

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: S3/9/15 S3/17/15

A Bill

SENATE BILL 169

5 By: Senator B. Sample
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAWS CONCERNING THE ARKANSAS
9 PUBLIC EMPLOYEES' RETIREMENT SYSTEM; CONCERNING THE
10 ELIGIBILITY OF PARTICIPATING EMPLOYERS IN THE
11 ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM THAT ARE
12 NOT AGENCIES OR INSTRUMENTALITIES OF THE STATE OF
13 ARKANSAS; TO DECLARE AN EMERGENCY; AND FOR OTHER
14 PURPOSES.

Subtitle

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17 CONCERNING THE ELIGIBILITY OF CERTAIN
18 PARTICIPATING EMPLOYERS IN THE ARKANSAS
19 PUBLIC EMPLOYEES' RETIREMENT SYSTEM; AND
20 TO DECLARE AN EMERGENCY.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code Title 24, Chapter 4, Subchapter 2, is amended
27 to add an additional section to read as follows:

28 24-4-213. Eligibility of participating employers in the Arkansas
29 Public Employees' Retirement System that are not agencies or
30 instrumentalities of the State of Arkansas.

31 (a) To ensure the tax-qualified status of the Arkansas Public
32 Employees' Retirement System under the Internal Revenue Code, 26 U.S.C. § 1
33 et seq., the Arkansas Municipal League shall take the following actions by
34 July 1, 2015:

35 (1) Comply with the fiscal management laws of the State of
36 Arkansas and submit to audits by the Division of Legislative Audit under the



1 Arkansas Governmental Compliance Act, § 10-4-301 et seq., and § 10-4-401 et
2 seq.;

3 (2) Comply with the accounting and budgetary laws governing
4 state agencies, including without limitation the General Accounting and
5 Budgetary Procedures Law, § 19-4-101 et seq., and receive an appropriation
6 for the expenditures of the Arkansas Municipal League from the General
7 Assembly in the same manner as state agencies; and

8 (3) Comply with the Uniform Classification and Compensation Act,
9 § 21-5-201 et seq.

10 (b) If the Arkansas Municipal League fails to comply with subsection
11 (a) of this section by July 1, 2015:

12 (1) Current and former employees of the Arkansas Municipal
13 League shall be removed from the Arkansas Public Employees' Retirement
14 System;

15 (2) Employees of the Arkansas Municipal League not yet vested in
16 the Arkansas Public Employees' Retirement System shall receive a refund of
17 their contributions;

18 (3) Retirement service credit for employees of the Arkansas
19 Municipal League not yet vested in the Arkansas Public Employees' Retirement
20 System shall be deleted from their service record; and

21 (4) Current employees of the Arkansas Municipal League vested in
22 the Arkansas Public Employees' Retirement System and vested deferred
23 employees of the Arkansas Municipal League shall:

24 (A) Receive the present dollar value of their actuarially
25 accrued benefit with the Arkansas Public Employees' Retirement System; and

26 (B) Have associated retirement service credit deleted from
27 their record.

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29 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
30 General Assembly of the State of Arkansas that the Arkansas Public Employees'
31 Retirement System must meet certain federal criteria to ensure the tax-
32 qualified status of the Arkansas Public Employees' Retirement System under
33 the Internal Revenue Code, 26 U.S.C. § 1 et seq.; and that this act is
34 immediately necessary to ensure that the Arkansas Public Employees'
35 Retirement System meets these criteria and maintains its tax-qualified
36 status. Therefore, an emergency is declared to exist, and this act being

1 immediately necessary for the preservation of the public peace, health, and
2 safety shall become effective on:

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

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

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

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/s/B. Sample

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