

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1572 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: S2/28/07 S3/23/07

A Bill

SENATE BILL 155

5 By: Senator T. Smith
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For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE § 24-11-434
10 CONCERNING THE DEFERRED RETIREMENT OPTION PLAN;
11 AND FOR OTHER PURPOSES.
12

Subtitle

13 AN ACT TO AMEND ARKANSAS CODE § 24-11-
14 434 CONCERNING THE DEFERRED RETIREMENT
15 OPTION PLAN.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 24-11-434 is amended to read as follows:
22 24-11-434. Deferred retirement option plan.

23 (a)(1) In lieu of terminating employment and accepting a service
24 retirement pension pursuant to ~~§ 24-11-401 et seq.~~ under this subchapter, any
25 police officer who is a member of a policemen's pension and relief fund who
26 has not less than twenty (20) years of credited service and who is eligible
27 to receive a service retirement pension may elect to participate in the
28 Arkansas Police Officers' Deferred Option Plan and defer the receipt of
29 benefits in accordance with the provisions of this section, provided that the
30 board of trustees of the local policemen's pension and relief fund approves
31 the participation in the plan.

32 (2) For purposes of this section, credited service shall include
33 service credit recognized pursuant to this subchapter.

34 (b)(1) The duration of participation in the plan for active police
35 officers shall not exceed five (5) years.



1 (2) *The five-year limit may be extended if:*

2 (A) *The extension does not cause the limit to exceed ten*
3 *(10) years;*

4 (B) *The extension applies to all active members and all*
5 *members on the plan;*

6 (C) *The extension is approved by a majority of votes of*
7 *the board of trustees of the pension and relief fund or of the Arkansas Local*
8 *Police and Fire Retirement System for funds whose administrative*
9 *responsibility has been assigned to the system as provided in § 24-11-406(b);*

10 (D) *The interest credited after the first five (5) years*
11 *on the plan shall be two (2) percentage points below the rate of return of*
12 *the investment portfolio of the fund and shall not be determined under*
13 *subdivision (e)(2) of this section, but in no event shall the interest rate*
14 *credited be less than zero percent (0%); and*

15 (E) *The extension is approved by a majority vote of the*
16 *governing body of the sponsoring municipality.*

17 (c)(1) *Except under ~~subdivision~~ subdivisions (c)(2) and (c)(3) of this*
18 *section, at the conclusion of a member's participation in the plan, the*
19 *member shall terminate employment with all participating municipalities as a*
20 *police officer and shall start receiving the member's accrued monthly*
21 *retirement benefit from the policemen's pension and relief fund.*

22 (2) *If a member is at the conclusion of a member's participation*
23 *in the plan, the member may continue employment by a municipality under the*
24 *following conditions:*

25 (A) *The municipality makes continued employment available*
26 *to all similarly situated members.*

27 (B) *The availability of continued employment is approved*
28 *by a majority vote of the governing body of the sponsoring municipality after*
29 *receiving approval for an increase in benefits under § 24-11-102;*

30 (C) *The monthly benefit that is credited to the member's*
31 *plan account is discontinued and the member shall not receive a monthly*
32 *benefit until the member actually ceases employment;*

33 (D) *The interest rate credited to the plan account is the*
34 *same paid as under subdivision (e)(2) of this section, except that the*
35 *minimum rate is zero percent (0%);*

36 (E) *The employer's matching contribution of six percent*

1 (6%) shall cease, but all other employer contributions shall continue and be
2 credited to the pension and relief fund; and

3 (F) The employee contributions of six percent (6%) shall
4 discontinue.

5 (3) A member may enter into employment with a participating
6 municipality other than the municipality he or she was employed by at the
7 time of retirement so long as the member has a break of service from his or
8 her previous employer of at least thirty (30) days.

9 (d)(1) When a member begins participation in the plan, the
10 contribution of the police officer and the employer contribution shall
11 continue to be paid.

12 (2)(A) In a municipality having a population of over twenty
13 thousand (20,000) persons, municipal matching contributions for employees who
14 elect the plan shall be credited equally to the policemen's pension and
15 relief fund and to the plan, or at the option of the local pension and relief
16 fund board of trustees, credited in the manner provided in subdivision
17 (d)(2)(B) of this section.

18 (B) In a municipality having a population of twenty
19 thousand (20,000) persons or less, municipal matching contributions for
20 employees who elect the plan shall be credited in full to the policemen's
21 pension and relief fund, and the contribution of the employee shall be
22 credited to the member's plan account.

23 (3) The monthly retirement benefits that would have been payable
24 had the member elected to cease employment and receive service retirement and
25 pension supplement payments made by the Policemen's Pension Supplement
26 Program shall be paid into the plan account.

27 (e)(1) The member's monthly retirement benefit shall not change unless
28 the plan receives a benefit increase.

29 (2)(A) A member who participates in this plan shall earn
30 interest at a rate of two (2) percentage points below the rate of return of
31 the investment portfolio of the policemen's pension and relief fund as
32 certified by the actuary under contract with the Arkansas Fire and Police
33 Pension Review Board in accordance with generally accepted actuarial
34 practices and § 24-11-207 but no less than the actuarial assumed interest
35 rate as certified by the actuary.

36 (B) The interest shall be credited to the individual

1 account balance of the member on an annual basis.

2 (f)(1) At the option of the participant, a participant in the plan
3 shall receive a lump-sum payment from the account equal to the payments to
4 the account or a true annuity based upon the account of the participant or
5 may elect any other method of payment if approved by the board of trustees.

6 (2) If approved by a majority vote of the governing body of the
7 sponsoring municipality and the board of trustees, a participant in the
8 deferred retirement option plan may defer receiving payment of the
9 participant's account and continue with the funds deposited in the plan.

10 (3)(A) Interest credited to the continuing deposit of funds in
11 the plan under subdivision (f)(2) of this section shall be calculated in the
12 same manner as interest under subdivision (e)(2) of this section.

13 (B) However, the minimum interest rate shall not be less
14 than zero percent (0%).

15 (4) The payment of funds accumulated while participating in the
16 deferred retirement option plan may be deferred only one (1) time. These
17 funds must be distributed or annuitized by December 31 of the year a member
18 attains age seventy and one-half (70 1/2).

19 (g) If the participant dies during the period of participation in the
20 plan, a lump-sum payment equal to the account balance of the participant
21 shall be paid.

22 (h) A participant in the plan shall not receive any benefits under the
23 plan unless he or she participates in the plan for a minimum of one (1) year,
24 absent death or disability.

25 (i) The Arkansas Fire and Police Pension Review Board may promulgate
26 regulations to make the plan under this section comply with the requirements
27 of this section and with the applicable portions of the federal Internal
28 Revenue Code, as it existed on January 1, 2003.

29 (j) Although the police officer may remain employed by the
30 participating municipality, any member who opts to participate in the plan
31 shall be considered to be retired for all retirement purposes, including, but
32 not limited to, benefit increase purposes and the extension of benefits to
33 the spouses of deceased members.

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/s/ T. Smith

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APPROVED: 4/9/2007