

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

As Engrossed: S2/20/17

# A Bill

HOUSE BILL 1258

5 By: Representatives Gillam, Davis, Ballinger, House, Eubanks, Vaught, Sturch, Wardlaw, D. Douglas,  
6 Branscum, Pitsch, Sullivan, M. Gray, Cozart, Fortner, Maddox, Capp, Coleman, Warren, Ladyman  
7 By: Senators Rice, D. Wallace  
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## For An Act To Be Entitled

10 AN ACT TO AMEND THE LAW CONCERNING MEMBERSHIP AND  
11 VACANCIES ON THE BOARD OF TRUSTEES OF THE ARKANSAS  
12 PUBLIC EMPLOYEES' RETIREMENT SYSTEM; TO DECLARE AN  
13 EMERGENCY; AND FOR OTHER PURPOSES.  
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## Subtitle

16 TO AMEND THE LAW CONCERNING MEMBERSHIP  
17 AND VACANCIES ON THE BOARD OF TRUSTEES OF  
18 THE ARKANSAS PUBLIC EMPLOYEES' RETIREMENT  
19 SYSTEM; AND TO DECLARE AN EMERGENCY.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code § 24-4-104(b)(2), concerning the appointment  
26 and service term of members of the Board of Trustees of the Arkansas Public  
27 Employees' Retirement System, is amended to read as follows:

28 (2)(A) Three (3) members who are state employees and three (3)  
29 members who are nonstate employees to be appointed by the Governor; ~~each~~  
30 ~~nonstate employee trustee and.~~

31 (B) ~~each~~ Each nonstate employee trustee and each state  
32 employee trustee shall have at least ~~ten (10)~~ five (5) continuous years of  
33 service with a public employer or employers, and shall be a member ~~or retired~~  
34 ~~member of the system.~~

35 (C) No more than one (1) of the three (3) members who are  
36 nonstate employee trustees and no more than one (1) of the three (3) members



1 who are state employee trustees may be a retired member of the system.

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3 SECTION 2. Arkansas Code § 24-4-104(c)(2), concerning vacancies on the  
4 Board of Trustees of the Arkansas Public Employees' Retirement System, is  
5 amended to read as follows:

6 ~~(2)(A) If any state employee trustee leaves the employ of the~~  
7 ~~state or if any nonstate employee trustee leaves the employ of a~~  
8 ~~participating public employer, the board shall, by a majority of the~~  
9 ~~membership of the board, fill the vacancy for the remainder of the unexpired~~  
10 ~~term by appointment of a state employee member or a nonstate employee member,~~  
11 ~~as the case may be. The Governor shall declare a vacancy on the board when a:~~

12 (i) Nonstate employee trustee leaves the employ of a  
13 participating public employer;

14 (ii) State employee trustee leaves state employment;

15 (iii) Member who is a nonstate employee trustee  
16 retires and there is another retired member of the system who is a nonstate  
17 employee trustee on the board; and

18 (iv) Member who is a state employee trustee retires  
19 and there is another retired member of the system who is a state employee  
20 trustee on the board.

21 (B) A vacancy declared under subdivisions (c)(2)(A)(iii)  
22 and (iv) of this section shall be for the seat of the newly retired trustee.

23 (C) The Governor shall appoint a state employee member or  
24 a nonstate employee member to fill the vacancy for the remainder of the  
25 unexpired term within thirty (30) days of the date on which the vacancy is  
26 declared.

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28 SECTION 3. DO NOT CODIFY. This act applies to a member currently  
29 serving on the Board of Trustees of the Arkansas Public Employees' Retirement  
30 System as of the effective date of this act.

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32 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the General  
33 Assembly of the State of Arkansas that when a vacancy occurs in the Arkansas  
34 Public Employees' Retirement System, the Governor must be able to immediately  
35 appoint a trustee to fill the vacancy; that on the effective date of this  
36 act, the provisions of this act should apply to the current members of the

1 board; and that this act shall become effective immediately in order to  
2 maintain the stability of the system and to avoid undue harm to the members  
3 and benefit recipients of the system. Therefore, an emergency is declared to  
4 exist, and this act being immediately necessary for the preservation of the  
5 public peace, health, and safety shall become effective on:

6 (1) The date of its approval by the Governor;

7 (2) If the bill is neither approved nor vetoed by the Governor,  
8 the expiration of the period of time during which the Governor may veto the  
9 bill; or

10 (3) If the bill is vetoed by the Governor and the veto is  
11 overridden, the date the last house overrides the veto.

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14 */s/Gillam*

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17 **APPROVED: 03/01/2017**  
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