

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1209

5 By: Representatives Gonzales, Bell
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For An Act To Be Entitled

8 AN ACT TO AMEND THE CREDITED SERVICE RECEIVED BY
9 CERTAIN OFFICIALS IN AN EMPLOYMENT POSITION COVERED
10 BY THE ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM;
11 AND FOR OTHER PURPOSES.
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Subtitle

14 TO AMEND THE CREDITED SERVICE RECEIVED BY
15 CERTAIN OFFICIALS IN AN EMPLOYMENT
16 POSITION COVERED BY THE ARKANSAS PUBLIC
17 EMPLOYEES' RETIREMENT SYSTEM.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 24-4-521 is amended to read as follows:
24 24-4-521. Credited service generally.

25 (a) The Board of Trustees of the Arkansas Public Employees' Retirement
26 System shall establish the amounts of service to be credited its members
27 subject to the provisions of subsection (b) of this section.

28 (b)(1)(A)(i) Noncontributory employment service by a person who was:

29 (a) Employed prior to July 1, 1997, as a
30 public safety member shall be credited at one and one-half (1 1/2) times the
31 regular rate for crediting service; and

32 (b) Employed on and after July 1, 1997, shall
33 be credited at the regular rate for crediting service.

34 (ii) A person receiving credit for service under
35 subdivision (b)(1)(A)(i)(a) or subdivision (b)(1)(A)(i)(b) of this section
36 shall be required to have five (5) years of actual service to meet the:



1 (a) Retirement eligibility requirements under
 2 §§ 24-4-510 – 24-4-512 and 24-4-601; and

3 (b) Eligibility requirements for payment upon
 4 death benefits under § 24-4-608.

5 (B)(i) Noncontributory or contributory employment service
 6 by a person who qualifies as a public safety member under § 24-4-1004 shall
 7 be credited at one and one-half (1 1/2) times the regular rate for crediting
 8 service.

9 (ii) A person receiving credit for service under
 10 subdivision (b)(1)(B)(i) of this section shall be required to have five (5)
 11 years of actual service to meet the:

12 (a) Retirement eligibility requirements under
 13 §§ 24-4-510 – 24-4-512 and 24-4-601; and

14 (b) Eligibility requirements of § 24-4-608.

15 ~~(2)(A)(i) Noncontributory employment as the Governor by a person~~
 16 ~~first elected to a public office covered by the Arkansas Public Employees'~~
 17 ~~Retirement System prior to July 1, 1999, shall be credited as service at~~
 18 ~~three (3) times the regular rate for credited service.~~

19 ~~(ii) Noncontributory or contributory employment as~~
 20 ~~the Governor by a person first elected to a public office covered by the~~
 21 ~~system on or after July 1, 1999, shall be credited at the regular rate for~~
 22 ~~crediting service. Noncontributory and contributory employment as the~~
 23 ~~Governor shall be credited service at the regular rate.~~

24 (B) A person receiving credit for service under
 25 subdivision ~~(2)(A)(i) or subdivision (2)(A)(ii)~~ (2)(A) of this section shall
 26 be required to have:

27 (i) Four (4) years of actual service to meet the
 28 retirement eligibility requirements under §§ 24-4-510 – 24-4-512 and 24-4-
 29 601; and

30 (ii) Five (5) years of actual service to meet the
 31 eligibility requirements for payment upon death benefits under § 24-4-608.

32 ~~(3)(A)(i) Noncontributory employment as an elected state~~
 33 ~~constitutional officer by a person first elected to a public office covered~~
 34 ~~by the system prior to July 1, 1999, shall be credited at two and one half~~
 35 ~~(2 1/2) times the regular rate for crediting service.~~

36 ~~(ii) Noncontributory or contributory employment as~~

1 ~~an elected state constitutional officer by a person first elected to a public~~
 2 ~~office covered by the system on or after July 1, 1999, shall be credited at~~
 3 ~~the regular rate for crediting service. Noncontributory and contributory~~
 4 ~~employment as an elected state constitutional officer shall be credited~~
 5 ~~service at the regular rate.~~

6 (B) A person receiving credit for service under
 7 subdivision ~~(3)(A)(i) or subdivision (3)(A)(ii)~~ (3)(A) of this section shall
 8 be required to have five (5) years of actual service to meet the:

9 (i) Retirement eligibility requirements under §§ 24-
 10 4-510 – 24-4-512 and 24-4-601; and

11 (ii) Eligibility requirements for payment of death
 12 benefits under § 24-4-608.

13 (4)(A)(i) Noncontributory or contributory employment as a member
 14 of the General Assembly shall be credited at the regular rate for crediting
 15 service.

16 (ii) A person receiving credit for service under
 17 subdivision (4)(A)(i) of this section shall be required to have:

18 (a) Ten (10) years of actual service to meet
 19 the retirement eligibility requirements of §§ 24-4-510, 24-4-511, and 24-4-
 20 609; and

21 (b) Five (5) years of actual service to meet
 22 the eligibility requirements for the payment upon death benefits under § 24-
 23 4-608.

24 (B) A member of the General Assembly who at any time has
 25 served at least six (6) months in the General Assembly shall be credited with
 26 no more than one (1) year's actual service.

