

**ARKANSAS SENATE**  
90th General Assembly - Regular Session, 2015  
**Amendment Form**

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**Subtitle of Senate Bill No. 169**

TO AMEND THE LAWS CONCERNING THE ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

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**Amendment No. 1 to Senate Bill No. 169**

Amend Senate Bill No. 169 as originally introduced:

Page 1, delete line 9 and substitute the following:

"PUBLIC EMPLOYEES' RETIREMENT SYSTEM; CONCERNING THE ELIGIBILITY OF PARTICIPATING EMPLOYERS IN THE ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM THAT ARE NOT AGENCIES OR INSTRUMENTALITIES OF THE STATE OF ARKANSAS; TO DECLARE AN EMERGENCY; AND FOR OTHER"

AND

Delete the subtitle in its entirety and substitute:

"CONCERNING THE ELIGIBILITY OF CERTAIN PARTICIPATING EMPLOYERS IN THE ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM; AND TO DECLARE AN EMERGENCY."

AND

Page 1, delete lines 20 and 21, and substitute the following:

"SECTION 1. Arkansas Code Title 24, Chapter 4, Subchapter 2, is amended to add an additional section to read as follows:

24-4-213. Eligibility of participating employers in the Arkansas Public Employees' Retirement System that are not agencies or instrumentalities of the State of Arkansas.

(a) To ensure the tax-qualified status of the Arkansas Public Employees' Retirement System under the Internal Revenue Code, 26 U.S.C. § 1 et seq., the Arkansas Municipal League and the Association of Arkansas Counties shall take the following actions by July 1, 2015:

(1) Comply with the fiscal management laws of the State of Arkansas and submit to audits by the Division of Legislative Audit under the Arkansas Governmental Compliance Act, § 10-4-301 et seq., and § 10-4-401 et seq.;

(2) Comply with the accounting and budgetary laws governing state agencies, including without limitation the General Accounting and Budgetary Procedures Law, § 19-4-101 et seq., and receive an appropriation for the expenditures of the Arkansas Municipal League and of the Association



of Arkansas Counties from the General Assembly in the same manner as state agencies; and

(3) Comply with the Uniform Classification and Compensation Act, § 21-5-201 et seq.

(b) If the Arkansas Municipal League or the Association of Arkansas Counties, or both, fail to comply with subsection (a) of this section by July 1, 2015:

(1) Current and former employees of the Arkansas Municipal League and the Association of Arkansas Counties shall be removed from the Arkansas Public Employees' Retirement System;

(2) Employees of the Arkansas Municipal League and the Association of Arkansas Counties not yet vested in the Arkansas Public Employees' Retirement System shall receive a refund of their contributions;

(3) Retirement service credit for employees of the Arkansas Municipal League and the Association of Arkansas Counties not yet vested in the Arkansas Public Employees' Retirement System shall be deleted from their service record; and

(4) Current employees of the Arkansas Municipal League and the Association of Arkansas Counties vested in the Arkansas Public Employees' Retirement System and vested deferred employees of the Arkansas Municipal League and the Association of Arkansas Counties shall:

(A) Receive the present dollar value of their actuarially accrued benefit with the Arkansas Public Employees' Retirement System; and

(B) Have associated retirement service credit deleted from their record.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Public Employees' Retirement System must meet certain federal criteria to ensure the tax-qualified status of the Arkansas Public Employees' Retirement System under the Internal Revenue Code, 26 U.S.C. § 1 et seq.; and that this act is immediately necessary to ensure that the Arkansas Public Employees' Retirement System meets these criteria and maintains its tax-qualified status. 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:

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

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

(3) If the bill is vetoed by the Governor and the veto is overridden, 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 B. Sample**  
**MBM/KFW - 03-04-2015 16:23:34**  
**MBM132**

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**Secretary**