Stricken language would be deleted from and underlined language would be added to present law. Act 40 of the Regular Session

1	State of Arkansas	As Engrossed: H1/19/11 H1/26/11 H2/8/11	
2	88th General Assembly	A Bill	
3	Regular Session, 2011		HOUSE BILL 1018
4			
5	By: Representatives Kerr, English, Summers, Westerman, J. Edwards, Dale, Linck, D. Hutchinson,		
6	Hickerson, Baird, Lindsey, Mayberry, Nickels, J. Roebuck, Wren, Clemmer, Lea, Benedict, Hobbs,		
7	Harris, S. Meeks, D. Meeks, Lampkin, Carnine, Eubanks, Hyde		
8	By: Senators J. Hutchinson, D. Johnson, Rapert, B. Sample, J. Key		
9			
10	For An Act To Be Entitled		
11	AN ACT TO DEFINE "TERMINATE" AS THAT TERM APPLIES TO		
12	ELIGIBILITY FOR RETIREMENT UNDER THE ARKANSAS PUBLIC		
13	EMPLOYEES' RETIREMENT SYSTEM; AND FOR OTHER PURPOSES.		
14			
15			
16	Subtitle		
17	ТО	DEFINE TERMINATE AS THAT TERM APPLI	IES TO
18	ELI	IGIBILITY FOR RETIREMENT UNDER THE	
19	ARK	KANSAS PUBLIC EMPLOYEES' RETIREMENT	
20	SYS	STEM.	
21			
22			
23	BE IT ENACTED BY THE	GENERAL ASSEMBLY OF THE STATE OF A	RKANSAS:
24			
25	SECTION 1. Ar	kansas Code § 24-4-520, concerning	termination
26	requirements for ret	irement, is amended to add a new su	bsection to read as
27	follows:		
28	<u>(e)(l) As use</u>	d in this section, "terminate" mean	<u>.s:</u>
29	<u>(A</u>	.) The member's employment has ende	<u>d;</u>
30	<u>(B</u>) A complete severance of the empl	<u>oyer-employee</u>
31	relationship has occ	urred; and	
32	<u>(C</u>	C) The member has ceased performing	any services for the
33	employer, except for	non-compensated functions related	to the transfer of the
34	duties or the transfer of the position itself.		
35	<u>(2) If</u>	the member is an elected public off	icial, "terminate" as
36	used in this section	means:	



1	(A) The member has resigned, been removed, or otherwise no			
2	longer holds the elected position;			
3	(B) A complete severance from the elected position has			
4	occurred; and			
5	(C) The member has ceased performing any services in his			
6	or her elected position, except for non-compensated functions related to the			
7	transfer of the duties or the transfer of the position itself.			
8	(3) As used in this section, "terminate" does not mean:			
9	(A) Taking a leave of absence;			
10	(B) Performing job duties or services without			
11	<u>remuneration; or</u>			
12	(C) Receiving or accruing additional employment related			
13	compensation, reimbursements, benefits, or other emoluments.			
14				
15	SECTION 2. EMERGENCY CLAUSE. It is found and determined by the			
16	General Assembly of the State of Arkansas that recent reports indicate that			
17	some members of the Arkansas Public Employees' Retirement System were merely			
18	taking themselves off of the payroll for the specified period of time while			
19	continuing to perform their duties so that they could draw retirement in			
20	addition to their wages; that clarification is needed to prevent this from			
21	happening; and that this clarification is needed immediately. Therefore, an			
22	emergency is declared to exist and this act being immediately necessary for			
23	the preservation of the public peace, health, and safety shall become			
24	effective on:			
25	(1) The date of its approval by the Governor;			
26	(2) If the bill is neither approved nor vetoed by the Governor,			
27	the expiration of the period of time during which the Governor may veto the			
28	<u>bill; or</u>			
29	(3) If the bill is vetoed by the Governor and the veto is			
30	overridden, the date the last house overrides the veto.			
31				
32	/s/Kerr			
33				
34				
35	APPROVED: 02/16/2011			
36				