

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

# A Bill

SENATE BILL 417

4  
5 By: Senator Mahony  
6 By: Representative Mullenix

## For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE § 24-4-101(7)(B) TO LIMIT  
10 PARTICIPATION OF COUNTY SHERIFFS WHO ARE MEMBERS OR  
11 RETIRANTS OF THE STATE POLICE RETIREMENT SYSTEM AND THE  
12 PUBLIC EMPLOYEES RETIREMENT SYSTEM TO ONLY THOSE SHERIFFS  
13 ELECTED BEFORE JULY 1, 1997; TO DECLARE AN EMERGENCY; AND  
14 FOR OTHER PURPOSES."

## Subtitle

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17 "TO LIMIT PARTICIPATION OF COUNTY  
18 SHERIFFS WHO ARE MEMBERS OF TWO STATE  
19 RETIREMENT SYSTEMS TO ONLY THOSE  
20 SHERIFFS ELECTED BEFORE JULY 1, 1997."

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

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24 SECTION 1. Arkansas Code § 24-4-101(7)(B) is amended to read as follows:  
25 "(B) Excepting members of the General Assembly, those persons eligible  
26 for, or receiving benefits from, a local firemen's or policemen's pension  
27 fund, those persons eligible for or participating in a local firemen's pension  
28 fund because of their status as volunteer fire fighters and those persons  
29 eligible for or receiving benefits from the State Police Retirement System who  
30 have been elected to the office of county sheriff before July 1, 1997, a local  
31 firemen's or policemen's pension fund, the term employees shall not include  
32 persons who are members of, or who are eligible for benefits under or  
33 membership in, any other retirement system, excepting federal social security,  
34 which retirement system is supported by state funds or is authorized by the  
35 laws of the state. In addition, the term employees specifically shall not  
36 include the following:

- 1 (i) Persons in the employ of the Department of Arkansas State  
2 Police who are members of, or who are eligible for benefits under or  
3 membership in, the State Police Retirement System, except as otherwise  
4 provided by law, or those persons elected to the office of county sheriff  
5 before July 1, 1997;
- 6 (ii) Persons in the employ of the Department of Education or the  
7 Arkansas Teacher Retirement System, except as otherwise provided by law;
- 8 (iii) Persons in the employ of the University of Arkansas or any  
9 other state-supported institution of higher learning, except as otherwise  
10 provided by law;
- 11 (iv) Justices of the Supreme Court, judges of circuit courts, or  
12 judges of chancery courts;
- 13 (v) Persons in the employ of the General Assembly who are  
14 employed on a less than full-time regular annual salary basis, except that any  
15 person who has served or who shall serve during at least six (6) legislative  
16 sessions as Chief Clerk of the House of Representatives, and who has served in  
17 the employ of the General Assembly during at least twelve (12) previous  
18 legislative sessions, shall be eligible to receive credited service in the  
19 Arkansas Public Employees' Retirement System for any period of employment with  
20 the General Assembly since July 1, 1957, but only if the employee is, or was,  
21 an active member of the system with at least ten (10) years of credited  
22 service and only if the employee pays, or causes to be paid, all employee and  
23 employer contributions that would have been paid had he been a member of the  
24 system during those periods of time;
- 25 (vi) Persons who are in the employ of the Arkansas State Highway  
26 and Transportation Department;
- 27 (vii) Persons employed with the intent of working fewer than  
28 ninety (90) calendar days;
- 29 (viii) Persons employed in the Department of Correction, who are  
30 members of, or who are eligible for benefits under, a state retirement system  
31 or plan;
- 32 (ix) Persons who are first employed or those who are reemployed  
33 as participants on or after July 1, 1979, under the Comprehensive Employment  
34 and Training Act. However, those persons participating in the program prior to  
35 July 1, 1979, shall continue to be members of the system while employed by a  
36 participating public employer."

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

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

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

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15 SECTION 5. Emergency. It is hereby found and determined by the  
16 Eighty-First General Assembly of the State of Arkansas that Act 846 of 1995  
17 changed a longstanding policy and allowed elected county sheriffs to be  
18 retired from the State Police Retirement System and to accumulate service  
19 credit in the Public Employees' Retirement System as a sheriff; that the  
20 exceptions of where persons can earn service credit in two (2) state-supported  
21 retirement systems are rare and should remain so; and that it is necessary to  
22 limit the eligibility for this service credit under Act 846 of 1995 to only  
23 those sheriffs currently eligible for this exception to double credit.  
24 Therefore, in order to restore a longstanding policy principle, an emergency  
25 is hereby declared to exist, and this act being necessary for the immediate  
26 preservation of the public peace, health, and safety, shall become effective  
27 July 1, 1997.

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