

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

As Engrossed: S2/2/99  
**A Bill**

**Act 325 of 1999**  
SENATE BILL 34

5 By: Senator Hopkins  
6  
7

### 8 **For An Act To Be Entitled**

9 "AN ACT TO AMEND VARIOUS SECTIONS OF ARKANSAS CODE  
10 TITLE 24, CHAPTERS 3 and 4, REGARDING THE CONTRIBUTORY  
11 AND NONCONTRIBUTORY PROVISIONS OF THE PUBLIC  
12 EMPLOYEES' RETIREMENT SYSTEM (PERS) LAW, TO AMEND THE  
13 ELIGIBILITY PROVISIONS, TO REVISE THE ELIGIBILITY  
14 DATES FOR DISABILITY RETIREMENT AND DEATH IN SERVICE  
15 BENEFITS, TO REPEAL AND AMEND CERTAIN ADDITIONAL  
16 CONTRIBUTION PROVISIONS; TO DECLARE AN EMERGENCY; AND  
17 FOR OTHER PURPOSES. "

### 18 **Subtitle**

19 "TO AMEND THE CONTRIBUTORY AND  
20 NONCONTRIBUTORY PROVISIONS OF THE PERS  
21 LAW TO REVISE CERTAIN ELIGIBILITY AND  
22 BENEFIT PROVISIONS. "  
23  
24  
25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
27

28 SECTION 1. Arkansas Code 24-2-302 (4) is amended to read as follows:

29 "(4) All eligible employees of the State of Arkansas or any of its  
30 political subdivisions except those who are members of ~~or are eligible for~~  
31 ~~membership in~~ another legally established state retirement plan shall be  
32 members of the Arkansas Public Employees' Retirement System. "  
33

34 SECTION 2. Arkansas Code 24, Chapter 2, Subchapter 3 is amended to add  
35 the following new section:

36 "24-2-306. Erroneous enrollment because of concurrent membership.

1        Any member of the Arkansas Public Employees Retirement System who is  
 2 erroneously enrolled in the Arkansas Public Employees Retirement System  
 3 because of concurrent enrollment in another state funded or state authorized  
 4 retirement system, other than Federal Social Security, due to separate and  
 5 distinct service for a public school or a municipality, may elect to remain a  
 6 member of the Arkansas Public Employees Retirement System subject to the  
 7 following conditions:

8                (1) The other system will allow the member to forfeit the  
 9 concurrent service by refunding all employer and employee contributions  
 10 respectively; and

11                (2) The member notifies both the Arkansas Public Employees  
 12 Retirement System and the other system that the member will remain in the  
 13 Arkansas Public Employees Retirement System and forfeit service and accrued  
 14 benefits in the other system."

15  
 16        SECTION 3. Arkansas Code 24-3-208(a) is amended to read as follows:

17        "(a)(1)(A) Except for members of the General Assembly who need at least  
 18 ten (10) years of credited service, any active member with five (5) or more  
 19 years of actual service, including credited service for at least eighteen (18)  
 20 of the twenty-four (24) calendar months immediately preceding his disability,  
 21 who becomes totally and permanently physically or mentally incapacitated for  
 22 any suitable job or position as an employee as a result of a personal injury  
 23 or disease may be retired by the board of trustees upon written application  
 24 filed with the board by or on behalf of the member.

25                (B) This may take place only if, after a medical  
 26 examination of the member made by or under the direction of a physician or  
 27 physicians designated by the board, the physician reports to the board in  
 28 writing that:

29                                (i) The member is physically or mentally  
 30 totally incapacitated for any suitable job or position;

31                                (ii) The incapacity will probably be permanent;  
 32 and

33                                (iii) That the member should be retired.

34                (2) ~~The~~ Upon filing the proper application and meeting the  
 35 requirements stated in this section, the disability annuity shall be effective  
 36 the first day of the calendar month next following the later of either his

1 termination of active membership or ~~thirty (30) days after the date the~~  
 2 ~~written application is filed with the board~~ the onset date of the qualifying  
 3 disability."

