

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 295 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: S2/5/09

A Bill

SENATE BILL 128

5 By: Senators Faris, *Wilkinson*
6 By: *Representative Stewart*
7
8

For An Act To Be Entitled

10 AN ACT TO ALLOW MEMBERS OF STATE-SUPPORTED
11 RETIREMENT SYSTEMS WHO ARE RECEIVING FEDERAL
12 MILITARY SERVICE RETIREMENT TO PURCHASE CREDITED
13 SERVICE FOR SERVICE RENDERED BY THE MEMBERS IN
14 THE ARMED FORCES; TO ALLOW MEMBERS OF THE
15 ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO
16 PURCHASE UP TO FIVE (5) YEARS OF COMPENSATED
17 SERVICE IN THE ARKANSAS NATIONAL GUARD OR ARMED
18 FORCES RESERVE; TO ALLOW MEMBERS OF THE ARKANSAS
19 PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO PURCHASE
20 ONE (1) YEAR OF SERVICE CREDIT FOR ONE (1) YEAR
21 OF COMPENSATED SERVICE IN THE ARKANSAS NATIONAL
22 GUARD OR THE ARMED FORCES RESERVE; TO PROVIDE
23 EMPLOYMENT PROTECTION TO ACTIVE-DUTY MILITARY
24 PERSONNEL; AND FOR OTHER PURPOSES.
25

Subtitle

26 TO ALLOW FEDERAL MILITARY RETIREMENT
27 MEMBERS TO PURCHASE CREDITED SERVICE,
28 ENHANCE THE PURCHASE OF COMPENSATED
29 SERVICES BY ARKANSAS NATIONAL GUARD AND
30 ARMED FORCES RESERVE MEMBERS, AND
31 PROVIDE EMPLOYMENT PROTECTION.
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35 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:



1
2 SECTION 1. Arkansas Code § 24-2-502(a), concerning purchased credited
3 service, is amended to read as follows:

4 (a) Any person who is or was a member of a state-supported retirement
5 system in this state and who was not receiving benefits under the system on
6 July 9, 1975, shall be entitled to purchase credited service in the system
7 for a period not to exceed five (5) years for service rendered by the member
8 in the armed forces of the United States prior to the member's employment in
9 a position covered by a state-supported retirement system, but only if the
10 person:

11 (1) Has five (5) years of actual service with the retirement
12 system;

13 (2) Received an honorable discharge from the armed forces; and

14 ~~(3) Is not receiving federal military service retirement pay
15 based upon nineteen (19) or more years of active duty, but disability federal
16 retirement pay shall not disqualify a member from the purchasing credit; and~~

17 ~~(4)(A)(3)(A)~~ For the first three (3) years of credited service,
18 contributes to the members' deposit account a sum of money equal to the
19 amount he or she would have contributed to the account had he or she been a
20 member during his or her term of military service. This amount shall be based
21 upon his or her monthly contributions at the time he or she first became a
22 member of the retirement system and interest thereon at the rate of six
23 percent (6%), together with an amount equal to the employer's matching
24 contribution and interest thereon at the rate of six percent (6%), which
25 interest shall commence January 1, 1976, or six (6) months after eligibility,
26 whichever is later; and

27 (B) For the fourth and fifth year of credited service,
28 contributes to the members' deposit account a sum of money equal to the
29 amount he or she would have contributed to the account had he or she been a
30 member during his or her term of military service. This amount shall be based
31 upon:

32 (i) His or her salary at the time he or she first
33 became a member of the retirement system;

34 (ii) The employer's contribution in effect at the
35 time he or she first became eligible to purchase the military service; and

36 (iii) Interest thereon on both the employee's and

1 employer's contributions at the rate of six percent (6%), which interest
2 shall commence January 1, 1976, or six (6) months after eligibility,
3 whichever is later.

4
5 SECTION 2. Arkansas Code § 24-2-503 is amended to read as follows:
6 24-2-503. Arkansas National Guard and armed forces reserve service
7 credit.

8 (a) As used in this section, "armed forces reserve" means one (1) of
9 the reserve components of the armed forces of the United States.

