

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1946

By: Representative Flanagin

For An Act To Be Entitled

"AN ACT TO AMEND TITLE 24, CHAPTERS 2, 3, AND 11 TO PROVIDE RECIPROCITY BETWEEN THE ARKANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM AND ANY LOCAL POLICE OR FIRE PENSION AND RELIEF FUND FOR MEMBERS WITH PUBLIC SAFETY SERVICE; AND FOR OTHER PURPOSES."

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

SECTION 1. Ark. Code 24-2-402(6) is hereby amended to read as follows:

"(6) 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 and by the Arkansas Local Police and Fire Retirement System or by any local police or fire pension and relief fund shall receive retirement benefits based upon public safety service covered by each system if all of the following conditions are satisfied:

(A) The total of public safety service credit in the Arkansas Public Employees' Retirement System and the Arkansas Local Police and Fire Retirement System or any local police or fire pension and relief fund is at least twenty (20) years, provided the provisions of §24-3-301(b) are not used to meet the service requirements; and

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

(C) The employee furnishes verification of the number of years of service credit with the local governmental unit. The board of trustees of the Arkansas Public Employees Retirement System shall specify by rule what shall constitute sufficient verification of service credit."

SECTION 2. Ark. Code 24-3-206(a)(5) is hereby amended to read as follows:

"(5) 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 and by the Arkansas Local Police and Fire Retirement System or by a local police or fire pension and relief fund shall receive retirement benefits based upon public safety service covered by each system if all of the following conditions are satisfied:

(A) 'Public safety service covered by the Arkansas Public Employees' Retirement System' means service as a public safety member as defined in §24-3-201 et seq.; and

(B) The total of public safety service credit in the Arkansas Public Employees' Retirement System and the Arkansas Local Police and Fire Retirement System or any local police or fire pension and relief fund is at least twenty (20) years, provided the provisions of §24-3-301(b) are not used to meet the service requirements; and

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

(D) The employee furnishes verification of the number of years of service credit with the local governmental unit. The board of trustees of the Arkansas Public Employees Retirement System shall specify by rule what shall constitute sufficient verification of service credit."

SECTION 3. Title 24, Chapter 11, Subchapter 1 is hereby amended by adding a new section to read as follows:

"24-11-104. Public safety service.

(a) Public safety service covered by the Arkansas Public Employees' Retirement System means service as a public safety member as defined in §24-3-201 et seq.

(b) 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

and by a local police or fire pension and relief fund 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 the Arkansas Public Employees' Retirement System and the local police or fire pension and relief fund is at least twenty (20) years, provided the provisions of §24-3-301(b) are not used to meet the service requirements; and

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

(3) The employee furnishes verification of the number of years of service credit with the local governmental unit. The board of trustees of the Arkansas Public Employees Retirement System shall specify by rule what shall constitute sufficient verification of service credit."

SECTION 4. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 5. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 6. 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 discourage such transfers to some local service. 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.