

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1243

5 By: Representatives Vaught, Maddox
6

For An Act To Be Entitled

8 AN ACT TO AMEND RETIREMENT ELIGIBILITY REQUIREMENTS
9 UNDER THE ARKANSAS LOCAL POLICE AND FIRE RETIREMENT
10 SYSTEM; TO AMEND RETIREMENT ELIGIBILITY REQUIREMENTS
11 FOR PUBLIC SAFETY MEMBERS OF THE ARKANSAS PUBLIC
12 EMPLOYEES' RETIREMENT SYSTEM; TO AMEND RETIREMENT
13 ELIGIBILITY REQUIREMENTS UNDER THE STATE POLICE
14 RETIREMENT SYSTEM; TO AMEND THE DEFINITIONS UNDER THE
15 ARKANSAS STATE HIGHWAY EMPLOYEES' RETIREMENT SYSTEM;
16 TO AMEND THE RETIREMENT ELIGIBILITY REQUIREMENTS
17 UNDER THE ARKANSAS STATE HIGHWAY EMPLOYEES'
18 RETIREMENT SYSTEM; AND FOR OTHER PURPOSES.
19
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Subtitle

21 TO AMEND RETIREMENT ELIGIBILITY
22 REQUIREMENTS UNDER VARIOUS PUBLIC
23 RETIREMENT SYSTEMS OF THE STATE OF
24 ARKANSAS FOR CERTAIN POLICE OFFICERS,
25 FIREFIGHTERS, PUBLIC SAFETY MEMBERS, AND
26 SHERIFFS.
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30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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32 SECTION 1. Arkansas Code § 24-4-101(28)(D), concerning the definition
33 of "normal retirement age" as it applies to a noncontributory member with
34 credited service for employment as a public safety employee or as a sheriff
35 under the Arkansas Public Employees' Retirement System, is amended to read as
36 follows:



1 (D)(i) For a noncontributory member with credited service
 2 for employment as a public safety employee or as a sheriff, age sixty-five
 3 (65) years reduced by one (1) month for each two (2) months of such credited
 4 service, but in no event to an age younger than fifty-five (55) years of age,
 5 except in the case of a sheriff who has a minimum of ten (10) years of actual
 6 service as a sheriff or who has eight (8) years of actual service as a
 7 sheriff and a minimum of two (2) years of service in another state-supported
 8 retirement system, for whom the minimum retirement age shall be fifty-two
 9 (52) years of age; or

10 (ii) The age upon completion of:

11 (a) Twenty-seven (27) years of credited
 12 service, if the member retires after December 31, 2023, and before January 1,
 13 2025;

14 (b) Twenty-six (26) years of credited service,
 15 if the member retires after December 31, 2024, and before January 1, 2026; or

16 (c) Twenty-five (25) years of credited
 17 service, if the member retires on January 1, 2026, or later;

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 19 SECTION 2. Arkansas Code § 24-4-101(28), concerning the definition of
 20 "normal retirement age" under the Arkansas Public Employees' Retirement
 21 System, is amended to add an additional subdivision to read as follows:

22 (I) For a public safety member, sheriff, or member who is
 23 employed as a police officer or firefighter, regardless of the date of
 24 commencement of the member's employment, the age upon completion of:

25 (i) Twenty-seven (27) years of credited service, if
 26 the member retires after December 31, 2023, and before January 1, 2025;

27 (ii) Twenty-six (26) years of credited service, if
 28 the member retires after December 31, 2024, and before January 1, 2026; or

29 (iii) Twenty-five (25) years of credited service, if
 30 the member retires on January 1, 2026, or later;

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 32 SECTION 3. Arkansas Code § 24-5-101, concerning the definitions under
 33 the Arkansas State Highway Employees' Retirement System, is amended to add an
 34 additional subdivision to read as follows:

35 (16)(A) "Police officer" means a permanent employee whose
 36 primary duty is law enforcement with the Arkansas Highway Police Division of

1 the Arkansas Department of Transportation.

2 (B) "Police officer" does not include a person who has not
 3 satisfied the training requirements to be a police officer established by the
 4 Arkansas Commission on Law Enforcement Standards and Training under § 12-9-
 5 106.