4  
 5 SECTION 4: Arkansas Code 24-3-209(c) is amended to read as follows:

6 "(c)(1) The member's surviving spouse who was married to the member at  
 7 least the one (1) year immediately preceding his death shall receive an  
 8 annuity computed in the same manner in all respects as if the member had  
 9 retired the date of his death with entitlement to an annuity provided for in  
 10 § 24-3-201(e), elected the Option B75 survivor annuity provided for in  
 11 § 24-3-203, and nominated his spouse as joint beneficiary.

12 (2)(A) If the member has satisfied the age and service  
 13 requirement provided for in § 24-3-201(a) and (b) or had acquired twenty (20)  
 14 years' credited service, then the spouse annuity shall commence immediately  
 15 and be payable for her life. If the member has not satisfied the age and  
 16 service requirement provided for in § 24-3-201(a) and (b) or had not acquired  
 17 twenty (20) years of credited service, then the spouse annuity shall commence  
 18 immediately and be payable until the earlier of her remarriage or death.

19 (B) ~~If the member had acquired fifteen (15) years' credited~~  
 20 ~~service but had not attained age sixty-five (65) years, the spouse annuity~~  
 21 ~~shall commence at the later of either age fifty (50) years or her age at his~~  
 22 ~~death and shall be payable until the earlier of her remarriage or death;~~  
 23 ~~otherwise, the spouse annuity shall commence at the later of either age sixty-~~  
 24 ~~two (62) years or her age at his death and shall be payable until the earlier~~  
 25 ~~of either her remarriage or death. A surviving spouse who is otherwise~~  
 26 eligible but whose benefit has been deferred because the spouse did not meet  
 27 the age requirements in effect before July 1, 1999, shall be eligible to  
 28 commence a spouse annuity effective July 1, 1999. The spouse annuity shall  
 29 not be retroactive.

30 (3) The spouse annuity shall not be less than ten percent (10%)  
 31 of the deceased member's covered compensation at the time of death.

32 (4) In any event, as long as the surviving spouse has in her care  
 33 any of the deceased member's dependent children receiving a benefit provided  
 34 for in this section, there shall be payable to her a spouse annuity which  
 35 shall not be less than ten percent (10%) of the deceased member's compensation  
 36 at the time of death."

1  
2 SECTION 5. Arkansas Code 24-3-303 is amended to add the following  
3 subsection:

4 "(e) A member of the Arkansas Public Employees Retirement System who is  
5 receiving a retirement annuity from another reciprocal system, as defined in  
6 subsection (d) of this section, shall not be eligible to use the reciprocal  
7 provisions of this section or the reciprocal provisions of §§ 24-2-401 - 24-2-  
8 405 to determine the benefit payable by the Arkansas Public Employees  
9 Retirement System."

10  
11 SECTION 6. Arkansas Code 24-4-101(7) is amended to read as follows

12 "(7)(A)(i) 'Employees' means all officers and employees of any office,  
13 agency, board, commission, including the Department of Higher Education, or  
14 department of a public employer whose compensations were, or are, payable from  
15 funds appropriated by the public employer and all otherwise eligible employees  
16 whose compensations were, or are, payable in whole or part from federal funds,  
17 as well as the official court reporters and stenographers of the circuit and  
18 chancery courts of the state and all of the prosecuting attorneys of the  
19 judicial districts of Arkansas. In addition, the term 'employees' shall,  
20 effective July 1, 1983, include those persons who are eligible for benefits  
21 from the Teachers Insurance and Annuity Association but who are otherwise  
22 eligible for participation in the system due to employment with a public  
23 employer. ~~However, the term "employees" shall not include those persons who~~  
24 ~~are receiving or who begin receiving Teachers Insurance and Annuity~~  
25 ~~Association benefits while still participating in the system.~~

