

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

As Engrossed: S2/12/19

# A Bill

SENATE BILL 242

5 By: Senators D. Wallace, T. Garner  
6 By: Representatives Burch, House  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND VARIOUS SECTIONS OF TITLE 24  
10 RETIREMENT AND PENSIONS REGARDING MEMBERS OF THE  
11 ARKANSAS NATIONAL GUARD CALLED INTO STATE ACTIVE  
12 DUTY; AND FOR OTHER PURPOSES.  
13  
14

## Subtitle

15 TO AMEND VARIOUS SECTIONS OF TITLE 24  
16 RETIREMENT AND PENSIONS REGARDING MEMBERS  
17 OF THE ARKANSAS NATIONAL GUARD CALLED  
18 INTO STATE ACTIVE DUTY.  
19  
20  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 *SECTION 1. Arkansas Code § 24-2-504(a), concerning the return to*  
25 *covered employment by military personnel, is amended to read as follows:*

26 *(a) An active member of the state retirement system who is called to*  
27 *active military duty or state active military duty shall be afforded all*  
28 *employment protections as provided in the Uniformed Services Employment and*  
29 *Reemployment Rights Act, 38 U.S.C. § 4301 et seq., as in effect on January 1,*  
30 *2009.*

31  
32 *SECTION 2. Arkansas Code § 24-2-505(a)(1), concerning compliance with*  
33 *the Heroes Earnings Assistance and Relief Tax Act of 2008, is amended to read*  
34 *as follows:*

35 *(a)(1) In the case of a member who dies while performing qualified*  
36 *military service, including state active military duty, on or after January*



1 1, 2011, and who otherwise would have been entitled to reemployment rights  
2 under the Uniformed Services Employment and Reemployment Rights Act, 38  
3 U.S.C. § 4301 et seq., as in effect on January 1, 2011, the survivors of that  
4 member are entitled to any additional benefits that would have been provided  
5 under the public employee retirement plan had the member resumed employment  
6 with a covered employer on the day preceding his or her death and then  
7 terminated employment on the actual date of death.

8  
9 SECTION 3. Arkansas Code § 24-2-505(b) and (c), concerning compliance  
10 with the Heroes Earnings Assistance and Relief Tax Act of 2008, are amended  
11 to read as follows:

12 (b) In the case of a member who becomes disabled while performing  
13 qualified military service, including state active military duty, on or after  
14 January 1, 2011, and who otherwise would have been entitled to reemployment  
15 rights under the federal Uniformed Services Employment and Reemployment  
16 Rights Act, 38 U.S.C. § 4301 et seq., as in effect on January 1, 2011, that  
17 member is considered to have resumed employment with a covered employer on  
18 the day preceding the onset of his or her disability and then terminated  
19 employment on the actual date he or she became disabled.

20 (c) A member who dies or becomes disabled while performing qualified  
21 military service, including state active military duty, is deemed to have  
22 made employee contributions for the purpose of determining benefits other  
23 than benefit accruals that are contingent on those contributions for the  
24 period of qualified military service.

25  
26 SECTION 4. Arkansas Code § 24-7-602(c)(2), concerning military service  
27 credit under the Arkansas Teacher Retirement System, is amended to read as  
28 follows:

29 (2) Under this subsection, uniformed services of the United  
30 States is limited to the United States Armed Forces; the Army National Guard  
31 and the Air National Guard when engaged in active duty for training, state  
32 active duty, inactive duty training, or full-time National Guard duty; the  
33 ~~commissioned corps~~ United States Commissioned Corps of the Public Health  
34 Service; and any other category of persons designated by the President of the  
35 United States in time of war or emergency.

36

1           SECTION 5. Arkansas Code § 24-10-502(d)(2), concerning military  
2 service credit under the Arkansas Local Police and Fire Retirement System, is  
3 amended to read as follows:

4           (2) Under this subsection, the uniformed services of the United  
5 States are limited to the United States Armed Forces, the Army National Guard  
6 and Air National Guard when engaged in active duty for training, state active  
7 duty, inactive duty training, or full-time National Guard duty, the  
8 ~~commissioned corps of the United States~~ United States Commissioned Corps of  
9 the Public Health Service, and any other category of persons designated by  
10 the President of the United States in time of war or national emergency.  
11

12           SECTION 6. Arkansas Code § 24-11-436(d)(2), concerning military  
13 service credit the Police Officers' Pension and Relief Fund for cities of the  
14 first class, is amended to read as follows:

15           (2) Under this subsection, the uniformed services of the United  
16 States are limited to the United States Armed Forces, the Army National Guard  
17 and Air National Guard when engaged in active duty for training, state active  
18 duty, inactive duty training, or full-time National Guard duty, the ~~United~~  
19 ~~States Public Health Service Commissioned Corps~~ United States Commissioned  
20 Corps of the Public Health Service, and any other category of persons  
21 designated by the President of the United States in time of war or national  
22 emergency.  
23

24           SECTION 7. Arkansas Code § 24-11-817(d)(2), concerning military  
25 service credit under the firemen's relief and pension funds, is amended to  
26 read as follows:

27           (2) Under this subsection, the uniformed services of the United  
28 States are limited to the United States Armed Forces, the Army National Guard  
29 and Air National Guard when engaged in active duty for training, state active  
30 duty, inactive duty training, or full-time National Guard duty, the United  
31 States Public Health Services Commissioned Corps, and any other category of  
32 persons designated by the President of the United States in time of war or  
33 national emergency.  
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/s/D. Wallace