

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 83rd General Assembly  
3 Regular Session, 2001  
4

As Engrossed: S3/27/01

# A Bill

Act 1299 of 2001  
SENATE BILL 205

5 By: Senator Faris  
6  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE 24-4-106 CONCERNING  
10 LIMITATIONS ON THE NUMBER OF STATE-AUTHORIZED  
11 RETIREMENT PLANS PROVIDED BY AN EMPLOYER; AND FOR  
12 OTHER PURPOSES.

## Subtitle

15 AN ACT TO AMEND ARKANSAS CODE 24-4-106  
16 CONCERNING LIMITATIONS ON THE NUMBER OF  
17 STATE-AUTHORIZED RETIREMENT PLANS  
18 PROVIDED BY AN EMPLOYER.

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

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23 SECTION 1. Arkansas Code 24-4-106 is amended to read as follows:  
24 24-4-106. Limitations.

25 (a)(1) Notwithstanding any provisions to the contrary, it is considered  
26 sound public policy to limit contributions by public employers to one (1)  
27 state-authorized retirement plan. Accordingly, effective July 1, 1999,  
28 employers participating in the Arkansas Public Employees' Retirement System  
29 shall not establish any other state-authorized plan that requires  
30 contributions by the employer. The Board of Trustees of the Arkansas Public  
31 Employees' Retirement System shall promulgate such rules and regulations as  
32 are required to prohibit the establishment of such plans in the future.

33 (2) ~~It is the intent of the General Assembly to eliminate~~  
34 ~~existing plans through attrition over a period of time to be determined by the~~  
35 ~~board.~~ An employer who, in addition to participating in the Arkansas Public  
36 Employees' Retirement System, has another state-authorized plan that was in

1 existence on July 1, 1999 shall not be prohibited from:

2 (A) Changing vendors for the plan;

3 (B) Adding employees to the plan; or

4 (C) Modifying a plan pursuant to federal guidelines.

5 (3) If an employer merges with another employer and either  
6 employer has a plan that was in existence on July 1, 1999, then the merged  
7 entity may continue to provide the plan for employees of the entity.

8 (b) The Arkansas Public Employees' Retirement System shall notify all  
9 participating employers on an annual basis of the requirements of this section  
10 and the board rules and regulations governing this subject.

11 (c) For the purpose of this section "state-authorized plan" means any  
12 retirement plan authorized by state or federal law.

13  
14 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General  
15 Assembly that there is uncertainty caused by the provision in Arkansas Code  
16 24-4-106 which provides for the elimination of retirement plans by attrition,  
17 by issues related to the integration of state and federal retirement laws, and  
18 by litigation to interpret the existing law; and that this act is immediately  
19 necessary to eliminate uncertainty and to protect the retirement systems,  
20 covered employers, and affected employees. Therefore, an emergency is  
21 declared to exist and this act being immediately necessary for the  
22 preservation of the public peace, health and safety shall become effective on  
23 the date of its approval by the Governor. If the bill is neither approved nor  
24 vetoed by the Governor, it shall become effective on the expiration of the  
25 period of time during which the Governor may veto the bill. If the bill is  
26 vetoed by the Governor and the veto is overridden, it shall become effective  
27 on the date the last house overrides the veto.

28 /s/ Fari s

31 APPROVED: 4/5/2001