26 (ii) Any person who has heretofore been denied  
27 coverage under the system due to the fact that the person was or is paid from  
28 a grant instead of funds appropriated by the public employer, shall from July  
29 1, 1991, become a member of the system if in an otherwise eligible position  
30 due to his being an employee of a public employer, and a member may at his  
31 option receive credit for service rendered before that date as an employee  
32 paid from a grant, subject to the following conditions:

33 (a) The member is a participating employee  
34 covered under the system at the time of the purchase; and

35 (b) The member furnishes proof, in a form  
36 required by the system, of the service and compensation received; and

1 (c) The member pays, or causes to be paid, all  
 2 employee contributions at the rate and on the compensation that would have  
 3 been paid had he been a member during that time, all employer contributions  
 4 based on the employer normal cost from the most recently completed regular  
 5 annual actuarial valuation and the compensation that would have been paid had  
 6 he been a member during that time, and regular interest on the employee and  
 7 employer contributions. The interest shall be computed from the date the  
 8 service was rendered to the date the payment is received by the system. The  
 9 member may purchase all of the service or any portion thereof in multiples of  
 10 one (1) year; and

11 (d) The payment of funds shall be made in one  
 12 (1) lump sum; and

13 (e) Any person who, prior to the effectiveness  
 14 of this provision, has been removed from membership in the Arkansas Public  
 15 Employees' Retirement System because of eligibility for membership in a local  
 16 firemen's pension fund as a volunteer fire fighter may restore the refunded  
 17 service and establish subsequent service by paying or causing to be paid to  
 18 the Arkansas Public Employees' Retirement System the refunded contributions  
 19 and the legally required contributions for subsequent service.

20 (B) Excepting members of the General Assembly, ~~those persons~~  
 21 ~~eligible for, or receiving benefits from, a local firemen's or policemen's~~  
 22 ~~pension fund, and those persons eligible for or participating in a local~~  
 23 ~~firemen's pension fund because of their status as volunteer fire fighters, and~~  
 24 ~~those persons eligible for or receiving benefits from the State Police~~  
 25 ~~Retirement System who have been elected to the office of county sheriff, a~~  
 26 ~~local firemen's or policemen's pension fund~~ the term 'employees' shall not  
 27 include persons who are members of ~~or who are eligible for benefits under or~~  
 28 ~~membership in,~~ any other retirement system, excepting federal Social Security,  
 29 which retirement system is supported by state funds or is authorized by the  
 30 laws of the state. In addition, the term 'employees' specifically shall not  
 31 include the following:

32 (i) Persons in the employ of the Department of  
 33 Arkansas State Police who are members of, ~~or who are eligible for benefits~~  
 34 ~~under or membership in,~~ the State Police Retirement System, ~~except as~~  
 35 ~~otherwise provided by law, or those persons elected to the office of county~~  
 36 ~~sheriff;~~

1 (ii) Persons in the employ of the Department of  
2 Education or the Arkansas Teacher Retirement System, except as otherwise  
3 provided by law;

4 (iii) Persons in the employ of the University of  
5 Arkansas or any other state-supported institution of higher learning, except  
6 as otherwise provided by law;

7 (iv) Justices of the Supreme Court, judges of circuit  
8 courts, or judges of chancery courts;

9 (v) Persons in the employ of the General Assembly who  
10 are employed on a less than full-time regular annual salary basis, except that  
11 any person who has served or who shall serve during at least six (6)  
12 legislative sessions as Chief Clerk of the House of Representatives, and who  
13 has served in the employ of the General Assembly during at least twelve (12)  
14 previous legislative sessions, shall be eligible to receive credited service  
15 in the Arkansas Public Employees' Retirement System for any period of  
16 employment with the General Assembly since July 1, 1957, but only if the  
17 employee is, or was, an active member of the system with at least ten (10)  
18 years of credited service and only if the employee pays, or causes to be paid,  
19 all employee contributions at the rate and on the compensation that would have  
20 been paid had he been a member of the system during those periods of time, all  
21 employer contributions based on the employer normal cost from the most  
22 recently completed regular annual actuarial valuation and the compensation  
23 that would have been paid had he been a member during those periods of time,  
24 and regular interest on the employee and employer contributions computed from  
25 the date of service to the date the payment is received by the system;

26 (vi) Persons who are in the employ of the Arkansas  
27 State Highway and Transportation Department;

28 (vii) Persons employed with the intent of working  
29 fewer than ninety (90) calendar days;

30 (viii) Persons who are first employed or those who  
31 are reemployed as participants on or after July 1, 1979, under the  
32 Comprehensive Employment and Training Act. However, those persons  
33 participating in the program prior to July 1, 1979, shall continue to be  
34 members of the system while employed by a participating public employer.

