

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.

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15

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Subtitle

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TO DEFINE TERMINATE AS THAT TERM APPLIES TO
18 ELIGIBILITY FOR RETIREMENT UNDER THE
19 ARKANSAS PUBLIC EMPLOYEES' RETIREMENT
20 SYSTEM.

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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 § 24-4-520, concerning termination
26 requirements for retirement, is amended to add a new subsection to read as
27 follows:

28 (e)(1) As used in this section, "terminate" means:

29 (A) The member's employment has ended;

30 (B) A complete severance of the employer-employee
31 relationship has occurred; and

32 (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 (2) If the member is an elected public official, "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 remuneration; or

12 (C) Receiving or accruing additional employment related
13 compensation, reimbursements, benefits, or other emoluments.
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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 bill; or

29 (3) If the bill is vetoed by the Governor and the veto is
30 overridden, the date the last house overrides the veto.
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32 */s/Kerr*
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