

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

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

SENATE BILL 79

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; TO ALLOW FOR A CHANGE OF SELECTION OF RETIREMENT ANNUITY UNDER THE ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM DEFERRED RETIREMENT OPTION PLAN; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE STATE POLICE RETIREMENT SYSTEM.

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 additional sections to read as follows:

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



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(a)(1) 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.

SECTION 2. Arkansas Code § 24-4-803(b), concerning a member's deferred option contributions and selection of deferred retirement option, time of retirement deferral, and retirement annuity under the Arkansas Public Employees' Retirement System Deferred Retirement Option Plan, is amended to read as follows:

(b)(1) The member's deferred option account shall be the account in

which shall be accumulated the member's deferred option contributions, plus interest. ~~Effective July 1, 1999, the~~ The Arkansas Public Employees' Retirement System's deferred option contributions shall be at least seventy-five percent (75%) of the system's deferred option benefit with the exact contribution to be determined in accordance with the rules of the board as is actuarially appropriate for the system. The member shall be informed of the amount of his or her deferred option contribution and informed that his or her selection of the deferred retirement option, and the time of the retirement deferral, ~~and the selection of the retirement annuity~~ are irrevocable.

(2) The member's selection of the retirement annuity may be changed one (1) time after his or her initial election, subject to the requirements of subdivision (b)(3) of this section:

(A) At the election of the member; and

(B) By contacting the board.

(3) A person making a change of election under subdivision (b)(2) of this section must submit an affidavit requesting to change his or her selection of retirement annuity no later than:

(A) Six (6) months after retiring from his or her final position in covered employment with the system; or

(B) 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 the system.

(4) A person who elects to change his or her selection of retirement annuity under subdivision (b)(2) of this section shall pay to the system a lump sum of any difference in the monetary benefits he or she received from his or her initial selection of retirement annuity and his or her subsequent selection of retirement annuity to the system within six (6) months after the change in retirement annuity becomes effective.