35 (ix) Any person heretofore denied coverage by the  
36 System because that person was eligible for membership in, but did not

1 participate in, another retirement system supported by state funds or that is  
2 authorized by the laws of the state, shall, from the date of July 1, 1999,  
3 become a member of the System if in an otherwise eligible position due to  
4 employment with a participating employer. Any person heretofore denied  
5 coverage by the System because that person was eligible for, or receiving  
6 benefits from, another retirement system supported by state funds or that is  
7 authorized by the laws of the state shall, from the date of July 1, 1999,  
8 become a member of the System if in an otherwise eligible position due to  
9 employment with a participating employer. Such persons may receive, at the  
10 employee's option, credit for service rendered to a participating public  
11 employer before that date, subject to the following conditions:

12 (a) The member is a participating employee  
13 covered under the system at the time of the purchase; and

14 (b) The member furnishes proof, in a form  
15 required by the system, of the service and compensation received; and

16 (c) The member pays, or causes to be paid, all  
17 employee contributions at the rate and on the compensation that would have  
18 been paid had he been a member during that time, all employer contributions  
19 based on the employer normal cost from the most recently completed regular  
20 annual actuarial valuation and the compensation that would have been paid had  
21 he been a member during that time, and regular interest on the employee and  
22 employer contributions. The interest shall be computed from the date the  
23 service was rendered to the date the payment is received by the system. The  
24 member may purchase all of the service or any portion thereof in multiples of  
25 one (1) year; and

26 (d) The payment of funds shall be made in one  
27 (1) lump sum.

28 The surviving spouse of any person deemed erroneously  
29 enrolled due to receipt of a benefit from another retirement system supported  
30 by state funds or that is authorized by the laws of the state, but whose  
31 service had not been refunded at or before the date of death, shall be  
32 eligible to receive a benefit under the provisions of § 24-3-209 provided that  
33 the person was an employee of the participating employer on the date of death.  
34 The monthly annuity shall be payable on the first day of the month following  
35 the month of application, and shall be retroactive to the date the benefit  
36 would have been otherwise payable as provided for in § 24-3-209.

1 (C) In any case of doubt as to who is an employee within the meaning  
2 of this act, the board shall have the final power to decide the question;"

3  
4 SECTION 7. Arkansas Code 24-4-507(a) is amended to read as follows:

5 "(a)(1) The Board of Trustees of the Arkansas Public Employees'  
6 Retirement System shall determine, by appropriate rules and regulations  
7 consistent with the provisions of §§ 24-4-101 - 24-4-105, 24-4-201 - 24-4-205,  
8 24-4-207 - 24-4-209, 24-4-301 - 24-4-304, 24-4-401, 24-4-402, 24-4-507 - 24-4-  
9 513, 24-4-601 - 24-4-603, 24-4-605, 24-4-606, the amount of service to be  
10 credited any member for any fiscal year.

11 (2)(A) For periods of time prior to July 1, 1991, in no case  
12 shall less than ten (10) days of service rendered by a member in any calendar  
13 month be credited as a month of service; nor shall less than eleven (11)  
14 months of service rendered by a member in any fiscal year be credited as a  
15 year of service unless the member is employed by the state blind and deaf  
16 schools, the state colleges and universities, and the public schools of the  
17 state, in which case nine (9) months would constitute a year of credited  
18 service.

