

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

A Bill

SENATE BILL 172

4
5 By: Senator J. Key
6

For An Act To Be Entitled

8 AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE PUBLIC
9 RETIREMENT SYSTEMS; TO BRING THE PUBLIC RETIREMENT
10 SYSTEMS INTO COMPLIANCE WITH FEDERAL LAW; TO DECLARE
11 AN EMERGENCY; AND FOR OTHER PURPOSES.
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Subtitle

14 TO MAKE TECHNICAL CORRECTIONS TO THE
15 PUBLIC RETIREMENT SYSTEMS; TO BRING THE
16 PUBLIC RETIREMENT SYSTEMS INTO COMPLIANCE
17 WITH FEDERAL LAW; AND TO DECLARE AN
18 EMERGENCY.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 24-2-503(d)(1), concerning the Arkansas
25 National Guard and armed forces reserve service credit, is amended to read as
26 follows:

27 (d) The service in the Arkansas National Guard or in the armed forces
28 reserve shall not become credited service under this system until the member:

29 (1)(A) Pays for the ~~year of~~ purchased service in the Arkansas
30 National Guard or in the armed forces reserve ~~at one (1) time in a single~~
31 ~~lump-sum payment.~~

32 (B) Service may be purchased under this subdivision (d)(1)
33 in one-month increments; and
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35 SECTION 2. Arkansas Code § 24-4-101(40), concerning the definition of
36 "retirement", is amended to read as follows:



1 (40)(A) "Retirement" means a member's withdrawal from the
2 service of a public employer, with an annuity payable from funds of the
3 Arkansas Public Employees' Retirement System.

4 (B) Failure to meet termination requirements shall not
5 operate to revoke a member's retirement election;

6
7 SECTION 3. Arkansas Code § 24-4-207(c)(2)(A), concerning the one-year
8 limitation on recovering overpayments, is amended to read as follows:

9 (2)(A) The board shall have the right to recover any overpayment
10 that any person may have received from funds of the system, provided the
11 overpayment is determined and the person is so notified within one (1) year
12 of the date of the ~~first~~ last overpayment.

13
14 SECTION 4. Arkansas Code Title 24, Chapter 4, Subchapter 2 is amended
15 to add an additional section to read as follows:

16 24-4-212. No waiver of sovereign immunity.

17 Nothing in this chapter shall be taken or interpreted as a waiver of
18 the state's sovereign immunity.

19
20 SECTION 5. Arkansas Title 24, Chapter 2, Subchapter 5 is amended to
21 add a new section to read as follows:

22 24-2-505. Compliance with the Heroes Earnings Assistance and Relief
23 Tax Act of 2008.

24 (a)(1) In the case of a member who dies while performing qualified
25 military service on or after January 1, 2011, and who otherwise would have
26 been entitled to reemployment rights under the federal Uniformed Services
27 Employment and Reemployment Rights Act, 38 U.S.C. § 4301 et seq., as in
28 effect on January 1, 2011, the survivors of that member are entitled to any
29 additional benefits that would have been provided under the public employee
30 retirement plan had the member resumed employment with a covered employer on
31 the day preceding his or her death and then terminated employment on the
32 actual date of death.

33 (2) Subdivision (a)(1) of this section does not apply to benefit
34 accruals relating to the period of qualified military service.

35 (3) The member's qualified military service shall be counted for
36 purposes of determining whether the individual in issue was vested with the

1 public employee retirement plan.

2 (b) In the case of a member who becomes disabled while performing
3 qualified military service on or after January 1, 2011, and who otherwise
4 would have been entitled to reemployment rights under the federal Uniformed
5 Services Employment and Reemployment Rights Act, 38 U.S.C. § 4301 et seq., as
6 in effect on January 1, 2011, that member is considered to have resumed
7 employment with a covered employer on the day preceding the onset of his or
8 her disability and then terminated employment on the actual date he or she
9 became disabled.

10 (c) A member who dies or becomes disabled while performing qualified
11 military service is deemed to have made employee contributions for the
12 purpose of determining benefits other than benefit accruals that are
13 contingent on those contributions for the period of qualified military
14 service.

15 (d) This section applies to each public retirement system unless the
16 system has a specific provision regarding the Heroes Earnings Assistance and
17 Relief Tax Act of 2008 already in its law.

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19 SECTION 6. Arkansas Code § 24-4-508, concerning a member's election of
20 retirement, is amended to add an additional subsection to read as follows:

21 (d) A member's retirement election is irrevocable except under
22 circumstances as may be permitted by the board by regulation.

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24 SECTION 7. Arkansas Code § 24-4-804, concerning cessation of
25 participation in the deferred retirement option plan, is amended to add an
26 additional subsection to read as follows:

27 (c) When a member's participation in the Arkansas Public Employees'
28 Retirement System Deferred Retirement Option Plan ceases, that member is not
29 eligible for employment in any position covered by the plans identified in §
30 24-2-401(3).

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32 SECTION 8. Arkansas Code Title 24, Chapter 6, Subchapter 1 is amended
33 to add a new section to read as follows:

34 24-6-103. No waiver of sovereign immunity.

35 Nothing in this chapter shall be taken or interpreted as a waiver of
36 the state's sovereign immunity.

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SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the public retirement systems provide economic security for eligible citizens of Arkansas; that the statutes need amending to update and clarify existing law; and that these changes need to be made immediately. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

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

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.