

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.
Act 652 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 1100

4
5 By: Representative Sullivan
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For An Act To Be Entitled

8
9 AN ACT TO PROVIDE THAT AN ELECTED PUBLIC OFFICIAL
10 WHO IS A MEMBER OF THE ARKANSAS PUBLIC EMPLOYEES'
11 RETIREMENT SYSTEM AT THE TIME OF THE MEMBER'S
12 ELECTION TO A PUBLIC OFFICE IN ANOTHER FORM OF
13 GOVERNMENT MAY RETIRE AND BEGIN RECEIVING
14 RETIREMENT BENEFITS UPON TERMINATION OF THE LOCAL
15 ELECTED OFFICE; AND FOR OTHER PURPOSES.
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Subtitle

17
18 ELECTED PUBLIC OFFICIALS WHO ARE MEMBERS
19 OF APERS AND WHO ARE ELECTED TO PUBLIC
20 OFFICE IN ANOTHER FORM OF GOVERNMENT MAY
21 RETIRE AND RECEIVE BENEFITS WITHOUT A
22 BREAK IN SERVICE.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 24-4-520 is amended to read as follows:
28 24-4-520. Termination required for retirement.

29 (a) Except as provided in subsection (c) of this section, a A member
30 of the Arkansas Public Employees' Retirement System must terminate covered
31 employment to be eligible for retirement.

32 (b) A member shall not be terminated from employment for retirement
33 purposes if the person:

34 (1) Returns to employment in a position covered under the system
35 within thirty (30) days of the person's effective date of retirement; or



1 (2) Is a member with service credit under ~~§ 24-3-301~~ § 24-4-521
 2 at a rate of two (2) or more years of credited service for each year of
 3 actual service and the person returns to employment in a position covered
 4 under the system within ninety (90) days of the person's effective date of
 5 retirement.

6 (c)(1) An elected public official may retire and begin receiving
 7 retirement benefits if the elected public official is a member:

8 (A) Whose current service in public office in one form of
 9 government is covered by § 24-4-521(b)(5); and

10 (B) Who is elected to public office in a different form of
 11 government and will begin serving in that public office immediately after the
 12 expiration of his or her term of public office described in subdivision
 13 (c)(1)(A) of this section.

14 (2) The member shall notify the retirement system of his or her
 15 impending service in another form of government at least thirty (30) days
 16 prior to the first day of the month in which that service will begin. A
 17 completed retirement application must be submitted at that time.

18 (3) As used in this subsection, "form of government" means city
 19 government, county government, or state government.

20 ~~(e)~~(d) Persons failing to meet termination requirements shall forfeit
 21 their benefits until requirements are met.

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 23 SECTION 2. Section 1 of this act shall apply retroactively to an
 24 elected public official who meets the requirements of § 24-4-520(c) as of
 25 January 1, 2005.

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 27 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
 28 General Assembly of the State of Arkansas that there are elected public
 29 officials that are eligible for retirement from that office but run for
 30 public office in another form of government; that once a retiree begins
 31 receiving retirement benefits current law requires a break in service before
 32 assuming another elected office; and that this act will allow an elected
 33 public official in one form of government to retire and to begin serving as
 34 an elected official in another form of government without a break in service.
 35 Therefore, an emergency is declared to exist and this act being immediately
 36 necessary for the preservation of the public peace, health, and safety shall

1 become effective on:

2 (1) The date of its approval by the Governor;

3 (2) If the bill is neither approved nor vetoed by the Governor,
4 the expiration of the period of time during which the Governor may veto the
5 bill; or

6 (3) If the bill is vetoed by the Governor and the veto is
7 overridden, the date the last house overrides the veto.

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10 APPROVED: 03/07/2005

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