19 (B) For periods of time prior to July 1, 1991, in no case  
20 can less than nine (9) months of service rendered in any fiscal year be  
21 credited as a full year of service.

22 (3)(A) Beginning July 1, 1992, and thereafter, service rendered  
23 by a member in any calendar month shall be credited as service based upon the  
24 member's number of hours of service in such month and in accordance with the  
25 following schedule:

26		
27	Eighty (80) or more hours of service	One (1) month
28		
29	Sixty (60) hours up to less than eighty (80) hours	
30		Three-fourths (3/4) month
31	Forty (40) hours up to less than sixty (60) hours	
32		One-half (1/2) month
33	Twenty (20) hours up to less than forty (40) hours	
34		One-quarter (1/4) month
35	Less than twenty (20) hours	No credit
36		

1 (B) Beginning July 1, 1991, in no case shall less than  
 2 eleven (11) months of service rendered by a member in any fiscal year be  
 3 credited as a full year of service, except that such minimum shall be lowered  
 4 to nine (9) months for a member whose covered employment is employment with  
 5 the state blind and deaf schools, the state colleges and universities, and the  
 6 public schools.

7 (C) Any member who retires on or after July 1, 1999, shall  
 8 receive six (6) months of service credit for each full semester of service  
 9 rendered in any fiscal year for covered employment with the state blind and  
 10 deaf schools, the state colleges and universities, and the public schools of  
 11 the state.

12 (4) Prior service credits shall not be granted to any member who  
 13 did not become a member of the Arkansas Public Employees' Retirement System on  
 14 the date his public employer became a participating public employer, nor shall  
 15 current service credit be granted any member for any period of time not  
 16 covered by accumulated contributions standing to his credit in the members'  
 17 deposit account, except as otherwise provided in §§ 24-4-101 - 24-4-105, 24-4-  
 18 201 - 24-4-205, 24-4-207 - 24-4-209, 24-4-301 - 24-4-304, 24-4-401, 24-4-402,  
 19 24-4-507 - 24-4-513, 24-4-601 - 24-4-603, 24-4-605, 24-4-606."

20  
 21 SECTION 8. Arkansas Code 24-4-511(a) is amended to read as follows:

22 "(a)(1)(A) ~~Any active member with ten (10) or more years of credited~~ Except  
 23 for members of the General Assembly who need at least ten (10) years of  
 24 credited service, any active member with five (5) or more years of actual  
 25 service, including credited service for at least eighteen (18) of the twenty-  
 26 four (24) calendar months immediately preceding his disability, who becomes  
 27 totally and permanently physically or mentally incapacitated for any suitable  
 28 job or position as an employee as a result of a personal injury or disease,  
 29 may be retired by the Board of Trustees of the Arkansas Public Employees'  
 30 Retirement System upon written application filed with the board by or on  
 31 behalf of the member.

32 (B) This may occur only if, after a medical examination of  
 33 the member made by or under the direction of a physician or physicians  
 34 designated by the board, the physician reports to the board in writing that  
 35 the member is physically or mentally totally incapacitated for any suitable  
 36 job or position, that the incapacity will probably be permanent, and that the

1 member should be retired.

2 (2) ~~The~~ Upon filing the proper application and meeting the  
 3 requirements stated in this section, the disability annuity shall be effective  
 4 the first day of the calendar month next following the later of either his  
 5 termination of active membership or ~~thirty (30) days after the date the~~  
 6 ~~written application is filed with the board.~~ the onset date of the qualifying  
 7 disability."

8  
 9 SECTION 9. Arkansas Code 24-4-608(c) is amended to read as follows:

10 "(c)(1) A member's surviving spouse, who was married to the member at  
 11 least the one (1) year immediately preceding his death, shall receive an  
 12 annuity computed in the same manner in all respects as if the member had:

13 (A) Retired the date of his death with entitlement to an  
 14 annuity provided for in § 24-4-601;

15 (B) Elected the Option B75 survivor annuity provided for in  
 16 § 24-4-606(a)(4); and

17 (C) Nominated his spouse as joint beneficiary.

