1 **State of Arkansas**

2 **78th General Assembly** # A BillACT 845 OF 1991

3 **Regular Session, 1991** SENATE BILL   430

4 **By: Senators Moore and Gibson**

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7 ## For An Act To Be Entitled

8   "AN ACT TO AMEND TITLE 24, CHAPTER 3, SUBCHAPTER 3 OF THE

9   ARKANSAS CODE OF 1987 TO PROVIDE CREDITED SERVICE FOR

10   CERTAIN MEMBERS OF THE ARKANSAS PUBLIC EMPLOYEES'

11   RETIREMENT SYSTEM; AND FOR OTHER PURPOSES."

12

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

14

15   SECTION 1. Subsection (b) of Arkansas Code §24-3-301 is hereby amended

16 to read as follows:

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

18 and one-half (1-1/2) times the regular rate for crediting service, except that

19 at least ten (10) years of actual service shall be required to meet the

20 retirement eligibility requirements of §§24-3-201(a) and (b), §24-3-206(a),

21 §24-3-207(a), and §24-3-208 and at least five (5) years of actual service

22 shall be required to meet the eligibility requirements of §24-3-209.

23   (2) Employment as Governor shall be credited as service at three

24 (3) times the regular rate for credited service, except that at least four (4)

25 years of actual service shall be required to meet the retirement eligibility

26 requirements of §§24-3-201(a) and (b), §24-3-206(a), §24-3-207(a), and

27 §24-3-208 and at least five (5) years of actual service shall be required to

28 meet the eligibility requirements of §24-3-209.

29   (3) Employment as an elected state constitutional officer shall

30 be credited at two and a half (2.5) 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 eligibility requirements of §24-3-

35 209.

36   (4) Employment as an elected public official other than Governor or an

1 elected state constitutional officer shall be credited as service at two (2)

2 times the regular rate for crediting service, except that at least ten (10)

3 years of actual service shall be required to meet the retirement eligibility

4 requirements of §§ 24-3-201(a) and (b), §24-3-206(a), §24-3-207(a), and

5 §24-3-208 and at least five (5) years of actual service shall be required to

6 meet the eligibility requirements of §24-3-209.

7   (5) As used in this section, 'elected state constitutional officer'

8 means the Lieutenant Governor, Attorney General, Secretary of State, State

9 Auditor, State Treasurer, and Commissioner of State Lands."

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11   *SECTION 2. Subsection (9) of Arkansas Code §24-3-102 is hereby amended*

12 *by adding a new paragraph to read as follows:*

13   *"(E) An elected state constitutional officer shall be eligible*

14 *to retire with thirty (30) years of credited service at age fifty-five (55)."*

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16   *SECTION 3. Subsection (h) of Arkansas Code §24-3-209 is hereby amended*

17 *to read as follows:*

18   *"(h)(1) The surviving spouse of a member who has served at least ten*

19 *(10) calendar years in the General Assembly shall be entitled to a benefit not*

20 *less than one hundred percent (100%) of the benefit the member was receiving*

21 *or would have been entitled to receive had he been of retirement age.*

22   *(2) The spouse shall begin to receive the survivor benefits provided*

23 *in this section at age sixty (60) years if the member had at least ten (10)*

24 *actual years of General Assembly service, at age fifty-five (55) years if the*

25 *member had at least fourteen (14) actual years of General Assembly service,*

26 *and at age fifty (50) years if the member had at least eighteen (18) actual*

27 *years of General Assembly service.*

28   *(3) The benefits shall cease immediately upon the death or*

29 *remarriage of the surviving spouse.*

30   *(4) If, upon the death of a member of the General Assembly, the*

31 *surviving spouse is also eligible for the benefits provided in subsections (a)*

32 *through (g) of this section, then the benefits provided by this subsection*

33 *shall be the only benefit payable to the survivors of the member or former*

34 *member.*

35   *(5) The provisions of this subsection shall apply to active,*

36 *deferred, and retired General Assembly members as well as surviving spouses of*

1 *General Assembly members receiving benefits under this subsection on or after*

2 *February 1, 1991."*

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4   SECTION *4.* All provisions of this act of a general and permanent nature

5 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

6 Revision Commission shall incorporate the same in the Code.

7

8   SECTION *5.* If any provision of this act or the application thereof to

9 any person or circumstance is held invalid, such invalidity shall not affect

10 other provisions or applications of the act which can be given effect without

11 the invalid provision or application, and to this end the provisions of this

12 act are declared to be severable.

13

14   SECTION *6.* All laws and parts of laws in conflict with this act are

15 hereby repealed.

16

17   SECTION 7. EMERGENCY. It is hereby found and determined by the

18 Seventy-Eighth General Assembly of the State of Arkansas that the

19 effectiveness of this Act on July 1, 1991 is essential to the operation of the

20 Arkansas Public Employees' Retirement System and that in the event of an

21 extension of the Regular Session, the delay in the effective date of this Act

22 beyond July 1, 1991 could work irreparable harm upon the proper administration

23 and provision of essential governmental programs. Therefore, an emergency is

24 hereby declared to exist and this Act being necessary for the immediate

25 preservation of the public peace, health and safety shall be in full force and

26 effect from and after July 1, 1991.

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28   */s/ Moore et al*

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35   APPROVED: 3/29/91

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