

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

As Engrossed: H3/21/11

A Bill

HOUSE BILL 1250

5 By: Representative Stewart
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE RETIREMENT LAW AS IT RELATES TO
9 MEMBERS OF THE GENERAL ASSEMBLY; AND FOR OTHER
10 PURPOSES.
11

Subtitle

12 AN ACT TO AMEND THE RETIREMENT LAW AS IT
13 RELATES TO MEMBERS OF THE GENERAL
14 ASSEMBLY.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 *SECTION 1. Arkansas Code § 24-4-101(28), concerning the definitions*
22 *used in the Arkansas Public Employees' Retirement System, is amended to read*
23 *as follows:*

24 (28) "Normal retirement age" means, for a member, the youngest
25 of the following ages:

26 (A) Age sixty (60) and with twenty (20) or more years of
27 actual service for a contributory member; ~~or~~

28 (B) Age sixty-five (65) with five (5) or more years of
29 actual service, ~~except for a member of the General Assembly who must have ten~~
30 ~~(10) or more years of actual service if he or she only has service as a~~
31 ~~member of the General Assembly;~~

32 (C) If the provisions of § 24-4-521 are used to determine
33 any portion of total credited service, then the age upon completion of
34 thirty-five (35) years of credited service, but in no event to an age younger
35 than fifty-five (55);

36 (D) For a noncontributory member with credited service for



1 employment as a public safety employee or as a sheriff, age sixty-five (65)
2 reduced by one (1) month for each two (2) months of such credited service,
3 but in no event to an age younger than fifty-five (55), except in the case of
4 a sheriff who has a minimum of ten (10) years of actual service as a sheriff
5 or who has eight (8) years of actual service as a sheriff and a minimum of
6 two (2) years of service in another state-supported retirement system, for
7 whom the minimum retirement age shall be fifty-two (52);

8 (E) The age upon completion of twenty-eight (28) years of
9 credited service, if the provisions of § 24-4-521 are not used to determine
10 any portion of the credited service;

11 (F) For a member of the General Assembly with twelve (12)
12 years of actual service, ten (10) of which must be as a member of the General
13 Assembly, at age fifty-five (55). A member of the General Assembly who was
14 either serving in the General Assembly on July 1, 1979, or held an elected
15 office on July 1, 1979, shall be eligible to retire with seventeen and one-
16 half (17 ½) years of actual service regardless of age;

17 (G) An elected state constitutional officer shall be
18 eligible to retire with twenty-eight (28) years of credited service at age
19 fifty-five (55); and

20 (H) Notwithstanding subdivision (28)(C) of this section,
21 in the case of a deputy sheriff who has a minimum of twenty-five (25) years
22 of actual service as a deputy sheriff, the minimum retirement age shall be
23 fifty-two (52);

24
25 SECTION 2. Arkansas Code § 24-4-301(a)(2)(A), concerning membership in
26 the Arkansas Public Employees' Retirement System as a condition to
27 employment, is amended to read as follows:

28 (2)(A)~~(i)(a)~~ A person who is first elected as a member of the
29 General Assembly on or after July 1, 1999, shall have his or her employment
30 covered as a regular state employee member in lieu of coverage under special
31 provisions relating to General Assembly members or to elected officials.

32 ~~(b) However, if the member's only service~~
33 ~~under an Arkansas retirement plan is service as a member of the General~~
34 ~~Assembly, the member must have ten (10) or more years of actual service to be~~
35 ~~eligible for benefits.~~

36 ~~(ii)(a) A person who was first elected as a member~~

1 ~~of the General Assembly before July 1, 1999, may elect to have his or her~~
2 ~~employment covered as a regular state employee member in lieu of coverage~~
3 ~~under special provisions relating to General Assembly members or to elected~~
4 ~~officials. The member may make the election at any time.~~

5 ~~(b) However, if the member's only service~~
6 ~~under an Arkansas retirement plan is service as a member of the General~~
7 ~~Assembly, then the member must have ten (10) or more years of actual service~~
8 ~~to be eligible for benefits.~~

9
10 SECTION 3. Arkansas Code § 24-4-508(a), concerning eligibility for
11 benefits in the Arkansas Public Employees' Retirement System, is amended to
12 read as follows:

13 (a) Any member may voluntarily retire upon his or her written
14 application filed with the Board of Trustees of the Arkansas Public
15 Employees' Retirement System setting forth at what time, not less than thirty
16 (30) days nor more than ninety (90) days subsequent to the execution and
17 filing of the application, that he or she desires to be retired if that
18 member has:

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

21 (2) Attained or attains age sixty (60) and has twenty (20) or
22 more years of actual contributory service commenced prior to January 1, 1978;
23 or

24 (3) Attained or attains age sixty-five (65) and has five (5) or
25 more years of actual service, ~~except for a member of the General Assembly who~~
26 ~~must have ten (10) or more years of actual service if he or she only has~~
27 ~~service as a member of the General Assembly.~~

