

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1292

By: Representatives Gazaway, M. Shepherd

By: Senators C. Tucker, J. Bryant

For An Act To Be Entitled

AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 24 OF
THE ARKANSAS CODE CONCERNING RETIREMENT AND PENSIONS;
AND FOR OTHER PURPOSES.

Subtitle

TO MAKE TECHNICAL CORRECTIONS TO TITLE 24
OF THE ARKANSAS CODE CONCERNING
RETIREMENT AND PENSIONS.

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

SECTION 1. Arkansas Code § 24-4-104 is amended to clarify the meaning of the statute by inserting full references to the Arkansas Public Employees' Retirement System and to conform to Code style to read as follows:

24-4-104. Board of trustees – Creation – Members.

(a) The administration and control of the Arkansas Public Employees' Retirement System shall be vested in a board called the "Board of Trustees of the Arkansas Public Employees' Retirement System".

(b) The board shall consist of the following members:

(1) The Auditor of State, the Treasurer of State, and the Secretary of the Department of Finance and Administration shall be ex officio members;

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

(B) Each nonstate employee trustee and each state employee trustee shall have at least five (5) continuous years of service with a



public employer or employers and shall be a member of the ~~system~~ Arkansas Public Employees' Retirement System.

(C)(i) No more than one (1) of the three (3) members who are nonstate employee trustees appointed by the Governor shall be a retired member of the ~~system~~ Arkansas Public Employees' Retirement System.

(ii) No more than one (1) of the three (3) members who are state employee trustees appointed by the Governor shall be a retired member of the ~~system~~ Arkansas Public Employees' Retirement System.

(D) The three (3) nonstate employee trustees shall consist of at least one (1) currently elected county judge and at least one (1) mayor.

(E) Subdivisions (b)(2)(B)-(D) of this section do not apply to members appointed under subdivisions (b)(3) and (4) of this section;

(3)(A) Two (2) members who retired from employment covered by the ~~system~~ Arkansas Public Employees' Retirement System to be appointed by the President Pro Tempore of the Senate.

(B) One (1) of the members described in subdivision (b)(3)(A) of this section shall be a retired law enforcement officer who is not a retired member of the State Police Retirement System; and

(4)(A) Two (2) members who retired from employment covered by the ~~system~~ Arkansas Public Employees' Retirement System to be appointed by the Speaker of the House of Representatives.

(B) One (1) of the members described in subdivision (b)(4)(A) of this section shall be a retired law enforcement officer who is not a retired member of the State Police Retirement System.

(c)(1) The term of office of appointed trustees shall be six (6) years.

(2)(A) 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~~ Arkansas Public Employees' Retirement 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~~ Arkansas Public Employees' Retirement 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.

(d)(1) Annually, the board shall select from its membership a chair and a vice chair.

(2) The board shall appoint an executive director who shall be the executive administrative officer of the ~~system~~ Arkansas Public Employees' Retirement System and shall also be ex officio secretary of the board, but who shall have no vote on questions before the board and who shall be directly responsible to the board.

(3) By resolution duly adopted, the board may delegate to the executive director any of the powers and duties vested in or imposed upon it by law.

(4) Within such limitations as may be contained in legislative appropriations therefor, the executive director, subject to the approval of the board, may employ and fix the compensation of such secretarial, clerical, professional, and other personnel as may be required for the proper administration of the ~~system~~ Arkansas Public Employees' Retirement System.

SECTION 2. Arkansas Code § 24-6-204(b)(1), concerning the Board of Trustees of the State Police Retirement System, is amended to make a grammatical correction to move a misplaced modifier to read as follows:

(b)(1) ~~In the event any trustee provided for in subsection (a) of this section~~ The board by resolution shall declare the office of a trustee vacated as of the date of the adoption of the resolution if the trustee:

(A) Ceases to be a state police officer; or

(B) Fails to attend scheduled meetings of the board for three (3) consecutive meetings unless, in each case, he or she ~~or she~~ is excused by the remaining trustees attending the meetings,

~~the board by resolution shall declare his or her office of trustee vacated as of the date of adoption of the resolution.~~

SECTION 3. Arkansas Code § 24-7-502(b)(4), concerning termination of active membership in the Arkansas Teacher Retirement System, is repealed as obsolete.

~~(b)(4) For previous service rendered before July 1, 1971, service credit shall be permitted for service in a fiscal year only if the minimum days of service rendered is sufficient for one (1) year of service credit under § 24-7-601 in a fiscal year.~~

SECTION 4. Arkansas Code § 24-10-607(b)(1)(B), concerning disability retirement payments by the Arkansas Local Police and Fire Retirement System, is amended to remove obsolete references to payments already made to read as follows:

(b)(1)(B)~~(i)~~ For purposes of calculating the amount of an annuity for disability retirement, a member's final average pay shall include workers' compensation benefits received by the member as set forth under § 24-10-102(17)(D).

~~(ii) Disability benefits awarded to members before July 16, 2003, shall be adjusted to include workers' compensation benefits in calculating final average pay upon application to the system by the affected member.~~

~~(iii) An adjustment shall not be made in monthly benefits paid before January 1, 2003.~~

SECTION 5. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

It is the intent of the General Assembly that:

(1) The enactment and adoption of this act shall not expressly or impliedly repeal an act passed during the regular session of the Ninety-Fourth General Assembly;

(2) To the extent that a conflict exists between an act of the regular session of the Ninety-Fourth General Assembly and this act:

(A) The act of the regular session of the Ninety-Fourth General Assembly shall be treated as a subsequent act passed by the General Assembly for the purposes of:

(i) Giving the act of the regular session of the Ninety-Fourth General Assembly its full force and effect; and

(ii) Amending or repealing the appropriate parts of the Arkansas Code of 1987; and

(B) Section 1-2-107 shall not apply; and

(3) This act shall make only technical, not substantive, changes to the Arkansas Code of 1987.