18 (2)(A) If the member had satisfied the age and service  
 19 requirements provided for in § 24-4-508 or had acquired twenty (20) years of  
 20 credited service, the spouse annuity shall commence immediately and be payable  
 21 for life. If the member had not satisfied the age and service requirement  
 22 provided for in §24-4-508 or had not acquired twenty (20) years of credited  
 23 service, then the spouse annuity shall commence immediately and be payable  
 24 until the earlier of her remarriage or death.

25 ~~(B) If the member had acquired fifteen (15) years of~~  
 26 ~~credited service but had not attained age sixty-five (65) years, the spouse~~  
 27 ~~annuity shall commence at either the later of age fifty (50) years or her age~~  
 28 ~~at his death and shall be payable until the earlier of her remarriage or~~  
 29 ~~death.~~

30 ~~(C) Otherwise, the spouse annuity shall commence at either~~  
 31 ~~the later age of sixty-two (62) years or her age at his death and shall be~~  
 32 ~~payable until the earlier of either her remarriage or death.~~ A surviving  
 33 spouse who is otherwise eligible but whose benefit has been deferred because  
 34 the spouse did not meet the age requirements in effect before July 1, 1999,  
 35 shall be eligible to commence a spouse annuity effective July 1, 1999. The  
 36 spouse annuity shall not be retroactive.

1           (3) The spouse annuity shall not be less than ten percent (10%)  
2 of the deceased member's covered compensation at the time of death.

3           (4) In any event, as long as the surviving spouse has in her care  
4 any of the deceased member's dependent children receiving a benefit provided  
5 for in this section, there shall be payable to her a spouse annuity as  
6 indicated in this section which shall not be less than ten percent (10%) of  
7 the deceased member's compensation at the time of death."

8  
9           SECTION 10. Arkansas Code 24-3-106 is amended to read as follows:

10          "24-3-106. Determination of benefits for wildlife officers -  
11 Responsibility for additional costs.

12          (a) For purposes of determining benefits under this chapter, all  
13 credited service, whenever earned, of persons employed as wildlife officers of  
14 the Arkansas State Game and Fish Commission on July 4, 1983, and of persons  
15 thereafter employed in such positions prior to July 1, 1997 shall be treated  
16 as public safety member service.

17          (b) The additional cost to the system of this section shall be the  
18 responsibility of the Arkansas State Game and Fish Commission, and the  
19 commission shall pay to the system ~~any an~~ an additional twelve percent (12%) of  
20 covered payroll, ~~as computed by actuarial determination,~~ at the same time as  
21 employer contributions are paid by law for other commission employees.

22          (c) It is the specific intent of this section to provide that the  
23 ~~contributions determined by actuarial valuation~~ twelve percent (12%)  
24 contribution referenced in subsection (b) shall be in addition to those  
25 required by § 24-3-103(c).

26  
27          (d)(1) Any person who, on July 3, 1989, is covered by a state-  
28 supported retirement system and who, on July 4, 1983, was a member of the  
29 system in a position defined by the system as 'public safety member' shall  
30 receive credit for public safety member service for any service as a wildlife  
31 officer with the Arkansas State Game and Fish Commission, which service was  
32 rendered before July 4, 1983.

33          (2) Provided, the additional cost to the system shall be the  
34 responsibility of the member, and he shall pay to the system any additional  
35 cost, as computed by actuarial determination."

1 Section 11. Arkansas Code 24-3-107 is repealed.

2 ~~"24-3-107. Benefits for State Capitol Police - Responsibility for~~  
3 ~~additional costs.~~

4 ~~(a) For purposes of determining retirement benefits under this chapter, all~~  
5 ~~credited service, whenever earned, of persons employed as an officer or as the~~  
6 ~~Director of the State Capitol Police by the office of the Secretary of State~~  
7 ~~on August 13, 1993, and of persons thereafter employed in such positions prior~~  
8 ~~to July 1, 1997, shall be treated as public safety member service.~~

