1   State of Arkansas

2   85th General Assembly

A Bill

3   Regular Session, 2005   HOUSE BILL   1100

4

5   By: Representative Sullivan

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8   **For An Act To Be Entitled**

9   AN ACT TO PROVIDE THAT AN ELECTED PUBLIC OFFICIAL

10   WHO IS A MEMBER OF THE ARKANSAS PUBLIC EMPLOYEES'

11   RETIREMENT SYSTEM AT THE TIME OF THE MEMBER'S

12   ELECTION TO A PUBLIC OFFICE IN ANOTHER FORM OF

13   GOVERNMENT MAY RETIRE AND BEGIN RECEIVING

14   RETIREMENT BENEFITS UPON TERMINATION OF THE LOCAL

15   ELECTED OFFICE; AND FOR OTHER PURPOSES.

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17   **Subtitle**

18   ELECTED PUBLIC OFFICIALS WHO ARE MEMBERS

19   OF APERS AND WHO ARE ELECTED TO PUBLIC

20   OFFICE IN ANOTHER FORM OF GOVERNMENT MAY

21   RETIRE AND RECEIVE BENEFITS WITHOUT A

22   BREAK IN SERVICE.

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

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27   SECTION 1. Arkansas Code § 24-4-520 is amended to read as follows:

28   24-4-520. Termination required for retirement.

29   (a) Except as provided in subsection (c) of this section, a A member

30 of the Arkansas Public Employees' Retirement System must terminate covered

31 employment to be eligible for retirement.

32   (b) A member shall not be terminated from employment for retirement

33 purposes if the person:

34   (1) Returns to employment in a position covered under the system

35 within thirty (30) days of the person's effective date of retirement; or

36   (2) Is a member with service credit under § 24-3-301 § 24-4-521

1   at a rate of two (2) or more years of credited service for each year of

2   actual service and the person returns to employment in a position covered

3   under the system within ninety (90) days of the person's effective date of

4   retirement.

5   (c)(1) An elected public official may retire and begin receiving

6   retirement benefits if the elected public official is a member:

7   (A) Whose current service in public office in one form of

8   government is covered by § 24-4-521(b)(5); and

9   (B) Who is elected to public office in a different form of

10   government and will begin serving in that public office immediately after the

11   expiration of his or her term of public office described in subdivision

12   (c)(1)(A) of this section.

13   (2) The member shall notify the retirement system of his or her

14   impending service in another form of government at least thirty (30) days

15   prior to the first day of the month in which that service will begin. A

16   completed retirement application must be submitted at that time.

17   (3) As used in this subsection, "form of government" means city

18   government, county government, or state government.

19   (c)(d) Persons failing to meet termination requirements shall forfeit

20   their benefits until requirements are met.

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22   SECTION 2. Section 1 of this act shall apply retroactively to an

23   elected public official who meets the requirements of § 24-4-520(c) as of

24   January 1, 2005.

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26   SECTION 3. EMERGENCY CLAUSE. It is found and determined by the

27   General Assembly of the State of Arkansas that there are elected public

28   officials that are eligible for retirement from that office but run for

29   public office in another form of government; that once a retiree begins

30   receiving retirement benefits current law requires a break in service before

31   assuming another elected office; and that this act will allow an elected

32   public official in one form of government to retire and to begin serving as

33   an elected official in another form of government without a break in service.

34   Therefore, an emergency is declared to exist and this act being immediately

35   necessary for the preservation of the public peace, health, and safety shall

36   become effective on:

1   (1) The date of its approval by the Governor;

2   (2) If the bill is neither approved nor vetoed by the Governor,

3 the expiration of the period of time during which the Governor may veto the

4 bill; or

5   (3) If the bill is vetoed by the Governor and the veto is

6 overridden, the date the last house overrides the veto.

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