

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: H3/10/11
A Bill

HOUSE BILL 1186

5 By: Representative English
6

7 **For An Act To Be Entitled**

8 AN ACT TO INCREASE THE AMOUNT OF TIME A RETIREE
9 DRAWING BENEFITS MUST WAIT BEFORE BEING REHIRED BY A
10 COVERED EMPLOYER; TO DECLARE AN EMERGENCY; AND FOR
11 OTHER PURPOSES.
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14 **Subtitle**

15 TO INCREASE THE AMOUNT OF TIME A RETIREE
16 DRAWING BENEFITS MUST WAIT BEFORE BEING
17 REHIRED BY A COVERED EMPLOYER AND TO
18 DECLARE AN EMERGENCY.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 24-4-520 is amended to read as follows:
24 24-4-520. Termination required for retirement.

25 (a) Except as provided in subsection (c) of this section, a member of
26 the Arkansas Public Employees' Retirement System shall terminate covered
27 employment to be eligible for retirement.

28 (b)(1) A Except as otherwise provided in this subsection, a member
29 shall not be terminated from employment for retirement purposes if the
30 person+

31 ~~(A) Returns~~ returns to employment in a position covered
32 under the system within ~~one hundred eighty (180) days~~ one (1) year of the
33 person's effective date of retirement; ~~or,~~

34 ~~(B) Is a member with service credit under § 24-4-521 at a~~
35 ~~rate of two (2) or more years of credited service for each year of actual~~
36 ~~service and the person returns to employment in a position covered under the~~



1 ~~system within one hundred eighty (180) days of the person's effective date of~~
2 ~~retirement.~~

3 (2)(A) A member who retires with an effective date on or after
4 July 1, 2009, and before July 1, 2011, shall have the one-year separation
5 requirement waived and may return to employment in a position covered under
6 the system no sooner than one hundred eighty (180) days after that member's
7 effective date of retirement.

8 (B) A member who retires with an effective date before
9 July 1, 2009, shall have the one-year separation requirement waived and may
10 return to employment in a position covered under the system no sooner than
11 thirty (30) days after that member's effective date of retirement.

12 (3)(A) A member who enters the Arkansas Public Employees'
13 Retirement System Deferred Option Plan on or after January 1, 2009, but
14 before July 1, 2011, shall have the one-year separation requirement waived
15 and may return to employment otherwise covered by the system no sooner than
16 one hundred eighty (180) days after that member's effective date of
17 retirement.

18 ~~(2)(B)~~ A member participating in the Arkansas Public
19 Employees' Retirement System Deferred Retirement Option Plan before January
20 1, 2009, shall have the ~~one hundred eighty day~~ one-year separation
21 requirement waived and may return to employment otherwise covered by the
22 system no sooner than thirty (30) calendar days from the commencement of his
23 or her retirement.

24 (C) A member who enters the Arkansas Public Employees'
25 Retirement System Deferred Option Plan on or after February 1, 2009, but
26 before July 1, 2011, with service credit under § 24-4-521 at a rate of two
27 (2) or more years of credited service for each year of actual service, shall
28 not be eligible to return to employment in a position covered under the
29 system within one hundred eighty (180) days of that member's effective date
30 of retirement.

31 (D) A member in the Arkansas Public Employees' Retirement
32 System Deferred Option Plan on January 1, 2009, with service credit under §
33 24-4-521 at a rate of two (2) or more years of credited service for each year
34 of actual service shall not be eligible to return to employment in a position
35 covered under the system within ninety (90) days of that member's effective
36 date of retirement.

1 ~~(3) A member who has retired and commenced receiving benefits in~~
2 ~~any month between January 2009 and June 2009, inclusive, shall have the one-~~
3 ~~hundred eighty day separation requirement waived and may return to employment~~
4 ~~otherwise covered by the system no sooner than thirty (30) calendar days from~~
5 ~~the commencement of his or her retirement.~~

6 (c)(1) An elected public official may retire and begin receiving
7 retirement benefits if the elected public official is a member:

8 (A) Whose current service in public office in one (1) form
9 of government is covered by § 24-4-521(b)(5); and

10 (B) Who is elected to public office in a different form of
11 government and will begin serving in that public office immediately after the
12 expiration of his or her term of public office described in subdivision
13 (c)(1)(A) of this section.

14 (2) The member shall notify the retirement system of his or her
15 impending service in another form of government at least thirty (30) days
16 prior to the first day of the month in which that service will begin. A
17 completed retirement application shall be submitted at that time.

18 (3) As used in this subsection, "form of government" means city
19 government, county government, or state government.

20 (d) Persons failing to meet termination requirements shall forfeit
21 their benefits until requirements are met to the system all of the retirement
22 benefits he or she has received notwithstanding any other provision of the
23 Arkansas Code and shall forfeit receipt of his or her monthly benefit payment
24 until termination requirements are met.

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26 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
27 General Assembly of the State of Arkansas that members of the Arkansas Public
28 Employees' Retirement System have been rehired by covered employers after
29 having only been retired a nominal period of time; that these employees are
30 receiving both retirement and wages from the state; that the rehiring of
31 retired employees is preventing other Arkansans from acquiring employment
32 with the state; that the rehiring of retired employees is preventing current
33 state employees from receiving promotions; and that this act is immediately
34 necessary, because without immediate effectiveness, a significant number of
35 current retirement system members might avail themselves of the opportunity
36 to retire before the more restrictive provisions apply resulting in a

1 substantial, detrimental impact on the retirement system. Therefore, an
2 emergency is declared to exist and this act being necessary for the
3 preservation of the public peace, health, and safety shall become effective
4 on July 1, 2011.

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/s/English