

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: S1/31/05

A Bill

SENATE BILL 69

5 By: Senators J. Jeffress, Faris
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE ARKANSAS PUBLIC EMPLOYEES'
10 RETIREMENT SYSTEM LAWS TO PROVIDE FOR
11 CONTRIBUTIONS OF MEMBERS TO THEIR DEPOSIT
12 ACCOUNTS; AND FOR OTHER PURPOSES.
13

Subtitle

14 TO AMEND THE ARKANSAS PUBLIC EMPLOYEES'
15 RETIREMENT SYSTEM LAWS TO PROVIDE FOR
16 CONTRIBUTIONS OF MEMBERS TO THEIR
17 DEPOSIT ACCOUNTS.
18
19
20

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

23 SECTION 1. Arkansas Code § 24-4-401(b)(1), concerning contributions of
24 members under the Arkansas Public Employees' Retirement System, is amended to
25 read as follows:

26 (b)(1)(A) Until July 1, 2005, the ~~The~~ contributions of a contributory
27 member shall be six percent (6%) of the member's annual compensation.

28 (B) Beginning July 1, 2005, the contribution rate shall be
29 five percent (5%) of the member's annual compensation for a contributory
30 member.

31 (C) The member's deposit account shall be credited
32 interest at a rate of four percent (4%) per annum beginning July 1, 2005.

33 (2) The officer responsible for making up the payroll for each
34 public employer shall cause the contributions provided for in this section to
35 be deducted from the compensation of each member in the employ of a public
36 employer.



1 (3) The contributions shall be deducted on each and every
2 payroll, for each and every payroll period, from the date of the member's
3 entrance into the Arkansas Public Employees' Retirement System to the date
4 his or her membership terminates.

5 (4) When deducted, each of the amounts shall be paid by the
6 public employer to the Arkansas Public Employees' Retirement System Fund and
7 shall be credited to the individual account in the members' deposit account
8 of the member from whose compensation the contributions were deducted.

9 (5) The contributions provided for in this section shall be made
10 notwithstanding that the minimum salary or wages for any member shall be
11 thereby changed.

12 (6) Each member shall be deemed to consent and agree to the
13 deductions made and provided for in this section.

14 (7) Payment of a member's compensation less deductions shall be
15 a full and complete discharge and acquittance of all claims and demands
16 whatsoever for services rendered to a public employer by the member, except
17 as to benefits provided by this act.

18
19 *SECTION 2. Arkansas Code § 24-4-101(12), concerning definitions under*
20 *the Arkansas Public Employees' Retirement System laws, is amended to read as*
21 *follows:*

22 (12)(A) *"Contributory member" means a person who was a member of*
23 *the Arkansas Public Employees' Retirement System prior to January 1, 1978,*
24 *and who continues to contribute six percent (6%) of his or her compensation*
25 *to the system~~+~~. However, the rate will be five percent (5%) on and after*
26 *July 1, 2005; or*

27 *(B) A member first hired on or after July 1, 2005, or a*
28 *non-contributory member who elects to become a contributory member under §§*
29 *24-4-1101 - 1109 within six (6) months from July 1, 2005.*

30
31 *SECTION 3. Arkansas Code Title 24, Chapter 4 is amended to add an*
32 *additional subchapter to read as follows:*

33 24-4-1101. Membership.

34 (a) All public employees, as defined in § 24-4-101(17), first hired on
35 or after July 1, 2005, are subject to the benefit provisions of this
36 subchapter.

1 (b)(1) All public employees hired prior to July 1, 2005, and who are
2 active members of the Arkansas Public Employees' Retirement System on July 1,
3 2005, shall have six (6) months from July 1, 2005, to elect coverage under
4 the benefit provisions of this subchapter.

5 (2) No conversion or purchase of noncontributory service into
6 contributory service under this subchapter is allowed.

7 (3) The election shall be made as directed by the Board of
8 Trustees of the Arkansas Public Employees' Retirement System and is
9 irrevocable.

10 (c) Noncontributory members who terminate covered service for a period
11 of more than six (6) months and subsequently return to covered service will
12 be subject to the provisions of this subchapter.

13 24-4-1102. Member contributions.

14 (a)(1) The contributions of a member shall be five percent (5%) of the
15 member's annual compensation, and shall be placed in the member's deposit
16 account as provided in § 24-4-401.

17 (2) Interest shall be paid on accumulated member contributions
18 at the rate of four percent (4%) per annum.

19 (b) A member whose service is credited at a rate other than as defined
20 in § 24-4-101(2) shall contribute five percent (5%) times the service
21 multiplier used in calculating the member's benefits.

22 (c)(1) For purposes of deferring federal and state income tax under
23 26 U.S.C. § 414(h)(2), as adopted by § 26-51-414, the employer shall pick up
24 the member's contributions to the Arkansas Public Employees' Retirement
25 System required by this section payable on or after July 1, 2005.

26 (2)(A) Member contributions picked up by the employer shall be
27 paid from the same source of funds used for the payment of salary to a
28 member.

29 (B) A deduction shall be made from each member's salary,
30 equal to the amount of the member's contribution picked up by the employer.

31 (C) For all other purposes, member contributions picked up
32 by the employer shall be considered member contributions.

33 (d) Upon termination of covered service, a former member may request a
34 refund of the former member's accumulated contributions under § 24-4-603,
35 except that interest will be credited on all balances for service through the
36 last completed fiscal year as provided in § 24-4-209(a).

