

.As Engrossed: 1/24/95 2/14/95

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Representative Hinshaw**

A Bill

ACT 398 OF 1995
HOUSE BILL 1010

For An Act To Be Entitled

8 *"AN ACT TO AMEND ARKANSAS CODE 24-4-101 TO INCLUDE PUBLIC*
9 *FACILITIES BOARD; REGIONAL SOLID WASTE MANAGEMENT BOARD;*
10 *JOINT COUNTY AND MUNICIPAL SANITATION AUTHORITY; AND*
11 *REGIONAL WATER DISTRIBUTION BOARD WITHIN THE DEFINITIONS*
12 *OF 'PARTICIPATING PUBLIC EMPLOYER' AND TO ADD THE*
13 *DEFINITION PUBLIC FACILITIES BOARD; REGIONAL SOLID WASTE*
14 *MANAGEMENT BOARD; AND REGIONAL WATER DISTRIBUTION BOARD TO*
15 *THE ARKANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM LAW; AND*
16 *TO AMEND ARKANSAS CODE 24-4-202 TO PROVIDE FOR THESE*
17 *PUBLIC EMPLOYERS TO PAY EMPLOYER CONTRIBUTIONS; AND FOR*
18 *OTHER PURPOSES."*

Subtitle

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21 *"AN ACT TO INCLUDE PUBLIC FACILITY BOARD*
22 *EMPLOYEES, REGIONAL SOLID WASTE*
23 *MANAGEMENT BOARD EMPLOYEES, JOINT COUNTY*
24 *AND MUNICIPAL SANITATION AUTHORITY, AND*
25 *REGIONAL WATER DISTRIBUTION BOARD*
26 *EMPLOYEES WITHIN THE ARKANSAS PUBLIC*
27 *EMPLOYEES RETIREMENT SYSTEM LAW."*

28
29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

30
31 SECTION 1. Subdivision (5) of Arkansas Code 24-4-101 is amended to read
32 as follows:

33 (5) 'Participating public employer' means any county, municipality,
34 regional airport authority, public facilities board, regional solid waste
35 management board, joint county and municipal sanitation authority, or regional
36 water distribution board, in the state whose employees are included in the

1 membership of the system;"

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3 SECTION 2. Subdivision (9) of Arkansas Code 24-4-101 is amended to read
4 as follows:

5 "(9) 'Nonstate employees' means county employees, municipal employees
6 regional airport authority employees, public facilities board employees,
7 regional solid waste management board employees, joint county and municipal
8 sanitation authority employees, regional water distribution board employees
9 and school employees;"

10

11 SECTION 3. Arkansas Code 24-4-101 is amended to add new subdivisions
12 (27), (28), (29), and (30) to read as follows:

13 "(27) 'Public Facilities Board' means any public facilities board
14 created under the Public Facilities Board Act, Arkansas Code 14-137-101 et
15 seq., which has chosen by a majority vote of the full-time employees to
16 participate in the Arkansas Public Employees Retirement System."

17 (28) 'Regional Solid Waste Management Board' means any regional solid
18 waste management board defined under Arkansas Code 8-6-701 et seq., which has
19 chosen by a majority vote of the full-time employees to participate in the
20 Arkansas Public Employees Retirement System."

21 (29) 'Regional Water Distribution Board' means any regional water
22 distribution board created under the Regional Water Distribution Act, Arkansas
23 Code 14-116-101 et seq., which has chosen by a majority vote of the full-time
24 employees to participate in the Arkansas Public Employees Retirement System.

25 (30) 'Joint County and Municipal Sanitation Authority' means any
26 sanitation authority created under the Joint County and Municipal Solid Waste
27 Disposal Act, Arkansas Code §§ 14-233-101 et seq., which has chosen by a
28 majority vote of its full-time employees to participate in the Arkansas Public
29 Employees Retirement System."

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31 SECTION 4. Arkansas Code 24-4-202 is amended to read as follows:

32 "24-4-202. Arkansas Public Employees Retirement System Fund
33 Contributions.

