

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: S1/24/01 S3/5/01

## A Bill

Act 764 of 2001  
SENATE BILL 200

5 By: Senators Hunter, Faris  
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### For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE 24-4-101(17)(B) TO ALLOW  
10 SERVICE CREDIT FOR DUAL FULL-TIME EMPLOYMENT FOR  
11 CERTAIN PERSONS WHO WERE OR ARE EMPLOYED IN POSITIONS  
12 COVERED SEPARATELY BY THE ARKANSAS PUBLIC EMPLOYEES'  
13 RETIREMENT SYSTEM AND THE ARKANSAS LOCAL POLICE AND  
14 FIRE RETIREMENT SYSTEM RESPECTIVELY; AND FOR OTHER  
15 PURPOSES.  
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### Subtitle

17 TO ALLOW SERVICE CREDIT FOR CERTAIN DUAL  
18 FULL-TIME EMPLOYMENT.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code 24-4-101(17)(B), as amended by Act 151 of  
25 2001, is amended to read as follows:

26 (B) Excepting members of the General Assembly and those  
27 persons participating in a local firemen's pension fund because of their  
28 status as volunteer fire fighters, and those persons who have dual full-time  
29 employment in separate positions covered by the Arkansas Public Employees'  
30 Retirement System and the Arkansas Local Police and Fire Retirement System  
31 respectively, the term "employees" shall not include persons who are members  
32 of any other retirement system, excepting federal Social Security, which  
33 retirement system is supported by state funds or is authorized by the laws of  
34 the state. In addition, the term "employees" specifically shall not include  
35 the following:

36 (i) Persons in the employ of the Department of

1 *Arkansas State Police who are members of the State Police Retirement System;*

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

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

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

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

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

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

31 *(viii) Persons who are employed for a period of more*  
32 *than ninety (90) consecutive calendar days, but who do not qualify as full-*  
33 *time employees shall be excluded from membership. A person shall be*  
34 *considered a full time employee if that person works at least eighty (80)*  
35 *hours per month during a period of ninety (90) consecutive calendar days;*

36 *(ix) Persons whose rate of pay does not constitute*

1 employment that is substantially gainful shall be excluded from membership. A  
2 rate of pay less than the federal minimum wage for the year shall not be  
3 considered employment that is substantially gainful;

4 (x) Persons who are first employed or those who are  
5 reemployed as participants on or after July 1, 1979, under the Comprehensive  
6 Employment and Training Act. However, those persons participating in the  
7 program prior to July 1, 1979, shall continue to be members of the system  
8 while employed by a participating public employer;

9 (xi) Any person heretofore denied coverage by the  
10 system because that person was eligible for membership in, but did not  
11 participate in, another retirement system supported by state funds or that is  
12 authorized by the laws of the state, shall, from the date of July 1, 1999,  
13 become a member of the system if in an otherwise eligible position due to  
14 employment with a participating employer. Any person heretofore denied  
15 coverage by the system because that person was eligible for, or receiving  
16 benefits from, another retirement system supported by state funds or that is  
17 authorized by the laws of the state shall, from the date of July 1, 1999,  
18 become a member of the system if in an otherwise eligible position due to  
19 employment with a participating employer. Such person may receive, at the  
20 employee's option, credit for service rendered to a participating public  
21 employer before that date, subject to the following conditions:

22 (a) The member is a participating employee  
23 covered under the system at the time of the purchase;

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

26 (c) The member pays, or causes to be paid, all  
27 employee contributions at the rate and on the compensation that would have  
28 been paid had he been a member during that time, all employer contributions  
29 based on the employer normal cost from the most recently completed regular  
30 annual actuarial valuation and the compensation that would have been paid had  
31 he been a member during that time, and regular interest on the employee and  
32 employer contributions. The interest shall be computed from the date the  
33 service was rendered to the date the payment is received by the system. The  
34 member may purchase all of the service or any portion thereof in multiples of  
35 one (1) year; and

36 (d) The payment of funds shall be made in one

1 (1) lump sum; and

2 (xii) The surviving spouse of any person deemed  
3 erroneously enrolled due to receipt of a benefit from another retirement  
4 system supported by state funds or that is authorized by the laws of the  
5 state, but whose service had not been refunded at or before the date of death,  
6 shall be eligible to receive a benefit under the provisions of § 24-4-608  
7 provided that the person was an employee of the participating employer on the  
8 date of death. The monthly annuity shall be payable on the first day of the  
9 month following the month of application and shall be retroactive to the date  
10 the benefit would have been otherwise payable as provided for in § 24-4-608.

11 (xiii) Any person heretofore denied coverage by the  
12 system because that person was employed in dual full-time positions covered by  
13 the Arkansas Public Employees' Retirement System and the Arkansas Local Police  
14 and Fire Retirement System respectively shall, from and after the date of July  
15 1, 2001, become a member of both systems if in otherwise eligible positions  
16 with participating employers. The person may receive, at the employee's  
17 option, credit for service rendered to a participating public employer before  
18 that date, subject to the following conditions:

19 (a) The member is a participating employee  
20 covered under the system at the time of the purchase;

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

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

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

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36 SECTION 2. In establishing credited service under Arkansas Code Title

1 24, Chapter 2, Subchapter 4, persons who receive credited service pursuant to  
2 Arkansas Code 24-4-101(17)(B)(xiii) for dual full-time employment in the  
3 Arkansas Public Employees' Retirement System and the Arkansas Local Police and  
4 Fire Retirement System under the provisions of this act may count periods of  
5 credited service covering the same calendar time only once.

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7 SECTION 3. [THE ARKANSAS CODE REVISION COMMISSION IS NOT REQUIRED TO  
8 CODIFY THIS SECTION.] No benefit enhancement provided for by this act shall  
9 be implemented if it would cause the publicly supported retirement system's  
10 unfunded actuarial accrued liabilities to exceed a thirty (30) year  
11 amortization. No benefit enhancement provided for by this act shall be  
12 implemented by any publicly supported system which has unfunded actuarial  
13 accrued liabilities being amortized over a period exceeding thirty (30) years  
14 until the unfunded actuarial accrued liability is reduced to a level less than  
15 the standards prescribed by Arkansas Code, Title 24.

16 /s/ Hunter

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19 APPROVED: 3/14/2001  
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