

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas *As Engrossed: S2/3/99 S2/16/99 S3/1/99 H4/7/99*

2 82nd General Assembly

# A Bill

3 Regular Session, 1999

SENATE BILL 118

4

5 By: Senator Hopkins

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## For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 24-3-301 TO CHANGE THE  
10 RATE OF EARNING SERVICE CREDIT FOR CERTAIN ELECTED  
11 OFFICIALS UNDER THE PUBLIC EMPLOYEES' RETIREMENT  
12 SYSTEM (PERS) TO THE SAME RATE AS FOR REGULAR PUBLIC  
13 EMPLOYEES; TO DECLARE AN EMERGENCY; AND FOR OTHER  
14 PURPOSES. "

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## Subtitle

17 "AN ACT TO CHANGE THE RATE OF EARNING  
18 SERVICE CREDIT FOR CERTAIN ELECTED  
19 OFFICIALS UNDER PERS TO THE SAME RATE AS  
20 FOR REGULAR PUBLIC EMPLOYEES. "

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

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25 SECTION 1. Arkansas Code 24-3-301 is amended to read as follows:

26 "24-3-301. Credited service generally.

27 (a) The governing body of each named plan shall establish the amounts  
28 of service to be credited its members subject to the provisions of subsection  
29 (b) of this section.

30 (b)(1) Employment service by a person who was employed prior to July 1,  
31 1997 as a public safety member shall be credited at one and one-half (1½)  
32 times the regular rate for crediting service and employment service by persons  
33 employed on and after July 1, 1997 shall be credited at the regular rate for  
34 crediting service, except that at least five (5) years of actual service shall  
35 be required to meet the retirement eligibility requirements of §§ 24-3-201(a)  
36 and (b), 24-3-206(a), 24-3-207(a), and 24-3-208, and at least five (5) years

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1 of actual service shall be required to meet the eligibility requirements of §  
2 24-3-209.

3 (2)(A)(i) Employment as Governor by a person first elected to a  
4 public office covered by the Arkansas Public Employees' Retirement System  
5 prior to July 1, 1999, shall be credited as service at three (3) times the  
6 regular rate for credited service; and

7 (ii) Employment as Governor by a person first elected  
8 to a public office covered by the Arkansas Public Employees' Retirement System  
9 on or after July 1, 1999 shall be credited at the regular rate for crediting  
10 service.

11 (B) except that However, at least four (4) years of actual  
12 service shall be required to meet the retirement eligibility requirements of  
13 §§ 24-3-201(a) and (b), 24-3-206(a), 24-3-207(a), and 24-3-208, and at least  
14 five (5) years of actual service shall be required to meet the eligibility  
15 requirements of § 24-3-209.'

16 (3)(A)(i) Employment as an elected state constitutional officer  
17 by a person first elected to a public office covered by Arkansas Public  
18 Employees' Retirement System prior to July 1, 1999, shall be credited at two  
19 and one-half (2½) times the regular rate for crediting service; and

20 (ii) Employment as an elected state constitutional  
21 officer by a person first elected to a public office covered by Arkansas  
22 Public Employees' Retirement System on or after July 1, 1999 shall be credited  
23 at the regular rate for crediting service.

24 (B) except that However, at least five (5) years of actual  
25 service shall be required to meet the retirement eligibility requirements of  
26 §§ 24-3-201(a) and (b), 24-3-206(a), 24-3-207(a), and 24-3-208, and at least  
27 five (5) years of actual service shall be required to meet the eligibility  
28 requirements of § 24-3-209.

29 (4)(A) Employment as a member of the General Assembly shall be  
30 credited at the regular rate for crediting service, except that at least ten  
31 (10) years of actual service shall be required to meet the retirement  
32 eligibility requirements of §§ 24-3-201(a) and (b), 24-3-206(a), 24-3-207(a),  
33 and 24-3-208, and at least five (5) years of actual service shall be required  
34 to meet the eligibility requirements of § 24-3-209.

35 (B) A member of the General Assembly who at any time has  
36 served at least six (6) months during a two-year term in the General Assembly

1 shall be credited with no more than one (1) year's actual service.

2 (5) Employment as an elected public official other than Governor  
3 or an elected state constitutional officer or a member of the General Assembly  
4 or an elected public official under the state division of the system shall be  
5 credited as service at two (2) times the regular rate for crediting service,  
6 except that at least five (5) years of actual service shall be required to  
7 meet the retirement eligibility requirements of § 24-3-201(a) and (b), 24-3-  
8 206(a), 24-3-207(a), and 24-3-208, and at least five (5) years of actual  
9 service shall be required to meet the eligibility requirements of § 24-3-209.

10 (6)(A) Employment as an elected public official under the state  
11 division of the system other than Governor or an elected state constitutional  
12 officer or a member of the General Assembly by a person first elected to a  
13 public office covered by the Arkansas Public Employees' Retirement System  
14 prior to July 1, 1999, shall be credited as service at two (2) times the  
15 regular rate for crediting service, except that at least five (5) years of  
16 actual service shall be required to meet the retirement eligibility  
17 requirements of § 24-3-201(a) and (b), 24-3-206(a), 24-3-207(a), and 24-3-208,  
18 and at least five (5) years of actual service shall be required to meet the  
19 eligibility requirements of § 24-3-209.

20 (B) Employment as an elected public official under the  
21 state division of the system other than Governor or an elected state  
22 constitutional officer or a member of the General Assembly by a person first  
23 elected to a public office covered by the Arkansas Public Employees'  
24 Retirement System on or after July 1, 1999, shall be credited at the regular  
25 rate for crediting service.

26 (c) As used in this section, "elected state constitutional officer"  
27 means the Lieutenant Governor, Attorney General, Secretary of State, Auditor  
28 of State, Treasurer of State, and Commissioner of State Lands."  
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30 SECTION 2. No benefit enhancement provided for by this act shall be  
31 implemented if it would cause the publicly supported retirement system's  
32 unfunded actuarial accrued liabilities to exceed a thirty (30) year  
33 amortization. No benefit enhancement provided for by this act shall be  
34 implemented by any publicly supported system which has unfunded actuarial  
35 accrued liabilities being amortized over a period exceeding thirty (30) years  
36 until the unfunded actuarial accrued liability is reduced to a level less than

1 the standards prescribed by Arkansas Code, Title 24.

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

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7 SECTION 4. If any provision of this Act or the application thereof to  
8 any person or circumstance is held invalid, such invalidity shall not affect  
9 other provisions or applications of the Act which can be given effect without  
10 the invalid provision or application, and to this end the provisions of this  
11 Act are declared to be severable.

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13 SECTION 5. All laws and parts of laws in conflict with this Act are  
14 hereby repealed.

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16 SECTION 6. EMERGENCY CLAUSE. It is hereby found and determined by the  
17 Eighty-second General Assembly that for the effective administration of the  
18 system this act should become effective on July 1, 1999. Therefore, an  
19 emergency is declared to exist and this act being immediately necessary for  
20 the preservation of the public peace, health and safety shall become effective  
21 on July 1, 1999.

22 /s/ Hopkins  
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