9 ~~(b) The additional cost to the system of this section shall be the~~  
10 ~~responsibility of the office of the Secretary of State, and the office shall~~  
11 ~~pay to the system any additional percent of covered payroll, as computed by~~  
12 ~~actuarial determination, at the same time as employer contributions are paid~~  
13 ~~by law for other employees.~~

14 ~~(c) It is the specific intent of this section to provide that the~~  
15 ~~contributions determined by actuarial valuation shall be in addition to those~~  
16 ~~required by § 24-3-103(c).~~

17 ~~(d) The retirement credits for which the officers of the State Capitol~~  
18 ~~Police within the office of the Secretary of State would be eligible under~~  
19 ~~this section shall apply retroactively to the implementation of § 24-3-101 et~~  
20 ~~seq., except that eligibility for the retroactive benefits shall be restricted~~  
21 ~~to employees who retire after July 1, 1993."~~

22  
23 SECTION 12. Arkansas Code Title 24, Chapter 4, Subchapter 7 is amended  
24 to add an additional section to read as follows:

25 "24-4-745. (a) An employee of the General Assembly who has at least  
26 five (5) years service in the Arkansas Public Employees' Retirement System and  
27 who served at least four hundred (400) days as a session employee of the  
28 General Assembly may apply for and receive current service credit in the  
29 Arkansas Public Employees' Retirement System for service rendered as a session  
30 employee.

31 (b) The employee shall receive credit only if the employee or employer  
32 pays, or causes to be paid, to the Arkansas Public Employees' Retirement  
33 System Fund all necessary employee contributions at the rate and on the  
34 compensation that would have been paid had he been a member during that time,  
35 all employer contributions based on the employer normal cost from the most  
36 recently completed regular annual actuarial valuation and the compensation

1 that would have been paid had he been a member during that time, and regular  
2 interest on the employee and employer contributions computed from the date the  
3 service was rendered to the date the payment is received by the system.

4 (c) The employer's contributions and employees' contributions, if  
5 applicable, shall be transmitted to the system in the form and manner,  
6 together with the supporting data, as the Board of Trustees of the Arkansas  
7 Public Employees' Retirement System shall prescribe from time to time.

8 (d) The employer may pay the employer contributions and employee  
9 contributions, if applicable, on behalf of the employee for services  
10 rendered."

11  
12 SECTION 13. No benefit enhancement provided for by this act shall be  
13 implemented if it would cause the publicly supported retirement system's  
14 unfunded actuarial accrued liabilities to exceed a thirty (30) year  
15 amortization. No benefit enhancement provided for by this act shall be  
16 implemented by any publicly supported system which has unfunded actuarial  
17 accrued liabilities being amortized over a period exceeding thirty (30) years  
18 until the unfunded actuarial accrued liability is reduced to a level less than  
19 the standards prescribed by Arkansas Code, Title 24.

20  
21 SECTION 14. All provisions of this Act of a general and permanent  
22 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
23 Code Revision Commission shall incorporate the same in the Code.

24  
25 SECTION 15. If any provision of this Act or the application thereof to  
26 any person or circumstance is held invalid, such invalidity shall not affect  
27 other provisions or applications of the Act which can be given effect without  
28 the invalid provision or application, and to this end the provisions of this  
29 Act are declared to be severable.

30  
31 SECTION 16. All laws and parts of laws in conflict with this Act are  
32 hereby repealed.

33  
34 SECTION 17. EMERGENCY CLAUSE. It is hereby found and determined by the  
35 Eighty-second General Assembly, that certain provisions of the law governing  
36 the Public Employees Retirement System need to be amended concerning

1 eligibility, death benefits, and disability benefits, and that the effective  
2 administration of state government makes it necessary for these changes to  
3 begin at the start of the state's fiscal year. Therefore, an emergency is  
4 declared to exist and this act being immediately necessary for the  
5 preservation of the public peace, health and safety shall become effective on  
6 July 1, 1999.

7 /s/ Hopkins

8  
9  
10 APPROVED: 2/26/1999  
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