6 (C) "Police officer" does not include any civilian
 7 employee of the division or any person temporarily employed as a police
 8 officer during an emergency, except as described in subdivision (16)(D) of
 9 this section.

10 (D) A police officer who, although assigned to
 11 administrative duties, is still subject to call for service at patrol duty or
 12 duty in the field or is subject to call for duties in emergency situations
 13 requiring the officer to be armed with a firearm shall be considered to have
 14 the primary duty of law enforcement for the purpose of subdivision (16)(A) of
 15 this section.

16
 17 SECTION 4. Arkansas Code § 24-5-112(a), concerning the age requirement
 18 for voluntary retirement under the Arkansas State Highway Employees'
 19 Retirement System, is amended to add an additional subdivision to read as
 20 follows:

21 (5) Regardless of age, if the member is a police officer, with:

22 (A) Twenty-seven (27) years of credited service, if the
 23 member retires after December 31, 2023, and before January 1, 2025;

24 (B) Twenty-six (26) years of credited service, if the
 25 member retires after December 31, 2024, and before January 1, 2026; or

26 (C) Twenty-five (25) years of credited service, if the
 27 member retires on January 1, 2026, or later.

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 30 SECTION 5. Arkansas Code § 24-5-204(b), concerning applicability of
 31 rules promulgated by the Board of Trustees of the Arkansas State Highway
 32 Employees' Retirement System when the rule lowers the required years of
 33 service for entry into the Arkansas State Highway Employees' Deferred
 34 Retirement Option Plan, is amended to read as follows:

35 (b) This section shall apply only to entry into the plan by a person
 36 who:

1 (1) Who is not a police officer;

2 (2) Who has twenty-eight (28) or twenty-nine (29) years of
 3 creditable service; and ~~whose~~

4 (3) Whose eligibility for retirement is based on rules adopted
 5 pursuant to § 24-5-112(c).

6
 7 SECTION 6. Arkansas Code § 24-6-226(a), concerning the eligibility
 8 requirements for voluntary retirement for Tier I noncontributory members of
 9 the State Police Retirement System, is amended to read as follows:

10 (a)(1)(A) Any member who has acquired five (5) years but less than
 11 ~~twenty-eight (28)~~ the number of years of actual service listed in subdivision
 12 (a)(2) of this section and has attained ~~age~~ sixty-five (65) years of age may
 13 retire upon written application filed with the Board of Trustees of the State
 14 Police Retirement System.

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

18 ~~(3)(C)~~ Any member who acquired ~~twenty-eight (28) or more~~
 19 the number of years of actual service listed in subdivision (a)(2) of this
 20 section may retire at any age upon written application filed with the board.

21 ~~(4)(D)~~ For those members with less than ~~twenty-eight (28)~~
 22 the number of actual years of service listed in subdivision (a)(2) of this
 23 section, the ~~age sixty-five (65)~~ age-sixty-five requirement shall be reduced
 24 by one (1) month for every two (2) months of public safety credit, but in no
 25 event to an age younger than fifty-two (52) years.

26 (2) A member may retire regardless of age upon completion of:

27 (A) Twenty-seven (27) years of actual service, if the
 28 member retires after December 31, 2023, and before January 1, 2025;

29 (B) Twenty-six (26) years of actual service, if the member
 30 retires after December 31, 2024, and before January 1, 2026; or

31 (C) Twenty-five (25) years of actual service, if the
 32 member retires on January 1, 2026, or later.

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 34 SECTION 7. Arkansas Code § 24-6-301 is amended to read as follows:
 35 24-6-301. Election to participate.

36 (a) In lieu of terminating employment and accepting a service

1 retirement pension, ~~any~~ a state police officer who is a member of Tier I of
 2 the State Police Retirement System who has not less than ~~twenty-eight (28)~~
 3 the number of years of credited service listed in subsection (b) of this
 4 section and who is eligible to receive a service retirement pension may elect
 5 to participate in the Arkansas State Police Officers Deferred Option Plan and
 6 defer the receipt of benefits in accordance with ~~the provisions of this~~
 7 subchapter, provided the Board of Trustees of the State Police Retirement
 8 System approves the participation in the plan.

