

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

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

HOUSE BILL 1209

By: Representatives Gonzales, Bell

For An Act To Be Entitled

AN ACT TO AMEND THE CREDITED SERVICE RECEIVED BY
CERTAIN OFFICIALS IN AN EMPLOYMENT POSITION COVERED
BY THE ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM;
AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE CREDITED SERVICE RECEIVED BY
CERTAIN OFFICIALS IN AN EMPLOYMENT
POSITION COVERED BY THE ARKANSAS PUBLIC
EMPLOYEES' RETIREMENT SYSTEM.

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

SECTION 1. Arkansas Code § 24-4-521 is amended to read as follows:
24-4-521. Credited service generally.

(a) The Board of Trustees of the Arkansas Public Employees' Retirement System shall establish the amounts of service to be credited its members subject to the provisions of subsection (b) of this section.

(b)(1)(A)(i) Noncontributory employment service by a person who was:
(a) Employed prior to July 1, 1997, as a public safety member shall be credited at one and one-half (1 1/2) times the regular rate for crediting service; and
(b) Employed on and after July 1, 1997, shall be credited at the regular rate for crediting service.

(ii) A person receiving credit for service under subdivision (b)(1)(A)(i)(a) or subdivision (b)(1)(A)(i)(b) of this section shall be required to have five (5) years of actual service to meet the:



(a) Retirement eligibility requirements under §§ 24-4-510 – 24-4-512 and 24-4-601; and

(b) Eligibility requirements for payment upon death benefits under § 24-4-608.

(B)(i) Noncontributory or contributory employment service by a person who qualifies as a public safety member under § 24-4-1004 shall be credited at one and one-half (1 1/2) times the regular rate for crediting service.

(ii) A person receiving credit for service under subdivision (b)(1)(B)(i) of this section shall be required to have five (5) years of actual service to meet the:

(a) Retirement eligibility requirements under §§ 24-4-510 – 24-4-512 and 24-4-601; and

(b) Eligibility requirements of § 24-4-608.

~~(2)(A)(i) Noncontributory employment as the Governor by a person first elected to a public office covered by the Arkansas Public Employees' Retirement System prior to July 1, 1999, shall be credited as service at three (3) times the regular rate for credited service.~~

~~(ii) Noncontributory or contributory employment as the Governor by a person first elected to a public office covered by the system on or after July 1, 1999, shall be credited at the regular rate for crediting service.~~ Noncontributory and contributory employment as the Governor shall be credited service at the regular rate.

(B) A person receiving credit for service under subdivision ~~(2)(A)(i) or subdivision (2)(A)(ii)~~ (2)(A) of this section shall be required to have:

(i) Four (4) years of actual service to meet the retirement eligibility requirements under §§ 24-4-510 – 24-4-512 and 24-4-601; and

(ii) Five (5) years of actual service to meet the eligibility requirements for payment upon death benefits under § 24-4-608.

~~(3)(A)(i) Noncontributory employment as an elected state constitutional officer by a person first elected to a public office covered by the system prior to July 1, 1999, shall be credited at two and one half (2 1/2) times the regular rate for crediting service.~~

~~(ii) Noncontributory or contributory employment as~~

~~an elected state constitutional officer by a person first elected to a public office covered by the system on or after July 1, 1999, shall be credited at the regular rate for crediting service.~~ Noncontributory and contributory employment as an elected state constitutional officer shall be credited service at the regular rate.

(B) A person receiving credit for service under subdivision ~~(3)(A)(i) or subdivision (3)(A)(ii)~~ (3)(A) of this section shall be required to have five (5) years of actual service to meet the:

(i) Retirement eligibility requirements under §§ 24-4-510 – 24-4-512 and 24-4-601; and

(ii) Eligibility requirements for payment of death benefits under § 24-4-608.

(4)(A)(i) Noncontributory or contributory employment as a member of the General Assembly shall be credited at the regular rate for crediting service.

(ii) A person receiving credit for service under subdivision (4)(A)(i) of this section shall be required to have:

(a) Ten (10) years of actual service to meet the retirement eligibility requirements of §§ 24-4-510, 24-4-511, and 24-4-609; and

(b) Five (5) years of actual service to meet the eligibility requirements for the payment upon death benefits under § 24-4-608.

(B) A member of the General Assembly who at any time has served at least six (6) months in the General Assembly shall be credited with no more than one (1) year's actual service.

