

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: S2/20/03 S3/6/03

A Bill

SENATE BILL 108

5 By: Senator Faris
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For An Act To Be Entitled

9 AN ACT TO REQUIRE CERTAIN EMPLOYEES OF
10 MUNICIPALITIES THAT ARE PARTICIPATING EMPLOYERS
11 UNDER THE ARKANSAS PUBLIC EMPLOYEES' RETIREMENT
12 SYSTEM TO BECOME MEMBERS OF THE SYSTEM UNLESS
13 THEY OPT OUT; TO EXTEND THE DEFINITION OF PAID
14 NONUNIFORMED EMPLOYEES IN MUNICIPALITIES WITH
15 NONUNIFORMED EMPLOYEES' PENSION FUNDS; AND FOR
16 OTHER PURPOSES.

Subtitle

17
18 TO REQUIRE CERTAIN EMPLOYEES OF CITIES
19 THAT PARTICIPATE UNDER THE PUBLIC
20 EMPLOYEES' RETIREMENT SYSTEM TO BECOME
21 MEMBERS UNLESS THEY OPT OUT AND TO
22 EXTEND THE DEFINITION OF PAID
23 NONUNIFORMED EMPLOYEES IN CITIES.
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27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
28

29 SECTION 1. Arkansas Code § 24-4-303(a) is amended to read as follows:

30 (a)(1)(A) Any municipality may elect to become a participating public
31 employer and to cover its employees under the Arkansas Public Employees'
32 Retirement System either by a three-fifths (3/5) vote of its governing body
33 or by a majority vote of the qualified voters of the municipality.

34 (B) However, the mayor and city clerk of a first class
35 city who are serving in a municipality that participates in the Arkansas
36 Public Employees' Retirement System shall become participating employees



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1 under the system upon taking office.

2 (C)(i) If the employee elects not to continue
 3 participation in the Arkansas Public Employees' Retirement System and opts to
 4 participate in the local retirement plan as provided for under § 24-12-121 or
 5 § 24-12-123 instead, written notice of the election shall be presented to the
 6 Arkansas Public Employees' Retirement System, in a form determined acceptable
 7 by the system, not later than ninety (90) calendar days after first assuming
 8 office.

9 (ii) The election under subdivision (a)(1)(C)(i) of
 10 this section is irrevocable.

11 (iii) Employer contributions made to the Arkansas
 12 Public Employees' Retirement System on behalf of employees who elect not to
 13 continue participation will be refunded to the city without interest and the
 14 associated service credit in the system is forfeited.

15 (2) If a newly elected city attorney or city treasurer of a first class
 16 city is otherwise be covered under a local retirement fund, then the
 17 provisions of subdivisions (a)(1)(B) and (C) of this section also applies to
 18 those offices.

19 ~~(2)(3)~~ The clerk or recorder of each municipality electing to
 20 become a participating public employer shall certify the vote to the Board of
 21 Trustees of the Arkansas Public Employees' Retirement System within ten (10)
 22 days after the vote of the governing body or the canvass of the votes of the
 23 electorate, as the case may be.

24 ~~(3)(4)~~ The effective date of coverage under the system shall be
 25 either the first day of the calendar month next following receipt by the
 26 board of the election results or the July 1 next following the receipt, as
 27 determined by the vote.

28
 29 SECTION 2. Arkansas Code § 24-12-101 is amended to read as follows:
 30 24-12-101. Definitions.

31 As used in this act, unless the context otherwise requires, "paid
 32 nonuniformed employees" means ~~the~~:

33 (1) The mayor, city attorney, city treasurer, city clerk, or
 34 municipal judge of any city to which this act is applicable when the mayor,
 35 city attorney, city treasurer, city clerk, or municipal judge elects to be so
 36 included; and

1 (2) The other full time, paid nonuniformed employees of the
2 city.

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/s/ Faris