9 (b) A state police officer who is a member of Tier I of the State
 10 Police Retirement System who is eligible to receive a service retirement
 11 pension may elect to participate in the Arkansas State Police Officers
 12 Deferred Option Plan and defer the receipt of benefits in accordance with
 13 this subchapter, provided the board approves the participation in the
 14 Arkansas State Police Officers Deferred Option Plan, if the state police
 15 officer has:

16 (1) Twenty-seven (27) years of credited service after December
 17 31, 2023, and before January 1, 2025;

18 (2) Twenty-six (26) years of credited service after December 31,
 19 2024, and before January 1, 2026; or

20 (3) Twenty-five (25) years of credited service on January 1,
 21 2026, or later.

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 23 SECTION 8. Arkansas Code § 24-6-404(a), concerning eligibility
 24 requirements for voluntary retirement under the Tier Two Benefit Plan of the
 25 State Police Retirement System, is amended to read as follows:

26 (a)(1)(A) ~~Any~~ A member who has acquired five (5) years but less than
 27 ~~twenty-eight (28)~~ the number of years of credited service listed in
 28 subdivision (a)(2) of this section and has attained ~~age~~ sixty-five (65) years
 29 of age may retire upon his or her written application filed with the Board of
 30 Trustees of the State Police Retirement System.

31 ~~(2)(B)~~ Any A member who has acquired ~~twenty-eight (28)~~ or
 32 ~~more~~ the number of years of credited service listed in subdivision (a)(2) of
 33 this section may retire at any age upon his or her written application filed
 34 with the board.

35 ~~(3)(C)~~ For those members with less than ~~twenty-eight (28)~~
 36 the number of years of credited years of service listed in subdivision (a)(2)

1 of this section, the ~~age sixty-five~~ age-sixty-five requirement shall be
 2 reduced by seventy-five hundredths (0.75) of a month for each credited month
 3 of service, but in no event to an age younger than fifty-five (55) years.

4 (2) A member may retire regardless of age upon completion of:

5 (A) Twenty-seven (27) years of credited service, if the
 6 member retires after December 31, 2023, and before January 1, 2025;

7 (B) Twenty-six (26) years of credited service, if the
 8 member retires after December 31, 2024, and before January 1, 2026; or

9 (C) Twenty-five (25) years of credited service, if the
 10 member retires on January 1, 2026, or later.

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 12 SECTION 9. Arkansas Code § 24-6-502 is amended to read as follows:

13 24-6-502. Election to participate in Arkansas State Police Officers'
 14 Tier Two Deferred Retirement Option Plan.

15 In lieu of terminating employment and accepting a service retirement
 16 pension, a state police officer may elect to participate in the Arkansas
 17 State Police Officers' Tier Two Deferred Retirement Option Plan and defer the
 18 receipt of benefits in accordance with this subchapter if:

19 (1) The state police officer:

20 (A) Is a member of the State Police Retirement System's
 21 Tier Two Benefit Plan under § 24-6-401 et seq.;

22 (B) Has ~~at least twenty-eight (28)~~ the number of years of
 23 actual service listed in subdivision (3) of this section as a member of the
 24 State Police Retirement System's Tier Two Benefit Plan under § 24-6-401 et
 25 seq., including service credit a member earns after April 3, 1997, as a
 26 member of the plan under § 24-6-401 et seq., and the member's service credit
 27 from a reciprocal retirement system under § 24-2-401 et seq.; and

28 (C) Is eligible to receive a service retirement pension;

29 ~~and~~

30 (2) The Board of Trustees of the State Police Retirement System
 31 approves the participation in the Arkansas State Police Officers' Tier Two
 32 Deferred Retirement Option Plan; and

33 (3) A state police officer who meets the requirements of
 34 subdivision (1) of this section may elect to participate in the Arkansas
 35 State Police Officers' Tier Two Deferred Retirement Option Plan and defer the
 36 receipt of benefits in accordance with this subchapter if the state police

1 officer has:

2 (A) Twenty-seven (27) years of credited service after
 3 December 31, 2023, and before January 1, 2025;

4 (B) Twenty-six (26) years of credited service after
 5 December 31, 2024, and before January 1, 2026; or

6 (C) Twenty-five (25) years of credited service on January
 7 1, 2026, or later.

