

As Engrossed: 2/15/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A Bill

HOUSE BILL 1664

4 **By: Representatives K. Wood, Davis, Sanson,**
5 **Beatty, Calhoun, Wingfield, Arnold, Rice,**
6 **Tullis, Wooldridge, Dowd, McKissick,**
7 **Mitchell and Holland**

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For An Act To Be Entitled

11 *AN ACT TO AMEND TITLE 24, CHAPTER 5, SUBCHAPTER 1 OF THE*
12 *ARKANSAS CODE OF 1987 TO DESIGNATE ARKANSAS HIGHWAY POLICE*
13 *OFFICERS AS PUBLIC SAFETY MEMBERS FOR RETIREMENT PURPOSES;*
14 *AND FOR OTHER PURPOSES."*

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

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18 *SECTION 1. Arkansas Code §24-5-101 is hereby amended by adding a new*
19 *subsection to read as follows:*

20 *"(14) 'Public safety member' means a member whose covered employment is*
21 *for personal services as a highway police officer. 'Highway police officer'*
22 *means any regular or permanent employee, whose primary duty is law enforcement*
23 *for the State Highway and Transportation Department, including probationary*
24 *highway police officers. The term 'highway police officer' shall not include*
25 *any civilian employee of a state highway police division or any person*
26 *temporarily employed as a highway police officer during an emergency."*

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28 *SECTION 2. Arkansas Code §24-5-112(a) is hereby amended by adding a new*
29 *paragraph to read as follows:*

30 *"(5) For a member with credited service for employment as a public*
31 *safety member, at age sixty-five (65) years reduced by one (1) month for each*
32 *two (2) months of such credited service, but in no event to an age younger*
33 *than fifty-five (55) years, except in the case of members of the Arkansas*
34 *State Highway Police who have a minimum of ten (10) years of actual service as*

1 a state highway police officer for whom the minimum retirement age shall be
2 fifty-two (52) years."

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4 SECTION 3. Title 24, Chapter 5, Subchapter 1 of the Arkansas Code of
5 1987 is hereby emended by adding the following new sections:

6 "24-5-125. Employment as a public safety member shall be credited at
7 one and one-half (1 1/2) times the regular rate for crediting service, except
8 that at least ten (10) years of actual service shall be required to meet the
9 retirement eligibility requirements of §§ 24-5-112(a), 24-5-113(a), and 24-5-
10 114 and at least five (5) years of actual service shall be required to meet
11 the eligibility requirements of § 24-5-116.

12 24-5-126. Determination of benefits for public safety members -
13 Responsibility for additional costs.

14 (a) For purposes of determining benefits under this chapter, all
15 credited service of persons employed as highway police officers on July 1,
16 1991, and of persons thereafter employed in such positions shall be treated as
17 public safety member service.

18 (b) The additional cost to the system of this section shall be the
19 responsibility of the Arkansas State Highway and Transportation Department and
20 the department shall pay to the system any additional percent of covered
21 payroll, as computed by actuarial determination, at the same time as employer
22 contributions are paid by law for other department employees.

23 (c) It is the specific intent of this section to provide that the
24 contributions determined by actuarial valuation shall be in addition to those
25 required by § 24-5-109.

26 (d) Any person who, on July 1, 1991, is covered by a state supported
27 retirement system and who, on July 1, 1991, was a member of the system in a
28 position defined by the system as 'public safety member', shall receive credit
29 for public safety member service for any service as a highway police officer
30 which service was rendered before July 1, 1991; provided, the additional cost
31 to the system shall be the responsibility of the member and he shall pay to
32 the system any additional cost, as computed by actuarial determination."

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34 SECTION 4. All provisions of this Act of a general and permanent nature
35 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

1 Revision Commission shall incorporate the same in the Code.

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3 SECTION 5. If any provision of this Act or the application thereof to
4 any person or circumstance is held invalid, such invalidity shall not affect
5 other provisions or applications of the Act which can be given effect without
6 the invalid provision or application, and to this end the provisions of this
7 Act are declared to be severable.

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9 SECTION 6. All laws and parts of laws in conflict with this Act are
10 hereby repealed.

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12 SECTION 7. EMERGENCY. *It is hereby found and determined by the*
13 *Seventy-Eighth General Assembly that the effectiveness of this Act on July 1,*
14 *1991 is essential to the operation of the State Highway Employees Retirement*
15 *System to provide equitable treatment under the retirement laws of the State*
16 *of Arkansas; that in the event of an extension of the Regular Session, the*
17 *delay in the effective date of this Act beyond July 1, 1991 could work*
18 *irreparable harm upon the proper administration and provision of essential*
19 *governmental programs. Therefore, an emergency is hereby declared to exist*
20 *and this Act being necessary for the immediate preservation of the public*
21 *peace, health and safety shall be in full force and effect from and after July*
22 *1, 1991.*

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/s/K. Wood, et al

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