

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.

**Act 789 of the Regular Session**

*As Engrossed: H3/9/07 H3/26/07*

**A Bill**

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007

HOUSE BILL 1154

4  
5 By: Joint Budget Committee  
6  
7

**For An Act To Be Entitled**

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL  
10 SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS  
11 PUBLIC EMPLOYEES RETIREMENT SYSTEM FOR THE  
12 BIENNIAL PERIOD ENDING JUNE 30, 2009; AND FOR  
13 OTHER PURPOSES.  
14

**Subtitle**

15  
16 AN ACT FOR THE ARKANSAS PUBLIC  
17 EMPLOYEES RETIREMENT SYSTEM  
18 APPROPRIATION FOR THE 2007-2009  
19 BIENNIUM.  
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21  
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

25 SECTION 1. REGULAR SALARIES - PUBLIC EMPLOYEE RETIREMENT SYSTEM. There is  
26 hereby established for the Arkansas Public Employees Retirement System for  
27 the 2007-2009 biennium, the following maximum number of regular employees  
28 whose salaries shall be governed by the provisions of the Uniform  
29 Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or  
30 its successor, and all laws amendatory thereto. Provided, however, that any  
31 position to which a specific maximum annual salary is set out herein in  
32 dollars, shall be exempt from the provisions of said Uniform Classification  
33 and Compensation Act. All persons occupying positions authorized herein are  
34 hereby governed by the provisions of the Regular Salaries Procedures and  
35 Restrictions Act (Arkansas Code §21-5-101), or its successor.



				Maximum	Maximum Annual	
				No. of	Salary Rate	
	Item	Class			Fiscal Years	
	No.	Code	Title	Employees	2007-2008	2008-2009
6	(1)	9977	PERS DIRECTOR	1	\$150,000	\$153,000
7	(2)	9029	PERS DEPUTY DIRECTOR	1	\$95,918	\$97,836
8	(3)	9516	ASSOCIATE DIR OF FISCAL AFFAIRS	1	\$86,700	\$88,434
9	(4)	9028	PERS ASSOC DIR - INVESTMENTS	1	\$72,772	\$74,227
10	(5)	037Z	INFORMATION SYSTEMS MANAGER	1	GRADE	25
11	(6)	R170	STAFF ATTORNEY	1	GRADE	25
12	(7)	297Z	GENERAL BUSINESS MANAGER	1	GRADE	24
13	(8)	608Z	PERS MEMBER SERVICES MANAGER	1	GRADE	23
14	(9)	610Z	PERS PROG MGR/ADMIN SVCS	1	GRADE	23
15	(10)	D046	SYSTEMS APPLICATIONS SUPERVISOR	1	GRADE	23
16	(11)	R017	PERS INFORMATION SERVICES MGR	1	GRADE	23
17	(12)	D124	LEAD PROGRAMMER/ANALYST	1	GRADE	22
18	(13)	A132	APERS MANAGER/SUPERVISOR MEMBERSHIP	2	GRADE	21
19	(14)	A164	RETIREMENT FUND INVESTMENT SUPV	1	GRADE	21
20	(15)	A097	RETIREMENT COUNSELOR SUPERVISOR	2	GRADE	21
21	(16)	A124	ACCOUNTING SERVICES REP II	1	GRADE	20
22	(17)	A056	INTERNAL AUDITOR	1	GRADE	20
23	(18)	A061	SENIOR INVESTMENT SPECIALIST	5	GRADE	20
24	(19)	A062	SENIOR RETIREMENT COUNSELOR	14	GRADE	20
25	(20)	D121	USER SUPPORT ANALYST	1	GRADE	20
26	(21)	R266	MANAGEMENT PROJECT ANALYST II	3	GRADE	20
27	(22)	R150	RESEARCH PROJECT ANALYST	1	GRADE	19
28	(23)	A110	ACCOUNTANT II	4	GRADE	19
29	(24)	A111	ACCOUNTANT	1	GRADE	18
30	(25)	R010	ADMINISTRATIVE ASSISTANT II	1	GRADE	17
31	(26)	K046	APERS CALL CENTER AGENT	2	GRADE	17
32	(27)	A108	ACCOUNTING TECHNICIAN II	3	GRADE	15
33	(28)	A092	REPORTING SPECIALIST III	9	GRADE	15
34	(29)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	2	GRADE	14
35	(30)	K153	SECRETARY II	4	GRADE	13
36			MAX. NO. OF EMPLOYEES	69		

SECTION 2. EXTRA HELP - PUBLIC EMPLOYEE RETIREMENT SYSTEM. There is hereby authorized, for the Arkansas Public Employees Retirement System for the 2007-2009 biennium, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: four (4) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this act for the appropriate classification.

