

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

A Bill

HOUSE BILL 1262

5 By: Representatives L. Johnson, Hawk, Maddox, Vaught
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 POLICE OFFICERS,
25 FIREFIGHTERS, PUBLIC SAFETY MEMBERS, AND
26 SHERIFFS.
27
28
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:



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

10 (ii) The age upon completion of twenty-six (26)
 11 years of credited service;

12
 13 SECTION 2. Arkansas Code § 24-4-101(28), concerning the definition of
 14 "normal retirement age" under the Arkansas Public Employees' Retirement
 15 System, is amended to add an additional subdivision to read as follows:

16 (I) For a public safety member, sheriff, or any member who
 17 is employed as a police officer or firefighter, regardless of the date of
 18 commencement of the member's employment, the age upon completion of twenty-
 19 six (26) years of credited service;

20
 21 SECTION 3. Arkansas Code § 24-4-508(a), concerning the requirements
 22 for voluntary retirement under the Arkansas Public Employees' Retirement
 23 System, is amended to read as follows:

24 (a) ~~Any~~ Except as provided in § 24-4-101(28), any member may
 25 voluntarily retire upon his or her written application filed with the Board
 26 of Trustees of the Arkansas Public Employees' Retirement System setting forth
 27 at what time, not less than thirty (30) days nor more than ninety (90) days
 28 subsequent to the execution and filing of the application, that he or she
 29 desires to be retired if that member has:

30 (1) Twenty-eight (28) or more years of credited service
 31 regardless of age;

32 (2) Attained or attains age sixty (60) and has twenty (20) or
 33 more years of actual contributory service commenced prior to January 1, 1978;
 34 or

35 (3) Attained or attains age sixty-five (65) and has five (5) or
 36 more years of actual service, except for a member of the General Assembly who

1 must have ten (10) or more years of actual service if he or she only has
2 service as a member of the General Assembly.

3
4 SECTION 4. Arkansas Code § 24-5-101, concerning the definitions under
5 the Arkansas State Highway Employees' Retirement System, is amended to add an
6 additional subdivision to read as follows:

7 (16)(A) "Police officer" means a permanent employee whose
8 primary duty is law enforcement with the Arkansas Highway Police Division of
9 the Arkansas Department of Transportation.

10 (B) "Police officer" does not include a person who has not
11 satisfied the training requirements to be a police officer established by the
12 Arkansas Commission on Law Enforcement Standards and Training under § 12-9-
13 106.

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

18 (D) A police officer who, although assigned to
19 administrative duties, is still subject to call for service at patrol duty or
20 duty in the field or is subject to call for duties in emergency situations
21 requiring the officer to be armed with a firearm shall be considered to have
22 the primary duty of law enforcement for the purpose of subdivision (16)(A) of
23 this section.

24
25 SECTION 5. Arkansas Code § 24-5-112(a), concerning the age requirement
26 for voluntary retirement under the Arkansas State Highway Employees'
27 Retirement System, is amended to add an additional subdivision to read as
28 follows:

29 (5) Regardless of age, with twenty-six (26) years of creditable
30 service in the system, if the member is a police officer.

31
32 SECTION 6. Arkansas Code § 24-5-204(b), concerning applicability of
33 rules promulgated by the Board of Trustees of the Arkansas State Highway
34 Employees' Retirement System when the rule lowers the required years of
35 service for entry into the Arkansas State Highway Employees' Deferred
36 Retirement Option Plan, is amended to read as follows:

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

3 (1) Who is not a police officer;

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

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

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

12 (a)(1) Any member who has acquired five (5) years but less than
 13 ~~twenty-eight (28)~~ twenty-six (26) years of actual service and has attained
 14 ~~age sixty-five (65)~~ sixty-five (65) years of age may retire upon written
 15 application filed with the Board of Trustees of the State Police Retirement
 16 System.

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

21 (3) Any member who acquired ~~twenty-eight (28)~~ twenty-six (26) or
 22 more years of actual service may retire at any age upon written application
 23 filed with the board.

