

Stricken language would be deleted from and underlined language would be added to present law.

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

As Engrossed: H2/2/23

# A Bill

HOUSE BILL 1243

5 By: Representatives Vaught, Maddox, Hawk, L. Johnson, Pearce  
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  
20

## 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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29

30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
31

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:



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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;

18  
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;

31  
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.

28  
29  
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.  
 33

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.

22  
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.

11  
 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.

8

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

34

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

10  
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



