

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

State of Arkansas  
91st General Assembly  
Regular Session, 2017

As Engrossed: S2/20/17  
**A Bill**

HOUSE BILL 1258

By: Representatives Gillam, Davis, Ballinger, House, Eubanks, Vaught, Sturch, Wardlaw, D. Douglas, Branscum, Pitsch, Sullivan, M. Gray, Cozart, Fortner, Maddox, Capp, Coleman, Warren, Ladyman  
By: Senators Rice, D. Wallace

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

AN ACT TO AMEND THE LAW CONCERNING MEMBERSHIP AND VACANCIES ON THE BOARD OF TRUSTEES OF THE ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

### **Subtitle**

TO AMEND THE LAW CONCERNING MEMBERSHIP AND VACANCIES ON THE BOARD OF TRUSTEES OF THE ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 24-4-104(b)(2), concerning the appointment and service term of members of the Board of Trustees of the Arkansas Public Employees' Retirement System, is amended to read as follows:

(2)(A) Three (3) members who are state employees and three (3) members who are nonstate employees to be appointed by the Governor; ~~each nonstate employee trustee and.~~

(B) ~~each~~ Each nonstate employee trustee and each state employee trustee shall have at least ~~ten (10)~~ five (5) continuous years of service with a public employer or employers, and shall be a member ~~or retired member~~ of the system.

(C) No more than one (1) of the three (3) members who are nonstate employee trustees and no more than one (1) of the three (3) members



who are state employee trustees may be a retired member of the system.

SECTION 2. Arkansas Code § 24-4-104(c)(2), concerning vacancies on the Board of Trustees of the Arkansas Public Employees' Retirement System, is amended to read as follows:

~~(2)(A) If any state employee trustee leaves the employ of the state or if any nonstate employee trustee leaves the employ of a participating public employer, the board shall, by a majority of the membership of the board, fill the vacancy for the remainder of the unexpired term by appointment of a state employee member or a nonstate employee member, as the case may be. The Governor shall declare a vacancy on the board when a:~~

(i) Nonstate employee trustee leaves the employ of a participating public employer;

(ii) State employee trustee leaves state employment;

(iii) Member who is a nonstate employee trustee retires and there is another retired member of the system who is a nonstate employee trustee on the board; and

(iv) Member who is a state employee trustee retires and there is another retired member of the system who is a state employee trustee on the board.

(B) A vacancy declared under subdivisions (c)(2)(A)(iii) and (iv) of this section shall be for the seat of the newly retired trustee.

(C) The Governor shall appoint a state employee member or a nonstate employee member to fill the vacancy for the remainder of the unexpired term within thirty (30) days of the date on which the vacancy is declared.

SECTION 3. DO NOT CODIFY. This act applies to a member currently serving on the Board of Trustees of the Arkansas Public Employees' Retirement System as of the effective date of this act.

SECTION 4. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that when a vacancy occurs in the Arkansas Public Employees' Retirement System, the Governor must be able to immediately appoint a trustee to fill the vacancy; that on the effective date of this act, the provisions of this act should apply to the current members of the

board; and that this act shall become effective immediately in order to maintain the stability of the system and to avoid undue harm to the members and benefit recipients of the system. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

*/s/Gillam*