1
2 24-4-1103. Benefits generally.

3 (a) Upon retirement under this subchapter, a member shall receive a
4 straight life pension equal to two percent (2%) of the member's final average
5 compensation multiplied by the number of years and any fraction of a year of
6 the member's service.

7 (b) Any member may voluntarily retire upon filing a written
8 application with the Board of Trustees of the Arkansas Public Employees'
9 Retirement System not less than thirty (30) days nor more than ninety (90)
10 days before the date the member desires to be retired if that member has:

11 (1) Twenty-eight (28) or more years of credited service
12 regardless of age; or

13 (2) Attained or attains age sixty-five (65); and

14 (3)(A) Has five (5) or more years of actual service.

15 (B) However, a member of the General Assembly must have
16 ten (10) or more years of actual service if the member only has service as a
17 member of the General Assembly.

18 (c) No temporary annuity will be provided to members covered by this
19 subchapter.

20 (d) The maximum benefit payable upon retirement shall be one hundred
21 percent (100%) of the member's final average compensation, without regard to
22 any postretirement increases enacted by the General Assembly.

23
24 24-4-1104. Annuity options.

25 Before the date the first payment of a member's annuity is due, a
26 member may elect to receive the annuity as a straight life annuity or as one
27 of the reduced annuity options provided in § 24-4-606.

28
29 24-4-1105. Deferred and early annuities.

30 (a) Any member or former member with sufficient years of actual
31 service to qualify for a vested termination annuity who has not attained
32 normal retirement age may retire with an early annuity provided in § 24-4-
33 510.

34 (b) In the event a member with five (5) years or more of actual
35 service in the Arkansas Public Employees' Retirement System ceases employment
36 as a covered member before reaching sixty-five (65) years of age or attaining

1 twenty-eight (28) years of service and does not withdraw his or her
2 accumulated employee contributions to the system, the member is entitled to
3 receive an annuity upon attainment of sixty-five (65) years of age and
4 submission of a retirement application to the system.

5 (c) If a former member has applied for a refund of contributions but
6 returns to employment with a participating public employer prior to the date
7 the refunded contributions are received, the request is void and employment
8 must be terminated again to request a refund of contributions.

9
10 24-4-1106. Benefits - Death of retirant.

11 (a) In the event a retirant receiving a straight life pension dies
12 before the retirant has received an aggregate amount of straight life pension
13 payments equal to the accumulated contributions credited in the retirant's
14 deposit account at the time of retirement, the difference between the
15 accumulated contributions and the aggregate amount of straight life pension
16 payments received by the retirant is paid to the named beneficiary.

17 (b) If no designated person survives the retirant, the difference, if
18 any, shall be paid in accordance with the laws of descent and distribution of
19 the State of Arkansas.

20 (c) The payments may be made directly to a curator, guardian,
21 administrator, or executor authorized to receive the payments with or without
22 the appointment of a representative in this state.

23 (d) No benefits will be paid under this section if survivor benefits
24 are otherwise payable to a named beneficiary.

25
26 24-4-1107. Redetermination of benefits.

27 (a) Each July 1 the Arkansas Public Employees' Retirement System shall
28 redetermine the amount of each monthly benefit that has been payable by the
29 system for at least twelve (12) calendar months. The redetermined amount is
30 payable for the following twelve (12) calendar months.

31 (b) The redetermined amount is the amount of the benefit payable as of
32 the immediately preceding July 1 increased by three percent (3%).

33
34 24-4-1108. Benefit provisions - Death in service.

35 (a)(1) If an active member or former member with less than five (5)
36 years of actual service dies while employed by a covered employer, the

1 member's accumulated contributions and interest are refundable to the named
2 beneficiary.

3 (2) If no designated person survives the member, the accumulated
4 contributions will be paid in accordance with the laws of descent and
5 distribution of the State of Arkansas.

6 (3) The payments may be made directly to a curator, guardian,
7 administrator, or executor authorized to receive the payments with or without
8 the appointment of a representative in this state.

9 (b) If an active member or former member with five (5) or more years
10 of actual service dies before retirement, the benefits under this section
11 will be paid upon written application to the Board of Trustees of the
12 Arkansas Public Employees' Retirement System as provided in § 24-4-508.

13
14 24-4-1109. Maximum benefit limitation.

15 (a) Benefits paid under this chapter shall not exceed the limitations
16 of Section 415 of the Internal Revenue Code that are applicable to
17 governmental retirement plans.

18 (b)(1) The Board of Trustees of the Arkansas Public Employees'
19 Retirement System is authorized to promulgate all rules necessary to
20 implement the limitations of Section 415 of the Internal Revenue Code.

21 (2) The rules adopted by the board under this section shall be
22 amended to reflect any changes in the content or application of Section 415
23 of the Internal Revenue Code enacted by Congress or promulgated by the
24 Internal Revenue Service.

25
26 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
27 General Assembly of the State of Arkansas that for the effective
28 administration of this act and to avoid undue harm to the members and benefit
29 recipients of the Arkansas Public Employees' Retirement System that this act
30 should become effective on July 1, 2005. Therefore, an emergency is declared
31 to exist and this act being necessary for the preservation of the public
32 peace, health, and safety shall become effective on July 1, 2005.

33
34 */s/ J. Jeffress*