

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Stephens**

A Bill

ACT 299 OF 1993
HOUSE BILL 1259

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 24-7-807 TO GRANT CERTAIN
9 COLLEGE OR UNIVERSITY EMPLOYEES WITH THE TEACHER
10 RETIREMENT SYSTEM A SIX (6) MONTH TIME PERIOD IN WHICH TO
11 ELECT TO CHANGE TO AN ESTABLISHED ALTERNATIVE RETIREMENT
12 PLAN; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES."

Subtitle

14 **"AN ACT TO ALLOW UNIVERSITY EMPLOYEES UNDER**
15 **TEACHER RETIREMENT SIX MONTHS TO ELECT TO**
16 **CHANGE TO AN ESTABLISHED ALTERNATIVE**
17 **RETIREMENT PLAN."**

19
20 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:**

21
22 **SECTION 1. Arkansas Code § 24-7-807 is hereby amended to read as follows:**

23 **"24-7-807. Participation in plan. Participation in an alternate retirement plan**
24 **established pursuant to this subchapter shall be as follows:**

25 **(1) Any staff member employed or appointed by a college or university on or after the**
26 **establishment of its alternate retirement plan shall participate in the plan or in the teacher**
27 **retirement system;**

28 **(2) Any staff member employed or appointed by a college or university prior to July 1,**
29 **1969, who is a member of the retirement system shall continue in such membership or shall**
30 **participate in the alternate retirement plan, as provided in this subchapter;**

31 **(3)(A) Any staff member employed or appointed by a college or university with less**
32 **than ten (10) years of member service in the retirement system may elect to terminate his**
33 **membership in the retirement system and participate in the alternate retirement plan**
34 **established by the employing college or university.**

35 **(B) The election shall be in writing and filed with the retirement system and**
36 **the disbursing officer of the employing college or university within one (1) year after he**

1 becomes eligible to participate in the alternate retirement plan, except that on or after July 1,
2 1993, until December 31, 1993, any staff member employed or appointed by a college or
3 university who has less than ten (10) years of member service in the retirement system and
4 who has not already so elected, may elect to terminate his membership in the retirement
5 system and participate in the alternate retirement plan established by the employing college or
6 university. Such election shall be in writing and filed with the retirement system and the
7 disbursing officer of the employing college or university.

8 (C) All accumulated contributions to the credit of the staff member in the
9 members' deposit account which is maintained pursuant to the provisions of § 24-7-406 shall
10 be returned to the staff member, and all of his credited service under the retirement system
11 shall be cancelled;

12 (4)(A) Any staff member employed or appointed by a college or university with ten (10)
13 or more years of credited service who elects to participate only in the alternate retirement plan
14 and who has left his contributions in the retirement system shall be eligible to receive an
15 annuity on or after attaining sixty (60) years of age and on his retirement from covered
16 employment. The amount of the annuity shall be determined by the benefit formula of the
17 retirement system at the time of his retirement.

18 (B) The election authorized under subdivision (4)(A) of this section shall be
19 made in writing and filed with the retirement system and with the disbursing officer of the
20 employing college or university on or before July 1 of the year in which the person makes the
21 election to participate in the alternate retirement plan. The person's annuity shall begin on the
22 first day of the month following the date his application for retirement is filed with the board of
23 trustees on or after his attainment of age sixty (60) years; (5)(A) Any department employee
24 who transferred from another state department covered by a state-supported retirement
25 system may elect to participate in an alternate retirement plan. Such employee shall file
26 written notice of his election with the executive director of the department.

27 (B) Any department employee with ten (10) or more years of credited service
28 who elects to participate only in the alternate retirement plan and who has left his
29 contributions in the retirement system shall be eligible to receive an annuity on or after
30 attaining the normal retirement age and on his retirement from covered employment. The
31 amount of the annuity shall be determined by the benefit formula of the retirement system at
32 the time of his retirement.

33 (C) The election authorized under this subsection shall be made in writing and
34 filed with the retirement system and with the Director of the State Department of Higher
35 Education on or before July 1 of the year in which the person makes the election to participate

1 **in the alternate retirement plan. The person's annuity shall begin on the first day of the month**
2 **following the date his application for retirement is filed with the board of trustees on or after**
3 **his attainment of normal retirement age and on his retirement from covered employment."**

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5 **SECTION 2. All provisions of this act of a general and permanent nature are**
6 **amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision**
7 **Commission shall incorporate the same in the Code.**

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9 **SECTION 3. If any provision of this act or the application thereof to any person or**
10 **circumstance is held invalid, such invalidity shall not affect other provisions or applications of**
11 **the act which can be given effect without the invalid provision or application, and to this end**
12 **the provisions of this act are declared to be severable.**

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14 **SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.**

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16 **SECTION 5. Emergency. It is hereby found and determined by the Seventy-Ninth**
17 **General Assembly that certain college and university employees under the Teacher**
18 **Retirement System need additional time to determine whether or not to elect to be covered by**
19 **an alternate retirement plan, that current law does not extend an adequate period for those**
20 **persons to make an educated selection of the alternatives, and that the change in the law is**
21 **necessary to the continued efficient and effective operation of the Teacher Retirement System.**
22 **Therefore, an emergency is hereby declared to exist and this act being necessary for the**
23 **immediate preservation of the public peace, health and safety shall be in full force and effect**
24 **from and after July 1, 1993.**

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26 **APPROVED: 03/01/93**

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