

State of Arkansas
76th General Assembly
Regular Session, 1987
By: Senator Ingram

SENATE BILL 100

As engrossed 2-19-87 As engrossed 3-16-87

"AN ACT TO AMEND SUBSECTION 5.08 OF SECTION 5 OF ACT 793 OF 1977, AS AMENDED, [ARK. STAT. 12-3305 (5.08)]; SECTIONS 1 AND 2 OF ACT 488 OF 1965, AS AMENDED, [ARK. STAT. 12-2537 - 12-2538]; AND SECTION 4 OF ACT 364 OF 1981, AS AMENDED, [ARK. STAT. 12-3804] TO PROVIDE RECIPROCITY BETWEEN THE ARKANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM AND THE ARKANSAS LOCAL POLICE AND FIRE RETIREMENT SYSTEM FOR MEMBERS WITH PUBLIC SAFETY SERVICE; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Subsection 5.08 of Section 5 of Act 793 of 1977, as amended, the same being Arkansas Statutes 12-3305 (5.08) is hereby amended to add a new subsection to read as follows:

"(e) Upon termination of public safety service with all Arkansas governmental units, a public safety employee whose public safety service was covered at different times by the Arkansas Public Employees Retirement System (hereafter referred to as "APERS") and by the Arkansas Local Police and Fire Retirement System (hereafter referred to as "LOPFI") shall receive retirement benefits based upon public safety service covered by either system if all of the following conditions are satisfied:

(1) Public safety service covered by APERS means service as a public safety member as defined in Act 793 of 1977, as amended; and

(2) The total of public safety service credit in APERS and LOPFI is at least 20 years, provided the provisions of Section 4.01(b) are not used to meet the service requirements, and

(3) The benefit payable by each system shall be based upon the service credit with such system, the benefit program such system had in effect at the time the member terminated service covered by such system, and his service and

pay covered by such system while the service was being rendered."

SECTION 2. Section 1 of Act 488 of 1965, as amended, the same being Arkansas Statutes 12-2537 is hereby amended to add a new subsection to read as follows:

"(c) 'Public safety service covered by APERS' means service as a public safety member as defined in Act 793 of 1977, as amended."

SECTION 3. Section 2 of Act 488 of 1965, as amended, the same being Arkansas Statutes 12-2538 is hereby amended to add a new subsection to read as follows:

"(f) Upon termination of public safety service with all Arkansas governmental units, a public safety employee whose public safety service was covered at different times by the Arkansas Public Employees Retirement System (hereafter referred to as "APERS") and by the Arkansas Local Police and Fire Retirement System (hereafter referred to as "LOPFI") shall receive retirement benefits based upon public safety service covered by either system if all of the following conditions are satisfied:

(1) The total of public safety service credit in APERS and LOPFI is at least 20 years; provided the provisions of Section 4.01(b) of Act 793 of 1977, as amended, are not used to meet the service requirements; and

(2) The benefit payable by each system shall be based upon the service credit with such system, the benefit program such system had in effect at the time the member terminated service covered by such system, and his service and pay covered by such system while the service was being rendered."

SECTION 4. Section 4 of Act 364 of 1981, as amended, the same being Arkansas Statute 12-3804, is hereby amended to add a new subsection to read as follows:

"4.03 (a) Upon termination of public safety service with all Arkansas governmental units, a public safety employee whose public safety service was covered at different times by the Arkansas Public Employees Retirement System (hereafter referred to as "APERS") and by the Arkansas Local Police and Fire Retirement System ("LOPFI") shall receive retirement benefits based upon public safety service covered by either system if all of the following conditions are satisfied:

(1) Public safety service covered by APERS means service as a public safety member as defined in Act 793 of 1977, as amended; and

(2) The total of public safety service credit in APERS and LOPFI is at least 20 years, provided the provisions of Section 4.01(b) of Act 793 of 1977, as amended, are not used to meet the service requirements; and

(3) The benefit payable by each system shall be based upon their service credit with such system, the benefit program such system had in effect at the time the member terminated service covered by such system, and his service and pay covered by such system while the service was being rendered."

SECTION 5. Any individual who now qualifies for membership in LOPFI pursuant to this Act, who was previously barred from enrollment under (3.03) (b) of Section 3 of Act 364, as amended, shall be entitled to have his service credit established retroactive to January 1, 1987, provided that he pays, or causes to be paid, all contributions, both employee and employer, that would have been paid from that time until date of enrollment. Such individual shall be exempt from the requirement of Subsection 3.03 (d) of Section 3 of Act 364, as amended.

SECTION 6. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 7. EMERGENCY. It is hereby found and determined by the General Assembly that it is in the best interest of the public health, welfare and safety that members in the public safety category of the Public Employees Retirement System should be permitted to transfer to another employment protecting the public health and safety and that current retirement laws discourages said transfers. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

/s/ Ingram