34 (a) The state employer contributions provided for in this act shall be
35 paid by state warrant or bank check by the state agency which employs each

1 member. The employer's contribution shall be paid to the Arkansas Public
2 Employees Retirement System Fund and shall be paid concurrently with the
3 contributions made by its employees to the fund.

4 (b) In the case of employees receiving part or all or their
5 compensations from federal funds, the disbursing officer of the agency
6 receiving the federal funds shall transmit such sums to the Treasurer of State
7 from federal funds of the agency. These sums shall be those sums of money
8 which are necessary to provide the employer contributions, provided for in
9 this act, based on the portions of the employees' compensations payable from
10 federal funds. All contributions received by the Treasurer of State shall be
11 credited to the Arkansas Public Employees Retirement System Fund.

12 (c) In the case of nonstate employees, each participating public
13 employer shall pay into the Arkansas Public Employees Retirement System Fund
14 such sums of money as are necessary to provide the participating public
15 employer's contributions provided for in this act. The participating public
16 employer's contributions shall be paid concurrently with the contributions
17 made by its employees to the fund. The employer's contributions shall be
18 transmitted to the Treasurer of State in such form and manner, together with
19 such supporting data, as the board shall prescribe from time to time.

20 (d) In the case of circuit and chancery court reporters, the public
21 employer contributions shall be paid, when directed by the board, by the
22 respective counties in the proportion that each county pays the total salaries
23 of the circuit and chancery court reporters.

24 (e) In the case of Regional Airport Authority employees, Public
25 Facilities Board employees, Regional Solid Waste Management Board employees,
26 Joint County and Municipal Sanitation Authority employees, and Regional Water
27 Distribution Board employees, each participating employer shall pay into the
28 Arkansas Public Employees Retirement System Fund such sums of money as are
29 necessary to provide the employer's contributions, as directed by the Arkansas
30 Public Employees Retirement System Board. The contributions shall be
31 transmitted to the Arkansas Public Employees Retirement System, together with
32 such supporting data, as the Arkansas Public Employees Retirement System Board
33 shall prescribe from time to time."

34

35 SECTION 5. (a) Any full-time employee of a Public Facilities Board,

1 Regional Solid Waste Management Board, Joint County and Municipal Sanitation
2 Authority, or Regional Water Distribution Board enrolled in the Arkansas
3 Public Employees Retirement System pursuant to this act, who is a full-time
4 employee of a participating Public Facilities Board, Regional Solid Waste
5 Management Board, Joint County and Municipal Sanitation Authority, or Regional
6 Water Distribution Board in this state on the date his employer became, or
7 becomes, a public employer in the System, may apply for and receive current
8 service credit for service rendered as a full-time employee of the Public
9 Facilities Board, Regional Solid Waste Management Board, Joint County and
10 Municipal Sanitation Authority, or Regional Water Distribution Board. The
11 employee shall receive credit only if the employee or employer pays, or causes
12 to be paid, to the Arkansas Public Employees Retirement System Fund all
13 necessary employer contributions and employee contributions, if applicable,
14 that would have been paid had the employee been a member of the Arkansas
15 Public Employees Retirement System during that time, plus interest thereon at
16 the rate directed by the Board of Trustees of the Arkansas Public Employees
17 Retirement System. The employer's contributions and employees' contributions,
18 if applicable, shall be transmitted to the System in the form and manner,
19 together with the supporting data, as the Arkansas Public Employees Retirement
20 System Board of Trustees shall prescribe from time to time.

21 (b) The governing body of any Public Facilities Board, Regional Solid
22 Waste Management Board, Joint County and Municipal Sanitation Authority, or
23 Regional Water Distribution Board electing to include the full-time employees
24 of the Board within the membership of the Arkansas Public Employees Retirement
25 System may pay the employer contributions and employee contributions, if
26 applicable, on behalf of employees for services rendered.

27

28 SECTION 6. All provisions of this act of a general and permanent nature
29 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
30 Revision Commission shall incorporate the same in the Code.

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32 SECTION 7. If any provision of this act or the application thereof to
33 any person or circumstance is held invalid, such invalidity shall not affect
34 other provisions or applications of the act which can be given effect without
35 the invalid provision or application, and to this end the provisions of this

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