

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.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: S2/18/03

A Bill

Act 1403 of 2003
SENATE BILL 113

5 By: Senator Faris
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For An Act To Be Entitled

9 AN ACT TO CLARIFY THE WITHDRAWAL OF MEMBERS OF
10 THE GENERAL ASSEMBLY FROM PARTICIPATION IN THE
11 ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM; AND
12 FOR OTHER PURPOSES.
13

Subtitle

15 TO CLARIFY THE WITHDRAWAL OF MEMBERS OF
16 THE GENERAL ASSEMBLY FROM PARTICIPATION
17 IN THE ARKANSAS PUBLIC EMPLOYEES'
18 RETIREMENT SYSTEM.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 24-4-301(a)(2), concerning the membership
24 by members of the General Assembly in the Arkansas Public Employees'
25 Retirement System, is amended to read as follows:

26 ~~(2)(A) Membership in the system shall not be mandatory for any~~
27 ~~member of the General Assembly who notifies the system in writing of his or~~
28 ~~her decision not to participate. The member may elect not to participate for~~
29 ~~all or any part of his or her service or benefits as a member of the General~~
30 ~~Assembly. The member may make the election at any time.~~

31 ~~(B) By electing not to be a member of the system, the~~
32 ~~individual is precluded from earning any credit or receiving any benefit~~
33 ~~based upon General Assembly service.~~

34 ~~(C)(i)(2)(A)(i)~~ A person who is first elected as a member
35 of the General Assembly on or after July 1, 1999, shall have his or her
36 employment covered as a regular state employee member in lieu of coverage



1 under special provisions relating to General Assembly members or to elected
2 officials. However, if the member's only service under an Arkansas retirement
3 plan is service as a member of the General Assembly, then the member must
4 have ten (10) or more years of actual service to be eligible for benefits.

5 (ii) A person who was first elected as a member of
6 the General Assembly before July 1, 1999, may elect to have his or her
7 employment covered as a regular state employee member in lieu of coverage
8 under special provisions relating to General Assembly members or to elected
9 officials. However, if the member's only service under an Arkansas
10 retirement plan is service as a member of the General Assembly, then the
11 member must have ten (10) or more years of actual service to be eligible for
12 benefits. *The member may make the election at any time.*

13 (B) Any member of the General Assembly who was serving in
14 that capacity at the commencement of the 84th General Assembly and who had
15 elected not to participate in the Arkansas Public Employees Retirement System
16 under the provisions of § 24-4-301(a)(2)(A)[repealed], may elect to
17 participate, and receive current credit, in the system. The member is
18 eligible to receive prior service credit for the time he or she was first
19 elected to the General Assembly until the date of election to participate
20 provided that:

21 (i) The member pays, or causes to be paid, all
22 employer contributions based on the employer's normal cost from the most
23 recent actuarial valuation and the compensation that would have been paid had
24 he or she been a member of the system during that time, and regular interest
25 on the employer contributions computed from the date the service was rendered
26 to the date payment is received by the system;

27 (ii) The payment shall be made in a lump sum; and

28 (iii) The member may pay for all prior service, or a
29 portion of the prior service, consisting of one (1) year increments.

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31 /s/ Faris

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34 APPROVED: 4/16/2003