighty-six-hundredths percent (1.86%) of his or her
36 final average compensation multiplied by the number of years and any fraction

1 of a year of his or her credited service.

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3 SECTION 5. Arkansas Code § 24-6-227(b), concerning benefits for Tier I
4 noncontributory members of the State Police Retirement System, is amended to
5 read as follows:

6 (b) In the event a member with ~~five (5)~~ ten (10) years or more of
7 actual service in the State Police Retirement System ceases to be employed as
8 a state police officer prior to reaching the required age for voluntary
9 retirement and does not withdraw his or her accumulated employee
10 contributions to the system, the member shall be entitled to receive a
11 pension upon reaching what his or her voluntary retirement age would have
12 been if he or she had continued state police employment from time of
13 termination of employment.

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15 SECTION 6. Arkansas Code Title 24, Chapter 6, Subchapter 2, is amended
16 to add an additional section to read as follows:

17 24-6-228. Contributions – Tier I noncontributory members.

18 (a) Beginning on July 1, 2022, a noncontributory member of the State
19 Police Retirement System shall become a contributory member of the system.

20 (b) A noncontributory member of the system who becomes a contributory
21 member of the system on July 1, 2022, shall make contributions to the system
22 as follows:

23 (1) Beginning on July 1, 2022, one percent (1%) of the member’s
24 salary;

25 (2) Beginning on July 1, 2023, two percent (2%) of the member’s
26 salary; and

27 (3) Beginning on July 1, 2024, and continuing every following
28 year, three percent (3%) of the member’s salary.

29 (c)(1) Beginning July 1, 2022, the officers responsible for making up
30 the payroll shall cause to be deducted the contribution required from a
31 member under this section from the salary the member receives each payroll
32 period, from the date the member initially becomes a member of the system to
33 the date his or her membership terminates.

34 (2) All deducted contributions shall be paid into the State
35 Police Retirement Fund and shall be credited to each member’s individual
36 account in the member’s deposit account.

1 State Police Retirement System by a member or by the Director of the Division
 2 of Arkansas State Police on behalf of a member, a member who is in the employ
 3 of the Division of Arkansas State Police, who has ~~five (5)~~ ten (10) or more
 4 years of actual service, and who becomes totally and permanently
 5 incapacitated for duty in the employ of the division by reason of personal
 6 injury or disease may be retired by the Board of Trustees of the State Police
 7 Retirement System, but only after a medical examination of the member.

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 9 SECTION 9. Arkansas Code § 24-6-406(a)(1), concerning benefits under
 10 the Tier Two Benefit Plan for the State Police Retirement System, is amended
 11 to read as follows:

12 (a)(1) Upon retirement as provided in this subchapter, a member shall
 13 receive a straight life pension equal to ~~two and four hundred seventy-five~~
 14 ~~thousandths percent (2.475%)~~ two and ninety-seven-hundredths percent (2.97%)
 15 of the member's final average compensation multiplied by the number of years
 16 and any fraction of a year of his or her service.

17
 18 SECTION 10. Arkansas Code § 24-6-406(b), concerning benefits under the
 19 Tier Two Benefit Plan for the State Police Retirement System, is amended to
 20 read as follows:

21 (b) In the event a member with ~~five (5)~~ ten (10) years or more of
 22 actual service in the State Police Retirement System ceases to be employed as
 23 a state police officer prior to reaching fifty-five (55) years of age and
 24 does not withdraw his or her accumulated employee contributions to the
 25 system, the member shall be entitled to receive a pension upon reaching what
 26 the member's voluntary retirement age would have been if he or she had
 27 continued state police employment from the time of termination of employment.

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 29 SECTION 11. Arkansas Code § 24-6-410(a)(2), concerning early
 30 retirement benefits under the Tier Two Benefit Plan for the State Police
 31 Retirement System, is amended to read as follows:

32 (2) The member or former member eligible for a vested
 33 termination annuity must have at least ~~five (5)~~ ten (10) years of actual
 34 service and be within ten (10) years of voluntary retirement age.

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 36 SECTION 12. Arkansas Code § 24-6-411(a), concerning death benefits

1 under the Tier Two Benefit Plan for the State Police Retirement System, is
2 amended to read as follows:

3 (a) If an active member with ~~five (5)~~ ten (10) or more years of actual
4 service, including service for the year immediately preceding his or her
5 death, dies in employer service before retirement, the applicable benefit
6 provided in this section shall be paid upon written application to the Board
7 of Trustees of the State Police Retirement System.

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9 SECTION 13. Arkansas Code § 24-6-411(b)(2)(A), concerning death
10 benefits under the Tier Two Benefit Plan for the State Police Retirement
11 System, is amended to read as follows:

12 (2)(A) If an active member with ~~five (5)~~ ten (10) or more years
13 of actual service does not have credited service for the year immediately
14 preceding death due to illness which eventually leads to his or her death or
15 due to his or her employer's removing the member from the payroll because of
16 temporary economic conditions of the employer or weather conditions, the
17 active member shall be considered, only for eligibility purposes of ~~the~~ this
18 section, to have credited service for the year preceding death.

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20 SECTION 14. Arkansas Code Title 24, Chapter 6, Subchapter 4, is
21 amended to add an additional section to read as follows:

22 24-6-416. Contributions – Tier II noncontributory members.

23 (a) Beginning on July 1, 2022, a noncontributory member of the Tier
24 Two Benefit Plan for the State Police Retirement System shall become a
25 contributory member of the State Police Retirement System.

26 (b) A noncontributory member who becomes a contributory member of the
27 system on July 1, 2022, shall make contributions to the system as follows:

28 (1) Beginning on July 1, 2022, one percent (1%) of the member's
29 salary;

30 (2) Beginning on July 1, 2023, two percent (2%) of the member's
31 salary; and

32 (3) Beginning on July 1, 2024, and continuing every following
33 year, three percent (3%) of the member's salary.

34 (c)(1) The officers responsible for making up the payroll shall cause
35 to be deducted the contribution required from a member under this section
36 from the salary the member receives each payroll period, from the date the

1 member initially becomes a member of the system to the date his or her
2 membership terminates.

3 (2) All deducted contributions shall be paid into the State
4 Police Retirement Fund and shall be credited to each member's individual
5 account in the member's deposit account.

6 (3) The contributions required under this section shall be made
7 regardless of a change to the minimum salary provided by law for a member.

8 (4) Each member shall be deemed to consent and agree to the
9 deductions made and required under this section.

10 (5) Payment of the salary of a member less deductions for
11 contributions required under this section shall be a full and complete
12 discharge and acquittance of all claims and demands for services rendered to
13 the Division of Arkansas State Police by the member, except as to benefits
14 provided by this subchapter.

15 (d) All funds received as contributions made by members of the system
16 shall be held in trust for the exclusive benefit of the individual members
17 and shall not be used for any other purpose.

18 (e) This section does not apply to a member who was a contributory
19 member of the system before July 1, 2022.

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