27 ~~(5)(A) A person who is employed as an elected public official~~
 28 ~~covered by the system and:~~

29 ~~(i) Who has served in a noncontributory elected~~
 30 ~~position covered by the system before July 1, 2011, shall be credited as~~
 31 ~~service at two (2) times the regular rate for crediting service;~~

32 ~~(ii) Who has never served in a noncontributory~~
 33 ~~elected position covered by the system before July 1, 2011, shall be credited~~
 34 ~~as service at two (2) times the regular rate for crediting service, and the~~
 35 ~~employee shall contribute an additional two and one half percent (2.5%) of~~
 36 ~~the gross payroll, and the employer shall contribute an additional two and~~

1 ~~one half percent (2.5%) of the gross payroll for the additional service that~~
 2 ~~exceeds the regular rate of service; or~~

3 ~~(iii) Who has never served in a contributory elected~~
 4 ~~position covered by the system before January 1, 2014, shall be credited as~~
 5 ~~service at two (2) times the regular rate for crediting service, and the~~
 6 ~~employee shall contribute an additional two and one half percent (2.5%) of~~
 7 ~~the gross payroll, and the employer shall contribute an additional two and~~
 8 ~~one half percent (2.5%) of the gross payroll for the additional service that~~
 9 ~~exceeds the regular rate of service.~~

10 ~~(B) However, at least five (5) years of actual service~~
 11 ~~shall be required to meet:~~

12 ~~(i) The retirement eligibility requirements of §§ 24-~~
 13 ~~4-510 — 24-4-512 and 24-4-601; and~~

14 ~~(ii) The eligibility requirements of § 24-4-608.~~

15 ~~(C) This subdivision (b)(5) does not apply to:~~

16 ~~(i) The Governor;~~

17 ~~(ii) An elected state constitutional officer;~~

18 ~~(iii) A member of the General Assembly; or~~

19 ~~(iv) An elected public official under the State~~

20 ~~Division of the Arkansas Public Employees' Retirement System.~~

21 (5)(A) A person who is employed as an elected county or
 22 municipality public official covered by the County Division of the Arkansas
 23 Public Employees' Retirement System or the Municipal Division of the Arkansas
 24 Public Employees' Retirement System shall be credited at the regular rate for
 25 crediting service when the governing body of the municipality or county does
 26 not notify the Arkansas Public Employees' Retirement System under subdivision
 27 (b)(5)(C) of this section that the county or municipality has decided for its
 28 fiscal year that the county or municipality elected public officials will be
 29 credited at two (2) times the regular rate for crediting service.

30 (B)(i) A person who is employed as an elected county or
 31 municipal public official covered by the County Division of the Arkansas
 32 Public Employees' Retirement System or the Municipal Division of the Arkansas
 33 Public Employees' Retirement System shall be credited at two (2) times the
 34 regular rate for crediting service when:

35 (a) The governing body of the county or
 36 municipality has notified the Arkansas Public Employees' Retirement System

1 under subdivision (b)(5)(C) of this section that the employer has decided
 2 that its elected public officials shall be credited at two (2) times the
 3 regular rate for crediting service;

4 (b) The employee contributes an additional two
 5 and one-half percent (2.5%) of the gross payroll that exceeds the regular
 6 rate of service; and

7 (c) The employer contributes an additional two
 8 and one-half percent (2.5%) of the gross payroll for the additional service
 9 that exceeds the regular rate of service.

10 (ii) However, at least five (5) years of actual
 11 service shall be required to meet:

12 (a) The retirement eligibility requirements of
 13 §§ 24-4-510 – 24-4-512 and 24-4-601; and

14 (b) The eligibility requirements of § 24-4-608.

15 (C) The governing body of the county or municipality shall
 16 give notice to the Arkansas Public Employees' Retirement System under the
 17 rules promulgated by the Arkansas Public Employees' Retirement System to
 18 implement this section.

19 (D) Subdivision (b)(5) of this section does not apply to:

20 (i) The Governor;

21 (ii) An elected state constitutional officer;

22 (iii) A member of the General Assembly; or

23 (iv) An elected public official under the State

24 Division of the Arkansas Public Employees' Retirement System;

25 ~~(6)(A)(i) Noncontributory employment as an elected public~~
 26 ~~official under the state division of the system other than the Governor, an~~
 27 ~~elected state constitutional officer, or a member of the General Assembly by~~
 28 ~~a person first elected to a public office covered by the Arkansas Public~~
 29 ~~Employees' Retirement System prior to July 1, 1999, shall be credited as~~
 30 ~~service at two (2) times the regular rate for crediting service.~~

31 Noncontributory or contributory employment under the State Division of the
 32 Arkansas Public Employees' Retirement System as an elected public official
 33 other than the Governor, an elected state constitutional officer, or a member
 34 of the General Assembly shall be credited as service at regular rate.

35 ~~(ii)(B)~~ (B) A person receiving credit for service under
 36 subdivision (6)(A)~~(i)~~ of this section shall have five (5) years of actual

1 service to meet the:

2 ~~(a)(i)~~ Retirement eligibility requirements
3 under §§ 24-4-510 – 24-4-512 and 24-4-601; and

4 ~~(b)(ii)~~ Eligibility requirements for payment
5 upon death benefits under § 24-4-608.

6 ~~(B) Noncontributory or contributory employment as an~~
7 ~~elected public official under the state division of the system other than the~~
8 ~~Governor, an elected state constitutional officer, or a member of the General~~
9 ~~Assembly by a person first elected to a public office covered by the system~~
10 ~~on or after July 1, 1999, shall be credited at the regular rate for crediting~~
11 ~~service.~~

12 (c) As used in this section, “elected state constitutional officer”
13 means the Lieutenant Governor, Attorney General, Secretary of State, Auditor
14 of State, Treasurer of State, and Commissioner of State Lands.

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SECTION 2. EFFECTIVE DATE. This act is effective on January 1, 2017.