

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

As Engrossed: H2/6/97 H2/13/97 H3/21/97

A Bill

HOUSE BILL 1341

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5 By: Representative Cook
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For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE § 24-4-101(7)(A) TO ALLOW
10 CERTAIN EMPLOYEES OF THE ARKANSAS SUPREME COURT TO
11 PARTICIPATE IN THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; TO
12 AMEND ARKANSAS CODE § 24-3-102(5) TO INCLUDE THE ARKANSAS
13 CAPITOL POLICE OFFICERS EMPLOYED BY THE ARKANSAS SUPREME
14 COURT WITHIN THE DEFINITION OF PUBLIC SAFETY MEMBER ; TO
15 *DECLARE AN EMERGENCY*; TO MAKE THE ARKANSAS SUPREME COURT
16 RESPONSIBLE FOR ALL COSTS; AND FOR OTHER PURPOSES."

Subtitle

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19 "ALLOW CERTAIN EMPLOYEES OF ARKANSAS
20 SUPREME COURT TO PARTICIPATE IN PUBLIC
21 EMPLOYEE RETIREMENT SYSTEM; INCLUDE ARK.
22 CAPITOL POLICE OFFICERS EMPLOYED BY
23 ARKANSAS SUPREME COURT WITHIN DEFINITION
24 OF PUBLIC SAFETY MEMBER "
25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Arkansas Code § 24-4-101(7)(A) is hereby enacted to add a
29 new paragraph to read as follows:

30 "(iv) Any person employed by the Arkansas Supreme Court in the Office
31 of Professional Programs or the Committee on Professional Conduct who has
32 heretofore been denied coverage under the system due to the fact that the
33 person was or is paid from the Bar Account of the Supreme Court of Arkansas
34 instead of funds appropriated by the public employer, shall become a member of
35 the system if in an otherwise eligible position. For the Office of
36 Professional Programs or the Committee on Professional Conduct to become

1 participating public employers in the Arkansas Public Employees' Retirement
2 System, approval must first be granted by the Arkansas Supreme Court. This
3 approval shall be irrevocable. Upon approval for participation, an employee
4 of these organizations shall become a mandatory member of the State Division
5 of the Arkansas Public Employees' Retirement System. Participation shall not
6 begin before July 1, 1997. Upon approval for participation, a member may
7 receive credit for service rendered prior to July 1, 1997, subject to the
8 following conditions:

9 (a) The member is a participating employee covered under the
10 system at the time of the purchase; and

11 (b) The member furnishes proof, in a form required by the system,
12 of the service and compensation received; and

13 (c) The member pays, or causes to be paid, all employee
14 contributions at the rate and on the compensation that would have been paid
15 had he been a member of the system during that time, all employer
16 contributions based on the employer normal cost from the most recently
17 completed regular annual actuarial valuation and the compensation that would
18 have been paid had he been a member during that time, and regular interest on
19 the employee and employer contributions computed from the date the service was
20 rendered to the date the payment is received by the system. The member may
21 purchase all of the service or any portion thereof in multiples of one (1)
22 year; and

23 (d) The payment of funds shall be made in one (1) lump sum."
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25 SECTION 2. Arkansas Code 24-3-102(5) is hereby amended to read as
26 follows:

27 "(5) Public safety member means a member whose covered employment is
28 for personal services as a police officer or fire fighter.

29 (A)(i) Police officer means any regular or permanent employee
30 whose primary duty is law enforcement of a municipal police department, a
31 county sheriff's office, or the Department of Arkansas State Police, including
32 probationary police officers, and shall also include wildlife officers of the
33 Arkansas State Game and Fish Commission and all officers and the Director of
34 the State Capitol Police within the office of the Secretary of State and all
35 State Capitol Police officers employed by the Arkansas Supreme Court.

36 (ii) The term police officer shall not include any

1 civilian employee of a police department or any person temporarily employed as
2 a police officer during an emergency.

3 (B) Fire fighter means any regular or permanent employee of a
4 fire department whose primary duty is fire fighting, including probationary
5 fire fighters, but the term fire fighter shall not include any civilian
6 employee of a fire department or any person temporarily employed as a fire
7 fighter during an emergency;"

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9 SECTION 3. The retirement credits for which the officers of the State
10 Capitol Police employed by the Arkansas Supreme Court would be eligible under
11 this act shall apply retroactive to the implementation of Act 793 of 1977;
12 except that eligibility for the retroactive benefits shall be restricted to
13 employees who were employed by the Arkansas Supreme Court on July 1, 1996 and
14 who retire after July 1, 1997.

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16 SECTION 4. (a) For purposes of determining retirement benefits, all
17 credited service, whenever earned, or persons employed as an officer of the
18 State Capitol Police by the Arkansas Supreme Court on the effective date of
19 this section, and of persons thereafter employed in such positions shall be
20 treated as public safety member service.

21 (b) The additional cost to the system of this section shall be the
22 responsibility of the Arkansas Supreme Court, and the Court shall pay to the
23 system any additional percent of covered payroll, as computed by actuarial
24 determination, at the same time as employer contributions are paid by law for
25 other employees.

26 (c) It is the specific intent of this section to provide that the
27 contributions determined by actuarial valuation shall be in addition to those
28 required by § 24-3-103(c).

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30 SECTION 5. All provisions of this act of a general and permanent nature
31 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
32 Revision Commission shall incorporate the same in the Code.

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34 SECTION 6. If any provision of this act or the application thereof to
35 any person or circumstance is held invalid, such invalidity shall not affect
36 other provisions or applications of the act which can be given effect without

1 the invalid provision or application, and to this end the provisions of this
2 act are declared to be severable.

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4 SECTION 7. All laws and parts of laws in conflict with this act are
5 hereby repealed.

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7 SECTION 8. Emergency. It is hereby found and determined by the Eighty-
8 First General Assembly of the State of Arkansas that the Office of
9 Professional Programs and the Committee on Professional Conduct are agencies
10 of the Arkansas Supreme Court and are employees of state government and need
11 to be covered by all public employee benefit programs; that the Office of
12 Professional Programs and the Committee on Professional Conduct should be
13 entitled to participate in the Public Employees Retirement System at the
14 beginning of the next fiscal year; and that unless this emergency clause is
15 adopted this act might not become effective until after the beginning of the
16 next fiscal year. Therefore, an emergency is hereby declared to exist and this
17 act being necessary for the immediate preservation of the public peace, health
18 and safety shall be effective from and after July 1, 1997.

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/s/Rep. Cook

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