



STATE OF ARKANSAS
OFFICE OF THE ATTORNEY GENERAL
JUSTICE BUILDING, LITTLE ROCK 72201

STEVE CLARK
ATTORNEY GENERAL

(501) 371-2007

OPINION NO. 85-98

April 8, 1985

Mr. Kie D. Hall
Assistant Director
Arkansas State Police
Retirement System
One Capitol Mall
Little Rock, AR 72201-1015

RE: State Police Retirement

Dear Kie:

This is in response to your request for an opinion on the meaning of certain language found in Ark. Stat. Ann. §42-451 (B)(1).

Ark. Stat. Ann. §42-451(B)(1) defines final annual average salary as the average of annual salaries rendered immediately preceeding the members last termination of employment. In a regular board meeting on March 21, 1975, the Board of Trustees adopted a motion that for retirement purposes the 36 months from the last pay date shall be the period used in determining the highest three years' salary for retirement purposes.

Your question is whether the Board of Trustees' motion is correct in its designation of the 36 months to be used in determining the final average salary.

The statute referred to above contains this language:

"... the three (3) years accredited service rendered by him immediately preceeding his last termination of employment."

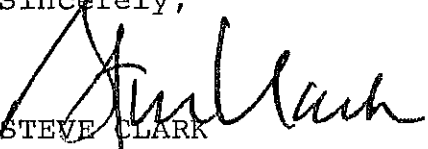
It has always been the interpretation of the court that in interpreting statutes it will be presumed that the legislature intended to use words in their usual and natural meaning. Arkansas State Highway Commission v. Mabry, 229 Ark. 261, 315 S.W. 2nd 900 (1958). Applying that test to

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the language contained in the statute to which you refer and in light of the interpretation given by the Board of Trustees it is apparent that the term "year" is a period of 12 months. The three years immediately preceeding the termination of employment would be the 36 months immediately preceeding one's termination. Any other definition of the term year would be an artificial, and could lead to absurd results.

The foregoing opinion, which I hereby approve, was prepared by Deputy Attorney General Robert R. Ross.

Sincerely,


STEVE CLARK
Attorney General

jsc:RRR:dc