28
29 SECTION 4. Arkansas Code § 24-4-510(a)(1)(B), concerning the
30 eligibility for benefits in the Arkansas Public Employees' Retirement System,
31 is amended to read as follows:

32 (B) The member or former member eligible for a vested
33 termination annuity must have at least five (5) years of actual service and
34 be within ten (10) years of normal retirement age, ~~except for members of the~~
35 ~~General Assembly who must have at least ten (10) years of actual service and~~
36 ~~be within ten (10) years of normal retirement age.~~

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3 *SECTION 5. Arkansas Code § 24-4-510(b)(1)(A), concerning early*
4 *retirement, is amended to read as follows:*

5 *(b)(1) A member who terminates covered employment before attaining his*
6 *or her normal retirement age for a reason other than death or early*
7 *retirement or disability retirement shall be entitled to an annuity computed*
8 *in accordance with the provisions of subdivision (b)(2) of this section as it*
9 *provides at time of last termination of employment, subject to the member's*
10 *satisfying all of the following conditions:*

11 *(A) ~~Except for members of the General Assembly, who must~~*
12 *~~have at least ten (10) years of actual service, the~~ The member has five (5)*
13 *or more years of total actual service with the Arkansas Public Employees'*
14 *Retirement System or in combination with reciprocal systems under the*
15 *provisions of §§ 24-2-401 – 24-2-405, and 24-2-407. In establishing the*
16 *minimum total credited service, periods of credited service covering the same*
17 *calendar time shall be counted only once. However, both service in the*
18 *Arkansas Public Employees' Retirement System as a member of the General*
19 *Assembly and service in another reciprocal system during the same period of*
20 *time may be counted to meet the service requirements for benefits from the*
21 *reciprocal systems, subject to the following:*

22 *(i) The provisions of § 24-4-521 may not be used to*
23 *meet the service requirements; and*

24 *(ii) The benefit payable by a reciprocal system will*
25 *be based on the credited service in that system and on the final average*
26 *compensation under that system;*

27
28 *SECTION 6. Arkansas Code § 24-4-511(a)(1)(A), concerning disability*
29 *retirement, is amended to read as follows:*

30 *(a)(1)(A) ~~Except for members of the General Assembly who need at least~~*
31 *~~ten (10) years of actual service, any~~ An active member with five (5) or more*
32 *years of actual service, including actual service for at least eighteen (18)*
33 *of the twenty-four (24) calendar months immediately preceding his or her*
34 *disability, who becomes totally and permanently physically or mentally*
35 *incapacitated for any suitable job or position as an employee as a result of*
36 *a personal injury or disease may be retired by the Board of Trustees of the*

1 *Arkansas Public Employees' Retirement System upon written application filed*
2 *with the board by or on behalf of the member.*

3 *(B) This may occur only if after a medical examination of*
4 *the member made by or under the direction of a physician or physicians*
5 *designated by the board, the physician reports to the board in writing that*
6 *the member is physically or mentally totally incapacitated for any suitable*
7 *job or position, that the incapacity will probably be permanent, and that the*
8 *member should be retired.*

9 *(2) Upon filing the proper application and meeting the*
10 *requirements stated in this section, the disability annuity shall be*
11 *effective the first day of the calendar month next following the later of*
12 *either the member's termination of active membership or the onset date of the*
13 *qualifying disability.*

14
15 *SECTION 7. Arkansas Code § 24-4-521(b)(4)(A), concerning credited*
16 *service for members of the General Assembly, is amended to read as follows:*

17 *(4)(A) Noncontributory employment as a member of the General*
18 *Assembly shall be credited at the regular rate for crediting service, except*
19 *that at least ~~ten (10)~~ five (5) years of actual service shall be required to*
20 *meet the retirement eligibility requirements of §§ 24-4-510, 24-4-511, and*
21 *24-4-609, and at least five (5) years of actual service shall be required to*
22 *meet the eligibility requirements of § 24-4-608.*

23
24 *SECTION 8. Arkansas Code § 24-4-710(b), concerning surviving spouse*
25 *benefits for General Assembly members, is amended to read as follows:*

26 *(b) The surviving spouse of a member or former member of the General*
27 *Assembly or of a state constitutional officer or former state constitutional*
28 *officer who, by virtue of the provisions of this section or any other law,*
29 *has five (5) years or more of credited service in any capacity in the system,*
30 *~~except for a member of the General Assembly who must have had ten (10) or~~*
31 *~~more years of credited service if he or she only has service as a member of~~*
32 *~~the General Assembly,~~ shall be entitled upon reaching the required age to a*
33 *surviving spouse benefit in the amount prescribed by law under the division*
34 *of the system in which the deceased member was receiving benefits or would*
35 *have been entitled under this section to receive benefits if the member had*
36 *lived to retirement age.*

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/s/Stewart