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

29
 30 SECTION 8. Arkansas Code § 24-6-301 is amended to read as follows:
 31 24-6-301. Election to participate.

32 In lieu of terminating employment and accepting a service retirement
 33 pension, ~~any~~ a state police officer who is a member of Tier I of the State
 34 Police Retirement System who has not less than ~~twenty-eight (28)~~ twenty-six
 35 (26) years of credited service and who is eligible to receive a service
 36 retirement pension may elect to participate in the Arkansas State Police

1 Officers Deferred Option Plan and defer the receipt of benefits in accordance
2 with the provisions of this subchapter, provided the Board of Trustees of the
3 State Police Retirement System approves the participation in the plan.
4

5 SECTION 9. Arkansas Code § 24-6-404(a), concerning eligibility
6 requirements for voluntary retirement under the Tier Two Benefit Plan of the
7 State Police Retirement System, is amended to read as follows:

8 (a)(1) ~~Any~~ A member who has acquired five (5) years but less than
9 ~~twenty-eight (28)~~ twenty-six (26) years of credited service and has attained
10 ~~age sixty-five (65)~~ sixty-five (65) years of age may retire upon his or her
11 written application filed with the Board of Trustees of the State Police
12 Retirement System.

13 (2) ~~Any~~ A member who has acquired ~~twenty-eight (28)~~ twenty-six
14 (26) or more years of credited service may retire at any age upon his or her
15 written application filed with the board.

16 (3) For those members with less than ~~twenty-eight (28)~~ twenty-
17 six (26) credited years of service, the ~~age sixty-five~~ age-sixty-five
18 requirement shall be reduced by seventy-five hundredths (0.75) of a month for
19 each credited month of service, but in no event to an age younger than fifty-
20 five (55) years of age.
21

22 SECTION 10. Arkansas Code § 24-6-502(1)(B), concerning the requirement
23 for a state police officer to have twenty-eight years of actual service as a
24 member of the State Police Retirement System's Tier Two Benefit Plan before
25 electing to participate in the Tier Two Deferred Retirement Option Plan, is
26 amended to read as follows:

27 (B) Has at least ~~twenty-eight (28)~~ twenty-six (26) years
28 of actual service as a member of the State Police Retirement System's Tier
29 Two Benefit Plan under § 24-6-401 et seq., including service credit a member
30 earns after April 3, 1997, as a member of the plan under § 24-6-401 et seq.,
31 and the member's service credit from a reciprocal retirement system under §
32 24-2-401 et seq.; and
33

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

1 (C) Any age if the member has ~~twenty-eight (28)~~ twenty-six
 2 (26) or more years of credited service;

3
 4 SECTION 12. Arkansas Code § 24-10-607(d)(1)(C)(ii)(a), concerning the
 5 amount of annuity paid to a member of the Arkansas Local Police and Fire
 6 Retirement System who is retiring due to a catastrophic duty disability, is
 7 amended to read as follows:

8 (a) The annuity paid to a retirant with
 9 ~~twenty-eight (28)~~ twenty-five (25) years of accrued paid service credit; or

10
 11 SECTION 13. Arkansas Code § 24-10-701(a)(1), concerning the
 12 eligibility of a member of the Arkansas Local Police and Fire Retirement
 13 System to participate in the Local Police and Fire Deferred Retirement Option
 14 Plan, is amended to read as follows:

15 (1) The member has at least ~~twenty-eight (28)~~ twenty-six (26)
 16 years of service; or

17
 18 SECTION 14. Arkansas Code § 24-10-703(c), concerning contributions to
 19 the Local Police and Fire Deferred Retirement Option Plan, is amended to read
 20 as follows:

21 (c)(1) For a member who has at least ~~twenty-eight (28)~~ twenty-six (26)
 22 years of service before electing to participate in the plan, seventy-five
 23 percent (75%) of the member's monthly retirement benefit that would have been
 24 payable had the member elected to cease employment and receive a service
 25 retirement shall be paid into the member's plan account.

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