

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995

# A Bill

HOUSE BILL 1622

4 By: Representatives Jones and B. Wood

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## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 12-62-308 TO AUTHORIZE  
9 THE ARKANSAS NATIONAL GUARD TO PAY THE EMPLOYER  
10 CONTRIBUTIONS FOR TECHNICIANS AND SITE CONTRACT EMPLOYEES  
11 *PURCHASING SERVICE CREDIT AS STATE EMPLOYEES UNDER ACT 47*  
12 *OF 1961 UNTIL JULY 1, 1975, IF IT SO CHOOSES, AND TO*  
13 *AUTHORIZE THE PUBLIC EMPLOYEES RETIREMENT SYSTEM TO*  
14 *PROVIDE FOR CREDITED SERVICE TO EMPLOYEES OF THE ARKANSAS*  
15 *NATIONAL GUARD WHEN EMPLOYEE AND EMPLOYER CONTRIBUTIONS*  
16 *ARE MADE; TO DECLARE AN EMERGENCY; AND FOR OTHER*  
17 *PURPOSES."*

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## Subtitle

20 "TO AUTHORIZE THE ARKANSAS NATIONAL  
21 GUARD TO PAY THE EMPLOYER CONTRIBUTIONS  
22 FOR SITE CONTRACT EMPLOYEES HIRED AS  
23 STATE EMPLOYEES UNDER *ACT 47 OF 1961 TO*  
24 *ACT 747 OF 1975 AND TO ALLOW PERS TO*  
25 *CREDIT THE NATIONAL GUARD FOR THOSE*  
26 *EMPLOYER CONTRIBUTIONS."*

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

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30 SECTION 1. Arkansas Code § 12-62-308 is amended to read as follows:

31 "12-62-308. Retirement system.

32 (a) The Board of Trustees of the Arkansas Public Employees Retirement  
33 System is authorized to enter into agreements with the National Guard Bureau,  
34 or the appropriate federal agency, for including within the membership of the  
35 Arkansas Public Employees Retirement System, as created by § 24-4-103,

1 technicians employed by the Arkansas National Guard under authority of 32  
2 U.S.C. § 709 and those contract personnel hired as state employees in  
3 accordance with the provisions of 10 U.S.C. § 2304(a)(10).

4 (b) The Arkansas National Guard *may* pay the employer's share to the  
5 *retirement system, or any part of the employer's contributions and interest,*  
6 *for credited service not credited to the employee by the Public Employees*  
7 *Retirement System from the effective date of Act 47 of 1961 to the effective*  
8 *date of Act 747 of 1975.*

9 (c)(1) Any employee of the National Guard included within the  
10 membership of the Arkansas Public Employees Retirement System who was  
11 employed by the National Guard under the authority of 32 U.S.C. § 709, on  
12 July 1, 1961, shall be given credit for prior service rendered as an employee  
13 of the National Guard under the authority of 32 U.S.C. § 709, prior to July  
14 1, 1957, if so employed by the National Guard on that date.

15 (2) Proof of such prior service shall be in such form as shall  
16 be required by the board of trustees.

17 (d) *Arkansas National Guard technicians and site contract employees*  
18 *covered under the provisions of Act 47 of 1961 and Act 747 of 1975 who have*  
19 *not received full credited service for their service time with the Arkansas*  
20 *National Guard from the effective date of Act 47 of 1961 until July 1, 1975*  
21 *may apply for and receive current service credit for service rendered as a*  
22 *full-time technician or site contract employee between the effective dates of*  
23 *Act 47 of 1961 and Act 747 of 1975. The employee shall receive credit only*  
24 *if the employee pays, or causes to be paid, to the Arkansas Public Employees*  
25 *Retirement System fund all necessary employer contributions and employee*  
26 *contributions that would have been paid had the employee been a member of the*  
27 *System during that time, together with interest thereon at the rate of six*  
28 *percent (6%) compounded annually from the date the contributions would have*  
29 *been paid until the payment is received by the System. The Arkansas National*  
30 *Guard may pay all or any part of the employer contributions and interest*  
31 *required."*

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33 SECTION 2. All provisions of this act of general and permanent nature  
34 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
35 Revision Commission shall incorporate the same in the Code.

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SECTION 3. If any provisions of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared to be severable.

SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 5. Emergency. It is hereby found and determined by the Eightieth General Assembly of the State of Arkansas that certain employees of the Arkansas National Guard failed to receive full credit service for their service time with the State of Arkansas; that this failure was due to an oversight on the part of the State of Arkansas and not through any fault of the National Guard employees affected; and that this situation is inequitable for the National Guard technicians and site contract employees involved. Therefore, in order to correct this inequitable situation, 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/Rep. Jones, et al*

***As Engrossed: 2/17/95 2/20/95***

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