

Rule Promulgation Monthly Update

Date: October 2, 2023

Agency: Arkansas Public Employees' Retirement System (APERS) / Arkansas State Police Retirement System (ASPRS)

Contacts: Richmond Giles, Staff Attorney
richmond.giles@arkansas.gov
(501) 682-5436

Laura Gilson, Chief Legal Counsel
laura.gilson@arkansas.gov
(501) 682-7853

Act 247 of 2023:

Act 247 of 2023 amended several sections of Title 24, Chapter 4 of the Arkansas Code concerning the administration of benefits to survivors of APERS members and retirees. Section 1 of the Act amended Ark. Code Ann. § 24-4-606 to standardize a six (6) month marriage period, pre and post retirement, for a member to select a spousal option beneficiary.

APERS Board Rule “24 CAR § 1-213. Drop provisions” explains the rules and requirements for the administration of benefits to members who participate in the Deferred Retirement Option Plan (DROP). Section (i) of the rule applies to the survivor benefits afforded to survivors of DROP participants who die while on active duty. Section (i)(2)(A) of the rule refers to a one (1) year marriage period requirement under Ark. Code Ann. § 24-4-606. The proposed amendment to Rule 24 CAR § 1-213 removes the reference to a one (1) year marriage period.

The Public Notice of the proposed rule amendment was published in the Arkansas Democrat Gazette for three (3) consecutive days and was posted on the Secretary of State's website for thirty (30) days. The public comment period expired on September 6, 2023. APERS did not receive any public comments on this proposed rule amendment.

The proposed rule amendment is on the October 5, 2023 agenda of the Joint Committee on Public Retirement and Social Security Programs, and is on track to be placed on the October 19, 2023 agenda for the Arkansas Legislative Council – Administrative Rules Subcommittee.

Act 250 of 2023:

Act 250 of 2023 amended several sections of Title 24, Chapter 6 of the Arkansas Code concerning the administration of benefits to survivors of ASPRS members and retirees. Section 2 of the Act amended Ark. Code Ann. § 24-6-408 to standardize a six (6) month marriage period, pre and post retirement, for a member to select a spousal option beneficiary.

ASPRS BOARD RULE 14-Nov. 2003-DEFERRED RETIREMENT OPTION PLAN (DROP)

PROVISIONS FOR MEMBERS CALLED TO ACTIVE DUTY” explains the rules and requirements for the administration of benefits DROP participants who are called to active duty. Subsection b. under the “Death While on Active Duty” section refers to a one (1) year marriage period requirement for survivor benefits. One of the proposed amendments to ASPRS Board Rule 14 would remove the reference to a one (1) year marriage period and corrects a reference to the Arkansas Code governing survivor benefits.

The proposed amendment to the rule is on the October 5, 2023 agenda of the Joint Committee on Public Retirement and Social Security Programs, and is on track to be placed on the October 19, 2023 agenda for the Arkansas Legislative Council – Administrative Rules Subcommittee.