~~(5)(A) A person who is employed as an elected public official covered by the system and:~~

~~(i) Who has served in a noncontributory elected position covered by the system before July 1, 2011, shall be credited as service at two (2) times the regular rate for crediting service;~~

~~(ii) Who has never served in a noncontributory elected position covered by the system before July 1, 2011, shall be credited as service at two (2) times the regular rate for crediting service, and the employee shall contribute an additional two and one half percent (2.5%) of the gross payroll, and the employer shall contribute an additional two and~~

~~one half percent (2.5%) of the gross payroll for the additional service that exceeds the regular rate of service; or~~

~~(iii) Who has never served in a contributory elected position covered by the system before January 1, 2014, shall be credited as service at two (2) times the regular rate for crediting service, and the employee shall contribute an additional two and one half percent (2.5%) of the gross payroll, and the employer shall contribute an additional two and one half percent (2.5%) of the gross payroll for the additional service that exceeds the regular rate of service.~~

~~(B) However, at least five (5) years of actual service shall be required to meet:~~

~~(i) The retirement eligibility requirements of §§ 24-4-510 — 24-4-512 and 24-4-601; and~~

~~(ii) The eligibility requirements of § 24-4-608.~~

~~(C) This subdivision (b)(5) does not apply to:~~

~~(i) The Governor;~~

~~(ii) An elected state constitutional officer;~~

~~(iii) A member of the General Assembly; or~~

~~(iv) An elected public official under the State~~

~~Division of the Arkansas Public Employees' Retirement System.~~

(5)(A) A person who is employed as an elected county or municipality public official covered by the County Division of the Arkansas Public Employees' Retirement System or the Municipal Division of the Arkansas Public Employees' Retirement System shall be credited at the regular rate for crediting service when the governing body of the municipality or county does not notify the Arkansas Public Employees' Retirement System under subdivision (b)(5)(C) of this section that the county or municipality has decided for its fiscal year that the county or municipality elected public officials will be credited at two (2) times the regular rate for crediting service.

(B)(i) A person who is employed as an elected county or municipal public official covered by the County Division of the Arkansas Public Employees' Retirement System or the Municipal Division of the Arkansas Public Employees' Retirement System shall be credited at two (2) times the regular rate for crediting service when:

(a) The governing body of the county or municipality has notified the Arkansas Public Employees' Retirement System

under subdivision (b)(5)(C) of this section that the employer has decided that its elected public officials shall be credited at two (2) times the regular rate for crediting service;

(b) The employee contributes an additional two and one-half percent (2.5%) of the gross payroll that exceeds the regular rate of service; and

(c) The employer contributes an additional two and one-half percent (2.5%) of the gross payroll for the additional service that exceeds the regular rate of service.

(ii) However, at least five (5) years of actual service shall be required to meet:

(a) The retirement eligibility requirements of §§ 24-4-510 – 24-4-512 and 24-4-601; and

(b) The eligibility requirements of § 24-4-608.

(C) The governing body of the county or municipality shall give notice to the Arkansas Public Employees' Retirement System under the rules promulgated by the Arkansas Public Employees' Retirement System to implement this section.

(D) Subdivision (b)(5) of this section does not apply to:

(i) The Governor;

(ii) An elected state constitutional officer;

(iii) A member of the General Assembly; or

(iv) An elected public official under the State

Division of the Arkansas Public Employees' Retirement System-

~~(6)(A)(i) Noncontributory employment as an elected public official under the state division of the system other than the Governor, an elected state constitutional officer, or a member of the General Assembly by a person first elected to a public office covered by the Arkansas Public Employees' Retirement System prior to July 1, 1999, shall be credited as service at two (2) times the regular rate for crediting service.~~

Noncontributory or contributory employment under the State Division of the Arkansas Public Employees' Retirement System as an elected public official other than the Governor, an elected state constitutional officer, or a member of the General Assembly shall be credited as service at regular rate.

~~(ii)(B)~~ (B) A person receiving credit for service under subdivision (6)(A)(i) of this section shall have five (5) years of actual

service to meet the:

~~(a)(i)~~ Retirement eligibility requirements under §§ 24-4-510 – 24-4-512 and 24-4-601; and

~~(b)(ii)~~ Eligibility requirements for payment upon death benefits under § 24-4-608.

~~(B) Noncontributory or contributory employment as an elected public official under the state division of the system other than the Governor, an elected state constitutional officer, or a member of the General Assembly by a person first elected to a public office covered by the system on or after July 1, 1999, shall be credited at the regular rate for crediting service.~~

(c) As used in this section, “elected state constitutional officer” means the Lieutenant Governor, Attorney General, Secretary of State, Auditor of State, Treasurer of State, and Commissioner of State Lands.

SECTION 2. EFFECTIVE DATE. This act is effective on January 1, 2017.