

ARKANSAS SENATE
94th General Assembly - Regular Session, 2023
Amendment Form

Subtitle of Senate Bill No. 136

TO AMEND THE LAW CONCERNING SERVICE CREDIT FOR ELECTED OFFICIALS PARTICIPATING IN
A PUBLIC EMPLOYEE RETIREMENT PLAN.

Amendment No. 1 to Senate Bill 136

Amend Senate Bill No. 136 as originally introduced:

Page 1, delete line 11, and substitute the following:

"RETIREMENT PLAN; TO AMEND THE LAW CONCERNING THE ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE STATE POLICE RETIREMENT SYSTEM; TO PERMIT A CHANGE IN THE DATE OF RETIREMENT IN THE CASE OF A NON-CONTRIBUTORY MEMBER WITH SERVICE IN BOTH THE ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE STATE POLICE RETIREMENT SYSTEM WHEN THE MEMBER HAS CONTINUOUS SERVICE IN ONE SYSTEM AND ERRONEOUSLY RETIRED FROM COVERED EMPLOYMENT WITH BOTH SYSTEMS WHEN CHANGING COVERED EMPLOYMENT; AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute:

"TO PERMIT A CHANGE OF RETIREMENT DATE IN
THE CASE OF CERTAIN MEMBERS WITH SERVICE
IN BOTH THE ARKANSAS PUBLIC EMPLOYEES'
RETIREMENT SYSTEM AND THE STATE POLICE
RETIREMENT SYSTEM WHEN RETIREMENT FROM
BOTH SYSTEMS WAS IN ERROR."

AND

Page 1, delete everything after the enacting clause, and substitute the following:

"SECTION 1. Arkansas Code Title 24, Chapter 2, Subchapter 7, is amended to add an additional section to read as follows:

24-2-705. Service in Arkansas Public Employees' Retirement System and State Police Retirement System – Erroneous retirement – Affidavit.

(a) If a noncontributory member, including without limitation a noncontributory member who is an elected official, establishes service in



both the Arkansas Public Employees' Retirement System and the State Police Retirement System and has continuous service in either system, but erroneously retired from both systems when his or her employment changed from being covered by one (1) of the systems to the other system, the non-contributory member may file with the relevant retirement system an affidavit stating that his or her retirement from his or her most recent employer was in error.

(2) If the noncontributory member files the affidavit in subdivision (a)(1) of this section, he or she shall have his or her date of retirement changed to the last date of employment with his or her most recent employer.

(b) The Arkansas Public Employees' Retirement System shall create a formula to calculate interest that has accrued in the event that the noncontributory member has:

(1) Paid contributions to the system that covers his or her most recent employment; and

(2) Received any retirement benefits from the system that covers his or her most recent employment.

(c) A person making an election under this section must submit the affidavit under subdivision (a)(1) of this section no later than:

(1) Six (6) months after retiring from his or her final position in covered employment with either the Arkansas Public Employees' Retirement System or the State Police Retirement System; or

(2) Six (6) months from the effective date of this act, if the person has already retired from his or her final position in covered employment with either the Arkansas Public Employees' Retirement System or the State Police Retirement System."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Crowell

LHR/LHR - 03-30-2023 16:00:06

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Secretary