

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

State of Arkansas  
94th General Assembly  
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As Engrossed: H2/2/23  
**A Bill**

HOUSE BILL 1243

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

### **For An Act To Be Entitled**

AN ACT TO AMEND RETIREMENT ELIGIBILITY REQUIREMENTS UNDER THE ARKANSAS LOCAL POLICE AND FIRE RETIREMENT SYSTEM; TO AMEND RETIREMENT ELIGIBILITY REQUIREMENTS FOR PUBLIC SAFETY MEMBERS OF THE ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM; TO AMEND RETIREMENT ELIGIBILITY REQUIREMENTS UNDER THE STATE POLICE RETIREMENT SYSTEM; TO AMEND THE DEFINITIONS UNDER THE ARKANSAS STATE HIGHWAY EMPLOYEES' RETIREMENT SYSTEM; TO AMEND THE RETIREMENT ELIGIBILITY REQUIREMENTS UNDER THE ARKANSAS STATE HIGHWAY EMPLOYEES' RETIREMENT SYSTEM; AND FOR OTHER PURPOSES.

### **Subtitle**

TO AMEND RETIREMENT ELIGIBILITY REQUIREMENTS UNDER VARIOUS PUBLIC RETIREMENT SYSTEMS OF THE STATE OF ARKANSAS FOR CERTAIN POLICE OFFICERS, FIREFIGHTERS, PUBLIC SAFETY MEMBERS, AND SHERIFFS.

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

SECTION 1. Arkansas Code § 24-4-101(28)(D), concerning the definition of "normal retirement age" as it applies to a noncontributory member with credited service for employment as a public safety employee or as a sheriff under the Arkansas Public Employees' Retirement System, is amended to read as follows:



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

(ii) The age upon completion of:

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

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

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

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

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

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

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

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

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

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

the Arkansas Department of Transportation.

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

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

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

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

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

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

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

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

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

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

(1) Who is not a police officer;  
(2) Who has twenty-eight (28) or twenty-nine (29) years of creditable service; and whose  
(3) Whose eligibility for retirement is based on rules adopted pursuant to § 24-5-112(c).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The state police officer:

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

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

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

~~and~~

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

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

officer has:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*/s/Vaught*