SECTION 3. APPROPRIATION - PUBLIC EMPLOYEE RETIREMENT OPERATIONS. There is hereby appropriated, to the Arkansas Public Employees Retirement System, to be payable from the Arkansas Public Employees' Retirement System Fund, for personal services and operating expenses of the Arkansas Public Employees Retirement System for the biennial period ending June 30, 2009, the following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) REGULAR SALARIES	\$ 2,541,489	\$ 2,700,152
(02) EXTRA HELP	50,000	50,000
(03) PERSONAL SERVICES MATCHING	807,858	858,074
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	1,393,473	1,385,973
(B) CONF. & TRAVEL	42,500	42,500
(C) PROF. FEES	4,150,171	4,125,171
(D) CAP. OUTLAY	6,000	0
(E) DATA PROC.	1,700,000	1,700,000
(05) BENEFITS-NON EMPLOYEE	36,000,000	36,000,000
(06) REFUNDS/REIMBURSEMENTS	<u>29,000,000</u>	<u>29,000,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 75,691,491</u>	<u>\$ 75,861,870</u>

SECTION 4. APPROPRIATIONS - PUBLIC EMPLOYEE RETIREMENT CASH. There is hereby appropriated, to the Arkansas Public Employees Retirement System, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Arkansas Public Employees Retirement System, for payment to beneficiaries by

1 check or wired transfer by the Arkansas Public Employees Retirement System  
 2 for the biennial period ending June 30, 2009, the following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) BENEFITS	\$ 235,000,000	\$ 235,000,000

8 SECTION 5. APPROPRIATION - STATE POLICE RETIREMENT OPERATIONS. There is  
 9 hereby appropriated, to the Arkansas Public Employees Retirement System, to  
 10 be payable from the State Police Retirement Fund, for operating expenses of  
 11 the State Police Retirement System by the Arkansas Public Employees  
 12 Retirement System for the biennial period ending June 30, 2009, the  
 13 following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	\$ 57,610	\$ 57,610
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	285,950	285,950
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	0	0
(02) BENEFITS-NON EMPLOYEE	8,500,000	9,000,000
(03) REFUNDS/REIMBURSEMENTS	<u>6,500,000</u>	<u>7,500,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 15,343,560</u>	<u>\$ 16,843,560</u>

27 SECTION 6. APPROPRIATIONS - STATE POLICE RETIREMENT CASH. There is hereby  
 28 appropriated, to the Arkansas Public Employees Retirement System, to be  
 29 payable from cash funds as defined by Arkansas Code 19-4-801 of the Arkansas  
 30 Public Employees Retirement System, for payment to beneficiaries of the State  
 31 Police Retirement System by check or wired transfer by the Arkansas Public  
 32 Employees Retirement System for the biennial period ending June 30, 2009, the  
 33 following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009

1 (01) BENEFITS \$ 14,000,000 \$ 15,500,000

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3 SECTION 7. APPROPRIATION - JUDICIAL RETIREMENT OPERATIONS. There is hereby  
 4 appropriated, to the Arkansas Public Employees Retirement System, to be  
 5 payable from the Judges Retirement Fund, for operating expenses of the  
 6 Judicial Retirement System by the Arkansas Public Employees Retirement System  
 7 for the biennial period ending June 30, 2009, the following:

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9 ITEM	10 FISCAL YEARS	
	2007-2008	2008-2009
11 (01) MAINT. & GEN. OPERATION		
12 (A) OPER. EXPENSE	\$ 25,510	\$ 25,510
13 (B) CONF. & TRAVEL	0	0
14 (C) PROF. FEES	137,879	137,879
15 (D) CAP. OUTLAY	0	0
16 (E) DATA PROC.	17,500	17,500
17 (02) BENEFITS-NON EMPLOYEE	4,000,000	4,000,000
18 (03) REFUNDS/REIMBURSEMENTS	<u>2,000,000</u>	<u>2,000,000</u>
19 TOTAL AMOUNT APPROPRIATED	<u>\$ 6,180,889</u>	<u>\$ 6,180,889</u>

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21 SECTION 8. APPROPRIATIONS - JUDICIAL RETIREMENT CASH. There is hereby  
 22 appropriated, to the Arkansas Public Employees Retirement System, to be  
 23 payable from cash funds as defined by Arkansas Code 19-4-801 of the Arkansas  
 24 Public Employees Retirement System, for payment to beneficiaries of the  
 25 Judicial Retirement System by check or wired transfer by the Arkansas Public  
 26 Employees Retirement System for the biennial period ending June 30, 2009, the  
 27 following:

