

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

# A Bill

SENATE BILL 214

5 By: Senator Maloch  
6 By: Representative Carnine  
7

## For An Act To Be Entitled

9 AN ACT CONCERNING THE RETIREMENT OPTIONS FOR  
10 EMPLOYEES OF STATE-SUPPORTED INSTITUTIONS OF HIGHER  
11 EDUCATION; AND FOR OTHER PURPOSES.  
12  
13

## Subtitle

15 CONCERNING THE RETIREMENT OPTIONS FOR  
16 EMPLOYEES OF STATE-SUPPORTED INSTITUTIONS  
17 OF HIGHER EDUCATION.  
18  
19

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

22 SECTION 1. Arkansas Code § 24-7-1001(a), concerning membership in the  
23 Arkansas Public Employees' Retirement System for certain employees of state  
24 colleges, is amended to read as follows:

25 (a) The Board of Trustees of the Arkansas Public Employees' Retirement  
26 System is directed to include within the membership of the system, as created  
27 by § 24-4-103, all employees of ~~the University of Arkansas at Monticello,~~  
28 ~~Arkansas State University—Jonesboro,~~ Arkansas Tech University, ~~Arkansas~~  
29 ~~State University—Beebe,~~ Southern Arkansas University, University of Central  
30 Arkansas, and Henderson State University, ~~and the University of Arkansas—~~  
31 ~~Pine Bluff~~ who are not otherwise covered by some other existing ~~state-~~  
32 ~~supported retirement system~~ public employee retirement plan other than social  
33 security.  
34

35 SECTION 2. Arkansas Code § 24-7-1002(a), concerning membership in the  
36 Arkansas Public Employees' Retirement System for certain employees of



1 colleges, universities, and community colleges, is amended to read as  
 2 follows:

3 (a) All persons, except those who are eligible for membership in the  
 4 Arkansas Teacher Retirement System as provided for under ~~the provisions of §§~~  
 5 § 24-7-201 et seq., and except those who are eligible for membership in an  
 6 alternate system as provided for under ~~the provisions of §§ 24-7-801 and 24-~~  
 7 ~~7-803 - 24-7-808~~, employed by ~~Arkansas State University, Arkansas State~~  
 8 ~~University—Beebe~~, the University of Central Arkansas, Henderson State  
 9 University, Arkansas Tech University, Southern Arkansas University, Southern  
 10 Arkansas University at El Dorado, SAU – Tech at Camden, or a state-supported  
 11 community college that is other than a campus, unit, or division of the  
 12 University of Arkansas System or the Arkansas State University System after  
 13 March 19, 1983, shall be members of the Arkansas Public Employees’ Retirement  
 14 System unless, at the time of employment, they are already members of the  
 15 Arkansas Teacher Retirement System due to previous employment with an  
 16 employer covered by the Arkansas Teacher Retirement System.

17  
 18 SECTION 3. Arkansas Code §§ 24-7-1003 - 1007 are repealed.

19 ~~24-7-1003. Membership in Arkansas Public Employees’ Retirement System~~  
 20 ~~for certain University of Arkansas employees.~~

21 ~~(a) All employees of the University of Arkansas system who are not~~  
 22 ~~members of any state-supported retirement system or retirement system~~  
 23 ~~recognized by the university system on September 1, 1985, shall become~~  
 24 ~~members of the Arkansas Public Employees’ Retirement System.~~

25 ~~(b)(1) All persons employed by the University of Arkansas system after~~  
 26 ~~September 1, 1985, shall choose, at the time of employment, which state-~~  
 27 ~~supported retirement system or retirement system recognized by the university~~  
 28 ~~system they desire to be a member of.~~

29 ~~(2) Any employee who fails to make the election at the time of~~  
 30 ~~employment shall become a member of the Arkansas Public Employees’ Retirement~~  
 31 ~~System.~~

32 ~~(c) All employees of the University of Arkansas system who were~~  
 33 ~~members of either the Arkansas Teacher Retirement System or the Arkansas~~  
 34 ~~Public Employees’ Retirement System before July 4, 1983, shall continue to be~~  
 35 ~~members of the same system.~~



1           ~~24-7-1005.—Option of employees of former Arkansas Agricultural and~~  
2 ~~Mechanical College and former Arkansas Agricultural, Mechanical, and Normal~~  
3 ~~College to participate in University of Arkansas retirement plan.~~

4           ~~(a)(1)—Any staff member of the former Arkansas Agricultural and~~  
5 ~~Mechanical College, which is now the University of Arkansas at Monticello, or~~  
6 ~~of the former Arkansas Agricultural, Mechanical, and Normal College, which is~~  
7 ~~now the University of Arkansas at Pine Bluff, who elects to terminate his~~  
8 ~~membership in the Arkansas Teacher Retirement System or the Arkansas Public~~  
9 ~~Employees' Retirement System and to participate in the retirement plan in~~  
10 ~~operation for University of Arkansas employees may do so on the same basis~~  
11 ~~that University of Arkansas employees on its other campuses may participate.~~

12           ~~(2)—The election shall be in writing and filed with the chief~~  
13 ~~fiscal officer of the University of Arkansas campus where the member is~~  
14 ~~employed.~~

15           ~~(3)—The University of Arkansas shall forward to each of the~~  
16 ~~former retirement plans described in this subsection the written applications~~  
17 ~~of those employees on these campuses who elect to terminate their~~  
18 ~~participation in the former retirement plan according to the provisions of~~  
19 ~~this section.~~