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9 SECTION 10. Arkansas Code § 24-10-102(23)(C), concerning the
 10 definition of "normal retirement age" for the Arkansas Local Police and Fire
 11 Retirement System, is amended to read as follows:

12 (C) Any age if the member has ~~twenty-eight (28) or more~~
 13 ~~years of credited service;~~

14 (i) Twenty-seven (27) years of credited service, if
 15 the member retires after December 31, 2023, and before January 1, 2025;

16 (ii) Twenty-six (26) years of credited service, if
 17 the member retires after December 31, 2024, and before January 1, 2026; or

18 (iii) Twenty-five (25) years of credited service, if
 19 the member retires on January 1, 2026, or later;

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22 SECTION 11. Arkansas Code § 24-10-607(d)(1)(C)(ii)(a), concerning the
 23 amount of annuity paid to a member of the Arkansas Local Police and Fire
 24 Retirement System who is retiring due to a catastrophic duty disability, is
 25 amended to read as follows:

26 (a) The annuity paid to a retirant with:
 27 ~~twenty-eight (28) years of accrued paid service credit~~

28 (1) Twenty-seven (27) years of credited
 29 service after December 31, 2023, and before January 1, 2025;

30 (2) Twenty-six (26) years of credited
 31 service after December 31, 2024, and before January 1, 2026; or

32 (3) Twenty-five (25) years of credited
 33 service on January 1, 2026, or later; or

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35 SECTION 12. Arkansas Code § 24-10-701(a)(1), concerning the
 36 eligibility of a member of the Arkansas Local Police and Fire Retirement

1 System to participate in the Local Police and Fire Deferred Retirement Option
 2 Plan, is amended to read as follows:

- 3 (1) The member has at least: ~~twenty-eight (28) years of service~~
- 4 (A) Twenty-seven (27) years of credited service, if the
- 5 member retires after December 31, 2023, and before January 1, 2025;
- 6 (B) Twenty-six (26) years of credited service, if the
- 7 member retires after December 31, 2024, and before January 1, 2026; or
- 8 (C) Twenty-five (25) years of credited service, if the
- 9 member retires on January 1, 2026, or later; or

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 11 SECTION 13. Arkansas Code § 24-10-703(c), concerning contributions to
 12 the Local Police and Fire Deferred Retirement Option Plan, is amended to read
 13 as follows:

14 (c)(1)~~(A)~~ For a member who has at least ~~twenty-eight (28)~~ the number
 15 of years of service listed in subdivision (c)(2) of this section before
 16 electing to participate in the plan, seventy-five percent (75%) of the
 17 member's monthly retirement benefit that would have been payable had the
 18 member elected to cease employment and receive a service retirement shall be
 19 paid into the member's plan account.

20 ~~(2)(B)~~ For a member who has at least twenty (20) years of
 21 service but less than ~~twenty-eight (28)~~ twenty-six (26) years of service and
 22 is at least fifty-five (55) years of age before electing to participate in
 23 the plan, seventy-two percent (72%) of the member's monthly retirement
 24 benefit that would have been payable had the member elected to cease
 25 employment and receive a service retirement shall be paid into the member's
 26 plan account.

27 (2) Seventy-five percent (75%) of the member's monthly
 28 retirement benefit that would have been payable had the member elected to
 29 cease employment and receive a service retirement shall be paid into the
 30 member's plan account if, at the time the member elects to participate in the
 31 Local Police and Fire Deferred Retirement Option Plan, the member has at
 32 least twenty (20) years of service but less than:

- 33 (A) Twenty-seven (27) years of service, if the member
- 34 retires after December 31, 2023, and before January 1, 2025;
- 35 (B) Twenty-six (26) years of service, if the member
- 36 retires after December 31, 2024, and before January 1, 2026; or

1 (C) Twenty-five (25) years of service, if the member
2 retires on January 1, 2026, or later.

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