

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

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: S2/12/19
A Bill

SENATE BILL 242

By: Senators D. Wallace, T. Garner
By: Representatives Burch, House

For An Act To Be Entitled

AN ACT TO AMEND VARIOUS SECTIONS OF TITLE 24
RETIREMENT AND PENSIONS REGARDING MEMBERS OF THE
ARKANSAS NATIONAL GUARD CALLED INTO STATE ACTIVE
DUTY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND VARIOUS SECTIONS OF TITLE 24
RETIREMENT AND PENSIONS REGARDING MEMBERS
OF THE ARKANSAS NATIONAL GUARD CALLED
INTO STATE ACTIVE DUTY.

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

SECTION 1. Arkansas Code § 24-2-504(a), concerning the return to covered employment by military personnel, is amended to read as follows:

(a) An active member of the state retirement system who is called to active military duty or state active military duty shall be afforded all employment protections as provided in the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. § 4301 et seq., as in effect on January 1, 2009.

SECTION 2. Arkansas Code § 24-2-505(a)(1), concerning compliance with the Heroes Earnings Assistance and Relief Tax Act of 2008, is amended to read as follows:

(a)(1) In the case of a member who dies while performing qualified military service, including state active military duty, on or after January



1, 2011, and who otherwise would have been entitled to reemployment rights under the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. § 4301 et seq., as in effect on January 1, 2011, the survivors of that member are entitled to any additional benefits that would have been provided under the public employee retirement plan had the member resumed employment with a covered employer on the day preceding his or her death and then terminated employment on the actual date of death.

SECTION 3. Arkansas Code § 24-2-505(b) and (c), concerning compliance with the Heroes Earnings Assistance and Relief Tax Act of 2008, are amended to read as follows:

(b) In the case of a member who becomes disabled while performing qualified military service, including state active military duty, on or after January 1, 2011, and who otherwise would have been entitled to reemployment rights under the federal Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. § 4301 et seq., as in effect on January 1, 2011, that member is considered to have resumed employment with a covered employer on the day preceding the onset of his or her disability and then terminated employment on the actual date he or she became disabled.

(c) A member who dies or becomes disabled while performing qualified military service, including state active military duty, is deemed to have made employee contributions for the purpose of determining benefits other than benefit accruals that are contingent on those contributions for the period of qualified military service.

SECTION 4. Arkansas Code § 24-7-602(c)(2), concerning military service credit under the Arkansas Teacher Retirement System, is amended to read as follows:

(2) Under this subsection, uniformed services of the United States is limited to the United States Armed Forces; the Army National Guard and the Air National Guard when engaged in active duty for training, state active duty, inactive duty training, or full-time National Guard duty; the ~~commissioned corps~~ United States Commissioned Corps of the Public Health Service; and any other category of persons designated by the President of the United States in time of war or emergency.

SECTION 5. Arkansas Code § 24-10-502(d)(2), concerning military service credit under the Arkansas Local Police and Fire Retirement System, is amended to read as follows:

(2) Under this subsection, the uniformed services of the United States are limited to the United States Armed Forces, the Army National Guard and Air National Guard when engaged in active duty for training, state active duty, inactive duty training, or full-time National Guard duty, the ~~commissioned corps of the United States~~ United States Commissioned Corps of the Public Health Service, and any other category of persons designated by the President of the United States in time of war or national emergency.

SECTION 6. Arkansas Code § 24-11-436(d)(2), concerning military service credit the Police Officers' Pension and Relief Fund for cities of the first class, is amended to read as follows:

(2) Under this subsection, the uniformed services of the United States are limited to the United States Armed Forces, the Army National Guard and Air National Guard when engaged in active duty for training, state active duty, inactive duty training, or full-time National Guard duty, the ~~United States Public Health Service Commissioned Corps~~ United States Commissioned Corps of the Public Health Service, and any other category of persons designated by the President of the United States in time of war or national emergency.

SECTION 7. Arkansas Code § 24-11-817(d)(2), concerning military service credit under the firemen's relief and pension funds, is amended to read as follows:

(2) Under this subsection, the uniformed services of the United States are limited to the United States Armed Forces, the Army National Guard and Air National Guard when engaged in active duty for training, state active duty, inactive duty training, or full-time National Guard duty, the ~~United States Public Health Services Commissioned Corps~~, and any other category of persons designated by the President of the United States in time of war or national emergency.

/s/D. Wallace