

**ARKANSAS SENATE**  
83rd General Assembly - Regular Session, 2001  
**Amendment Form**

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**Subtitle of Senate Bill No. 205**

"AN ACT TO ALLOW THE BOARD OF TRUSTEES OF THE ARKANSAS PUBLIC  
EMPLOYEES' RETIREMENT SYSTEM TO MAKE CERTAIN CHANGES TO AMEND  
THEIR BENEFITS UNDER CERTAIN CIRCUMSTANCES."

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**Amendment No. 1 to Senate Bill No. 205.**

Amend Senate Bill No. 205 as originally introduced:

Delete the Title in its entirety and substitute the following:  
"AN ACT TO AMEND ARKANSAS CODE 24-4-106 CONCERNING LIMITATIONS ON THE NUMBER  
OF STATE-AUTHORIZED RETIREMENT PLANS PROVIDED BY AN EMPLOYER; AND FOR OTHER  
PURPOSES. "

AND

Delete the Subtitle in its entirety and substitute the following:  
"AN ACT TO AMEND ARKANSAS CODE 24-4-106 CONCERNING LIMITATIONS ON THE NUMBER  
OF STATE-AUTHORIZED RETIREMENT PLANS PROVIDED BY AN EMPLOYER. "

AND

Delete SECTION 1 in its entirety and substitute the following:  
"SECTION 1. Arkansas Code 24-4-106 is amended to read as follows:  
24-4-106. Limitations.  
(a)(1) Notwithstanding any provisions to the contrary, it is  
considered sound public policy to limit contributions by public employers to  
one (1) state-authorized retirement plan. Accordingly, effective July 1,  
1999, employers participating in the Arkansas Public Employees' Retirement  
System shall not establish any other state-authorized plan that requires  
contributions by the employer. The Board of Trustees of the Arkansas Public  
Employees' Retirement System shall promulgate such rules and regulations as  
are required to prohibit the establishment of such plans in the future.  
(2) ~~It is the intent of the General Assembly to eliminate  
existing plans through attrition over a period of time to be determined by  
the board.~~ An employer who, in addition to participating in the Arkansas  
Public Employees' Retirement System, has another state-authorized plan that  
was in existence on July 1, 1999 shall not be prohibited from:  
(A) Changing vendors for the plan;

(B) Adding employees to the plan; or

(C) Modifying a plan pursuant to federal guidelines.

(3) If an employer merges with another employer and either employer has a plan that was in existence on July 1, 1999, then the merged entity may continue to provide the plan for employees of the entity.

(b) The Arkansas Public Employees' Retirement System shall notify all participating employers on an annual basis of the requirements of this section and the board rules and regulations governing this subject.

(c) For the purpose of this section "state-authorized plan" means any retirement plan authorized by state or federal law.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly that there is uncertainty caused by the provision in Arkansas Code 24-4-106 which provides for the elimination of retirement plans by attrition, by issues related to the integration of state and federal retirement laws, and by litigation to interpret the existing law; and that this act is immediately necessary to eliminate uncertainty and to protect the retirement systems, covered employers, and affected employees. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

**The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_**

**By: Senator Faris**

**DF/CDS**

**CDS244**

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**Secretary**