20           ~~(b)(1)—All accumulated contributions to the credit of the staff member~~  
21 ~~in the members' deposit account which is maintained pursuant to the~~  
22 ~~provisions of Acts 1973, No. 427 or Acts 1957, No. 177 shall be returned to~~  
23 ~~the staff member, and all of his credited service under the retirement system~~  
24 ~~shall be cancelled.~~

25           ~~(2)(A)—Any staff member with five (5) or more years of actual~~  
26 ~~service or upon reaching five (5) years of actual service who elects to~~  
27 ~~participate in the plan in operation for the University of Arkansas and who~~  
28 ~~leaves his contributions in the Arkansas Teacher Retirement System or the~~  
29 ~~Arkansas Public Employees' Retirement System shall be eligible to receive an~~  
30 ~~annuity upon reaching the age for normal age and service retirement benefits,~~  
31 ~~as determined by the benefit formula of the Arkansas Teacher Retirement~~  
32 ~~System or the Arkansas Public Employees' Retirement System, and on his~~  
33 ~~retirement from covered employment.~~

34           ~~(B)—The amount of the annuity shall be determined by the~~  
35 ~~benefit formula of the Arkansas Teacher Retirement System or the Arkansas~~  
36 ~~Public Employees' Retirement System at the time of retirement.~~

1  
2       ~~24-7-1006. Retirement system for employees of University of Arkansas~~  
3 ~~agricultural experiment stations.~~

4       ~~(a) In order to provide for the retirement on annuity or otherwise of~~  
5 ~~the employees of the cooperative work in agriculture and home economics and~~  
6 ~~employees of the branch agricultural experiment stations of the University of~~  
7 ~~Arkansas, who are on regular full-time appointment, the Board of Trustees of~~  
8 ~~the University of Arkansas is authorized to use agricultural extension~~  
9 ~~service funds and branch agricultural experiment station funds under its~~  
10 ~~control as employer contributions to a retirement system to be established by~~  
11 ~~the board.~~

12       ~~(b) The contribution of the employer to an annuity or other retirement~~  
13 ~~income plan for any employee shall not exceed five percent (5%) of the~~  
14 ~~employee's salary and shall be matched by an equal contribution from the~~  
15 ~~employee.~~

16       ~~(c) The business manager of the University of Arkansas is designated~~  
17 ~~as trustee and shall hold and disburse these funds according to the rules~~  
18 ~~promulgated by the board.~~

19  
20       ~~24-7-1007. Pine Bluff Employee retirement systems.~~

21       ~~All persons first employed by the University of Arkansas for the Pine~~  
22 ~~Bluff campus at dates on and after July 1, 1972, and including any former~~  
23 ~~employees of Arkansas Agricultural, Mechanical, and Normal College who were~~  
24 ~~not participating in either the Arkansas Teacher Retirement System, the~~  
25 ~~Arkansas Public Employees' Retirement System, or the alternate retirement~~  
26 ~~plan on July 1, 1972, and who may become employees of the University of~~  
27 ~~Arkansas shall be eligible to participate in the retirement plan in operation~~  
28 ~~for the University of Arkansas employees on the same basis that University of~~  
29 ~~Arkansas employees on its other campuses may participate, and this shall be~~  
30 ~~the retirement plan for such persons, excluding only social security.~~

31  
32       SECTION 4. Arkansas Code Title 24, Chapter 7, Subchapter 10, is  
33 amended to add an additional section to read as follows:

34       24-7-1009. Retirement plan options for employees of the campuses,  
35 units, and divisions of the University of Arkansas System.

36       (a)(1) An employee of a campus, unit, or division of the University of

1 Arkansas System, whose appointment is half-time or greater and the employment  
2 is not seasonal, extra help, temporary, or incidental to his or her  
3 education, may participate in a retirement plan sponsored by the University  
4 of Arkansas System or the Arkansas Public Employees' Retirement System as  
5 permitted by the policy adopted by the Board of Trustees of the University of  
6 Arkansas.

7 (2) Once an employee makes an election as provided in  
8 subdivision (a)(1) of this section, the election is irrevocable during the  
9 employee's tenure of employment with the University of Arkansas System.

10 (b) The University of Arkansas System shall comply with the Arkansas  
11 Public Employees' Retirement System rules for an employee of a campus, unit,  
12 or division of the University of Arkansas System who is eligible under  
13 policies adopted by the Board of Trustees of the University of Arkansas and  
14 elects to participate in the Arkansas Public Employees' Retirement System.

15 (c) Beginning July 1, 2011, a new employee of the University of  
16 Arkansas System shall not participate in the Arkansas Teacher Retirement  
17 System.

18  
19 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the  
20 General Assembly of the State of Arkansas that statutes concerning the  
21 Arkansas public retirement plans are in need of revision to maintain the  
22 public retirement laws in conformance with sound public pension policy; that  
23 the state operates on a July 1 to June 30 fiscal year; and that this act is  
24 necessary to ensure provisions of this act are effective at the beginning of  
25 the fiscal year for ease of administration and operation. Therefore, an  
26 emergency is declared to exist, and this act being necessary for the  
27 preservation of the public peace, health, and safety shall become effective  
28 on July 1, 2013.