

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

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: S3/30/23
A Bill

SENATE BILL 136

By: Senator Crowell
By: Representative Jean

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING SERVICE CREDIT FOR ELECTED OFFICIALS PARTICIPATING IN A PUBLIC EMPLOYEE RETIREMENT PLAN; TO AMEND THE LAW CONCERNING THE ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE STATE POLICE RETIREMENT SYSTEM; TO PERMIT A CHANGE IN THE DATE OF RETIREMENT IN THE CASE OF A NON-CONTRIBUTORY MEMBER WITH SERVICE IN BOTH THE ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE STATE POLICE RETIREMENT SYSTEM WHEN THE MEMBER HAS CONTINUOUS SERVICE IN ONE SYSTEM AND ERRONEOUSLY RETIRED FROM COVERED EMPLOYMENT WITH BOTH SYSTEMS WHEN CHANGING COVERED EMPLOYMENT; AND FOR OTHER PURPOSES.

Subtitle

TO PERMIT A CHANGE OF RETIREMENT DATE IN THE CASE OF CERTAIN MEMBERS WITH SERVICE IN BOTH THE ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE STATE POLICE RETIREMENT SYSTEM WHEN RETIREMENT FROM BOTH SYSTEMS WAS IN ERROR.

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

SECTION 1. Arkansas Code Title 24, Chapter 2, Subchapter 7, is amended to add an additional section to read as follows:



24-2-705. Service in Arkansas Public Employees' Retirement System and State Police Retirement System – Erroneous retirement – Affidavit.

(a) If a noncontributory member, including without limitation a noncontributory member who is an elected official, establishes service in both the Arkansas Public Employees' Retirement System and the State Police Retirement System and has continuous service in either system, but erroneously retired from both systems when his or her employment changed from being covered by one (1) of the systems to the other system, the non-contributory member may file with the relevant retirement system an affidavit stating that his or her retirement from his or her most recent employer was in error.

(2) If the noncontributory member files the affidavit in subdivision (a)(1) of this section, he or she shall have his or her date of retirement changed to the last date of employment with his or her most recent employer.

(b) The Arkansas Public Employees' Retirement System shall create a formula to calculate interest that has accrued in the event that the noncontributory member has:

(1) Paid contributions to the system that covers his or her most recent employment; and

(2) Received any retirement benefits from the system that covers his or her most recent employment.

(c) A person making an election under this section must submit the affidavit under subdivision (a)(1) of this section no later than:

(1) Six (6) months after retiring from his or her final position in covered employment with either the Arkansas Public Employees' Retirement System or the State Police Retirement System; or

(2) Six (6) months from the effective date of this act, if the person has already retired from his or her final position in covered employment with either the Arkansas Public Employees' Retirement System or the State Police Retirement System.

/s/Crowell