10 (b)(1) A member of the Arkansas Public Employees' Retirement System
11 may purchase credited service in the system for a period not to exceed ~~one~~
12 ~~(1) year~~ five (5) years for compensated service rendered by the member in the
13 Arkansas National Guard or in the armed forces reserve if the member:

14 (A) Makes an application to the Board of Trustees of the
15 Arkansas Public Employees' Retirement System;

16 (B) Provides the board with satisfactory proof of that
17 person's service in the Arkansas National Guard or in the armed forces
18 reserve; and

19 (C)(i) For the ~~year~~ years of service credit granted, pays
20 to the system the employee and employer contributions based on the greater
21 of:

22 (a) The annual salary received by the member
23 for the member's first full year of credited service that precedes the fiscal
24 year in which the service is purchased; or

25 (b) The average of the three (3) highest
26 annual salaries earned at the time of purchase.

27 (ii) The member shall pay interest from the end of
28 that year of credited service to the date of payment in full.

29 (2) Payment for service under this section shall be based on the
30 contribution rates in effect at the time of the purchase.

31 (3) The payment shall be credited to the member's deposit
32 account and is in addition to any regular member contributions.

33 (c) A member shall receive one (1) year of purchased service credit
34 for every ~~five (5) years~~ one (1) year of compensated service in the Arkansas
35 National Guard or in the armed forces reserve.

36 (d) The service in the Arkansas National Guard or in the armed forces

1 reserve shall not become credited service under this system until the member:

2
3 (1) Pays for the year of service in the Arkansas National Guard
4 or in the armed forces reserve at one (1) time in a single lump-sum payment;
5 and

6 (2) Has established five (5) or more years of actual service in
7 the system.

8 (e) If a member ceases to be an active member before the service in
9 the Arkansas National Guard or in the armed forces reserve has been
10 established as system-credited service, the member payments contributed under
11 this section are refundable, together with regular interest.

12 (f)(1) This section is supplemental to § 24-2-502, and nothing in this
13 section shall diminish the right of any member of the system to obtain
14 credited service in the system for active duty military service within the
15 limits permitted by § 24-2-502.

16 (2) However, no member is entitled to receive more than ~~three~~
17 ~~(3)~~ five (5) years of credited service rendered by the member under this
18 section.

19 (3) No member is eligible to purchase service credit in more
20 than one (1) ~~state-supported~~ retirement system, whether federally or state-
21 supported, for service time in the Arkansas National Guard or in the armed
22 forces reserve.

23 (4) Service credit in the system for active duty military
24 service under § 24-2-502 and for service in the Arkansas National Guard or in
25 the armed forces reserve shall not be given for the same period of time.

26 (5) A member's service in the Arkansas National Guard or armed
27 forces reserve shall not make the member eligible for any kind of benefit
28 under any other state-supported retirement system, ~~including federal systems~~,
29 except social security.

30
31 SECTION 3. Arkansas Code Title 24, Chapter 2, Subchapter 5 is amended
32 to add an additional section to read as follows:

33 24-2-504. Return to covered employment by military personnel.

34 (a) An active member of the state retirement system who is called to
35 active military duty shall be afforded all employment protections as provided
36 in the Uniformed Services Employment and Reemployment Rights Act, as in

1 effect on January 1, 2009.

2 (b) Employer contributions shall be paid for the state retirement
3 system member's period of active military duty by the member's last
4 retirement system employer immediately before the member's active duty, in
5 accordance with the Uniformed Services Employment and Reemployment Rights
6 Act, as in effect on January 1, 2009.

7 (c) In order to receive retirement credit in the state retirement
8 system for the time spent in active duty, a member covered by the
9 contributory provisions of the member's state retirement system who returns
10 from active military duty to either the same or a different covered employer
11 shall pay into the state retirement system the employee contributions that
12 would have otherwise been paid into the state retirement system by the member
13 as though the member had never left covered service.

14
15 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
16 General Assembly of the State of Arkansas that many of the citizens of the
17 State of Arkansas are serving our country as active duty military and in the
18 Arkansas National Guard and Armed Forces Reserve; that they should not be
19 penalized for their service to their country; and that current retirement law
20 does not fully provide for our servicemen and servicewomen as provided for in
21 federal law. Therefore, an emergency is declared to exist and this act being
22 necessary for the preservation of the public peace, health, and safety shall
23 become effective on:

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

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

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

30
31 */s/ Faris*

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33 **APPROVED: 3/03/2009**