28

29 ITEM	30 FISCAL YEARS	
	2007-2008	2008-2009
31 (01) BENEFITS	<u>\$ 11,000,000</u>	<u>\$ 13,000,000</u>

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33 SECTION 9. APPROPRIATION - ARKANSAS DISTRICT JUDGES RETIREMENT OPERATIONS.  
 34 There is hereby appropriated, to the Arkansas Public Employees Retirement  
 35 System, to be payable from the District Judges Retirement Fund, for operating  
 36 expenses of the Arkansas District Judges Retirement Program by the Arkansas

1 Public Employees Retirement System for the biennial period ending June 30,  
 2 2009, the following:

3		FISCAL YEARS	
4	ITEM		
5	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
6	(01) MAINT. & GEN. OPERATION		
7	(A) OPER. EXPENSE	\$ 30,000	\$ 30,000
8	(B) CONF. & TRAVEL	10,000	10,000
9	(C) PROF. FEES	2,042,500	2,042,500
10	(D) CAP. OUTLAY	0	0
11	(E) DATA PROC.	0	0
12	(02) BENEFITS-NON EMPLOYEE	100,000	100,000
13	(03) REFUNDS/REIMBURSEMENTS	<u>100,000</u>	<u>100,000</u>
14	TOTAL AMOUNT APPROPRIATED	<u>\$ 2,282,500</u>	<u>\$ 2,282,500</u>

15  
 16 SECTION 10. APPROPRIATIONS - ARKANSAS DISTRICT JUDGES RETIREMENT CASH.  
 17 There is hereby appropriated, to the Arkansas Public Employees Retirement  
 18 System, to be payable from cash funds as defined by Arkansas Code 19-4-801 of  
 19 the Arkansas Public Employees Retirement System, for payment to beneficiaries  
 20 of the Arkansas District Judges Retirement Program by check or wired transfer  
 21 by the Arkansas Public Employees Retirement System for the biennial period  
 22 ending June 30, 2009, the following:

24	ITEM	FISCAL YEARS	
25	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
26	(01) BENEFITS	<u>\$ 3,000,000</u>	<u>\$ 3,000,000</u>

27  
 28 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY  
 30 FORWARD. The remaining balance as of June 30, ~~2006~~ 2008, of unexpended  
 31 appropriation in Operating Expense, Professional Fees and Capital Outlay in  
 32 Section 3 of this Act shall be carried forward into fiscal year ~~2006-2007~~  
 33 2008-2009 to be used for the same purposes.

34 Any carry forward of unexpended balance of appropriation and/or funding as  
 35 authorized herein, may be carried forward under the following conditions:  
 36 (1) Prior to June 30, 2008 the Agency shall by written statement set forth

1 its reason(s) for the need to carry forward said appropriation and/or funding  
2 to the Department of Finance and Administration Office of Budget;

3 (2) The Department of Finance and Administration Office of Budget shall  
4 report to the Arkansas Legislative Council all amounts carried forward from  
5 the first fiscal year of the biennium to the second fiscal year of the  
6 biennium by the September Arkansas Legislative Council or Joint Budget  
7 Committee meeting in the second fiscal year of the biennial period which  
8 report shall include the name of the Agency, Board, Commission or Institution  
9 and the amount of the appropriation and/or funding carried forward from the  
10 first fiscal year to the second fiscal year, the program name or line item,  
11 the funding source of that appropriation and a copy of the written request  
12 set forth in (1) above;

13 (3) Each Agency, Board, Commission or Institution shall provide a written  
14 report to the Arkansas Legislative Council or Joint Budget Committee  
15 containing all information set forth in item (2) above, along with a written  
16 statement as to the current status of the project, contract, purpose etc. for  
17 which the carry forward was originally requested no later than thirty (30)  
18 days prior to the time the Agency, Board, Commission or Institution presents  
19 its budget request to the Arkansas Legislative Council/Joint Budget  
20 Committee; and

21 (4) Thereupon, the Department of Finance and Administration shall include  
22 all information obtained in item (3) above in the biennial budget manuals  
23 and/or a statement of non-compliance by the Agency, Board, Commission or  
24 Institution.

25 The provisions of this section shall be in effect only from July 1, 2005  
26 2007 through June 30, 2007 2009.

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28 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. JUDICIAL  
30 RETIREMENT FUND TRANSFERS. A sum not to exceed ~~\$25,256~~ \$26,014 in the ~~2005-~~  
31 ~~2006~~ 2007-2008 fiscal year, and ~~\$26,014~~ \$26,794 in the ~~2006-2007~~ 2008-2009  
32 fiscal year may be transferred from the Judges Retirement Fund to the  
33 Arkansas Public Employees Retirement System Fund for costs incurred by the  
34 Arkansas Public Employees Retirement System in administering the Judicial  
35 Retirement System. Such transfer request shall be made to the Chief Fiscal  
36 Officer of the State, and upon his approval, said transfer shall be made on

1 his books and those of the Treasurer of the State and the Auditor of the  
2 State. The provisions of this section shall be in effect only from July 1,  
3 ~~2005~~ 2007 through June 30, ~~2007~~ 2009.

