

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

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND VARIOUS SECTIONS OF TITLE 24, CHAPTER 3,
9 OF THE ARKANSAS CODE OF 1987, ANNOTATED, TO CHANGE THE
10 PRESCRIBED RETIREMENT BENEFITS FOR MEMBERS OF THE GENERAL
11 ASSEMBLY UNDER THE PUBLIC EMPLOYEES RETIREMENT SYSTEM; AND
12 FOR OTHER PURPOSES."

Subtitle

14 "AN ACT TO CHANGE THE RETIREMENT BENEFITS FOR MEMBERS OF
15 THE GENERAL ASSEMBLY UNDER PERS."

17
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19
20 SECTION 1. Subsection (e) of Arkansas Code § 24-3-201 is hereby amended
21 to read as follows:

22 "(e)(1) Upon a member's retirement, he shall receive an annuity for
23 life equal to the total of the following amounts: For each year of credited
24 service resulting from employment in a position covered at any time by social
25 security or another federal retirement plan supported wholly or in part by
26 employer contributions, one and fifty-five hundredths percent (1.55%) of his
27 final average pay plus, for each year of credited service resulting from
28 employment in a position never so covered, one and eight hundred seventy-two
29 thousandths percent (1.872%) of his final average pay. For a member of the
30 General Assembly, a monthly annuity equal to thirty-five dollars (\$35.00)
31 times the number of years of credited service as a member of the General
32 Assembly. For a member of the General Assembly who served as Speaker of the
33 House of Representatives or President Pro Tempore of the Senate, a monthly
34 annuity equal to forty dollars (\$40.00) times the total number of years of
35 credited service as a member of the General Assembly.

1 (2) In addition, if a member has credited service resulting from
2 employment in a position covered at any time by social security or another
3 federal retirement plan supported wholly or in part by employer contributions,
4 and if that member is retiring as provided in subsections (a)-(d) of this
5 section or § 24-3-207(a), and if that member's age at retirement is younger
6 than:

7 (A) Social security's minimum age for an immediate
8 retirement benefit; and

9 (B) Age sixty-two (62), then that member shall receive a
10 temporary annuity equal to three hundred twenty-two thousandths percent
11 (0.322%) of his final average pay for each year of such credited service.

12 (3) The temporary annuity shall terminate at the end of the
13 calendar month in which the earliest of the following events occurs:

14 (A) The member's death; or

15 (B) His attainment of the social security minimum age; or

16 (C) His attainment of age sixty-two (62).

17 (4) If no temporary annuity is payable as provided in this
18 subsection, or after such temporary annuity has terminated, and if such member
19 has at retirement any credited service for any period of time prior to July 1,
20 1991, then the future payments of such annuity for life shall not be less than
21 they would have been under the provisions of this subsection that were in
22 effect on July 1, 1990, plus four percent (4%).

23 (5) It is considered sound public policy that retirement pay not
24 exceed working pay, except for increases after retirement caused by inflation;
25 accordingly, at time of retirement, the total of named plan annuities
26 resulting from employment in a position also covered by social security, plus
27 his social security primary benefit, shall not exceed his final average pay."
28

29 SECTION 2. Arkansas Code § 24-3-301 is hereby amended to read as
30 follows:

31 "24-3-301. Credited service generally.

32 (a) The governing body of each named plan shall establish the amounts
33 of service to be credited its members subject to the provisions of subsection
34 (b) of this section.

35 (b)(1) Employment as a public safety member shall be credited at one

1 and one-half (1 1/2) times the regular rate for crediting service, except that
2 at least ten (10) years of actual service shall be required to meet the
3 retirement eligibility requirements of §§ 24-3-201(a) and (b), 24-3-206(a),
4 24-3-207(a), and 24-3-208, and at least five (5) years of actual service shall
5 be required to meet the eligibility requirements of § 24-3-209.

6 (2) Employment as Governor shall be credited as service at three
7 (3) times the regular rate for credited service, except that at least four (4)
8 years of actual service shall be required to meet the retirement eligibility
9 requirements of §§ 24-3-201(a) and (b), 24-3-206(a), 24-3-207(a), and
10 24-3-208, and at least five (5) years of actual service shall be required to
11 meet the eligibility requirements of § 24-3-209.

12 (3) (A) (i) Employment as an elected state constitutional officer
13 shall be credited at two and one-half (2 1/2) times the regular rate for
14 crediting service, except that at least ten (10) years of actual service shall
15 be required to meet the retirement eligibility requirements of §§ 24-3-201(a)
16 and (b), 24-3-206(a), 24-3-207(a), and 24-3-208, and at least five (5) years
17 of actual service shall be required to meet eligibility requirements of §
18 24-3-209.

19 (ii) Employment as a member of the General Assembly
20 shall be credited at two (2) times the regular rate for crediting service,
21 except that at least ten (10) years of actual service shall be required to
22 meet the retirement eligibility requirements of §§ 24-3-201(a) and (b),
23 24-3-206(a), 24-3-207(a), and 24-3-208, and at least five (5) years of actual
24 service shall be required to meet eligibility requirements of § 24-3-209.

25 (B) A member of the General Assembly who at any time has
26 served at least six (6) months during a two-year term to the General Assembly
27 shall be credited with no more than one (1) year actual service.

28 (4) Employment as an elected public official other than Governor
29 or an elected state constitutional officer or member of the General Assembly
30 shall be credited as service at two (2) times the regular rate for crediting
31 service, except that at least ten (10) years of actual service shall be
32 required to meet the retirement eligibility requirements of §§ 24-3-201(a) and
33 (b), 24-3-206(a), 24-3-207(a), and 24-3-208, and at least five (5) years of
34 actual service shall be required to meet the eligibility requirements of §
35 24-3-209.

1 (5) As used in this section, _elected state constitutional
2 officer_ means the Lieutenant Governor, Attorney General, Secretary of State,
3 State Auditor, State Treasurer, and Commissioner of State Lands."
4

5 SECTION 3. All provisions of this act of general and permanent nature
6 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
7 Revision Commission shall incorporate the same in the Code.
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9 SECTION 4. If any provisions of this act or the application thereof to
10 any person or circumstance is held invalid, the invalidity shall not affect
11 other provisions or applications of the act which can be given effect without
12 the invalid provisions or application, and to this end the provisions of this
13 act are declared to be severable.
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15 SECTION 5. All laws and parts of laws in conflict with this act are
16 hereby repealed.
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