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5 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATE  
7 POLICE RETIREMENT FUND TRANSFERS. A sum not to exceed ~~\$42,007~~ \$43,267 in the  
8 ~~2005-2006~~ 2007-2008 fiscal year, and ~~\$43,267~~ \$44,565 in the ~~2006-2007~~ 2008-  
9 2009 fiscal year may be transferred from the State Police Retirement Fund to  
10 the Arkansas Public Employees Retirement System Fund for costs incurred by  
11 the Arkansas Public Employees Retirement System in administering the State  
12 Police Retirement System. Such transfer request shall be made to the Chief  
13 Fiscal Officer of the State, and upon his approval, said transfer shall be  
14 made on his books and those of the Treasurer of the State and the Auditor of  
15 the State.

16 The provisions of this section shall be in effect only from July 1, ~~2005~~  
17 2007 through June 30, ~~2007~~ 2009.

18  
19 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DISTRICT  
21 JUDGES RETIREMENT FUND TRANSFERS. A sum not to exceed ~~\$59,269~~ \$129,783 in the  
22 ~~2005-2006~~ 2007-2008 fiscal year, and ~~\$126,003~~ \$133,676 in the ~~2006-2007~~ 2008-  
23 2009 fiscal year may be transferred from the District Judges Retirement Fund  
24 to the Arkansas Public Employees Retirement System Fund for costs incurred by  
25 the Arkansas Public Employees Retirement System in administering the District  
26 Judge Retirement Fund. Such transfer request shall be made to the Chief  
27 Fiscal Officer of the State, and upon his approval, said transfer shall be  
28 made on his books and those of the Treasurer of the State and the Auditor of  
29 the State.

30 The provisions of this section shall be in effect only from July 1, ~~2005~~  
31 2007 through June 30, ~~2007~~ 2009.

32  
33 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXEMPTION  
35 FROM PRIOR REVIEW. The Arkansas Public Employees Retirement System is hereby  
36 exempted from seeking prior review by the Arkansas Legislative Council with

1 regard to transfers between the Benefits line item in the Cash Fund  
2 Appropriation and the Benefits-Non-Employee line item in the Operations  
3 Appropriation which are specifically related to transfers necessitated by the  
4 changes in retirees' selection of the method of payment of retirement  
5 benefits. All other provisions of Arkansas Code §19-4-522 shall be  
6 applicable. The provisions of this section shall be in effect only from July  
7 1, ~~2005~~ 2007 through June 30, ~~2007~~ 2009.

8  
9 SECTION 16. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
10 by this act shall be limited to the appropriation for such agency and funds  
11 made available by law for the support of such appropriations; and the  
12 restrictions of the State Procurement Law, the General Accounting and  
13 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
14 Procedures and Restrictions Act, or their successors, and other fiscal  
15 control laws of this State, where applicable, and regulations promulgated by  
16 the Department of Finance and Administration, as authorized by law, shall be  
17 strictly complied with in disbursement of said funds.

18  
19 SECTION 17. LEGISLATIVE INTENT. It is the intent of the General Assembly  
20 that any funds disbursed under the authority of the appropriations contained  
21 in this act shall be in compliance with the stated reasons for which this act  
22 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
23 and Legislative Recommendations contained in the budget manuals prepared by  
24 the Department of Finance and Administration, letters, or summarized oral  
25 testimony in the official minutes of the Arkansas Legislative Council or  
26 Joint Budget Committee which relate to its passage and adoption.

27  
28 SECTION 18. EMERGENCY CLAUSE. It is found and determined by the General  
29 Assembly, that the Constitution of the State of Arkansas prohibits the  
30 appropriation of funds for more than a two (2) year period; that the  
31 effectiveness of this Act on July 1, 2007 is essential to the operation of  
32 the agency for which the appropriations in this Act are provided, and that in  
33 the event of an extension of the Regular Session, the delay in the effective  
34 date of this Act beyond July 1, 2007 could work irreparable harm upon the  
35 proper administration and provision of essential governmental programs.  
36 Therefore, an emergency is hereby declared to exist and this Act being

1 necessary for the immediate preservation of the public peace, health and  
2 safety shall be in full force and effect from and after July 1, 2007.

3  
4 */s/ Joint Budget Committee*

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6 *APPROVED: 4/2/2007*

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