

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

HOUSE BILL 1292

5 By: Representatives Gazaway, M. Shepherd  
6 By: Senators C. Tucker, J. Bryant  
7

## For An Act To Be Entitled

9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 24 OF  
10 THE ARKANSAS CODE CONCERNING RETIREMENT AND PENSIONS;  
11 AND FOR OTHER PURPOSES.  
12  
13

## Subtitle

14 TO MAKE TECHNICAL CORRECTIONS TO TITLE 24  
15 OF THE ARKANSAS CODE CONCERNING  
16 RETIREMENT AND PENSIONS.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 24-4-104 is amended to clarify the meaning  
23 of the statute by inserting full references to the Arkansas Public Employees'  
24 Retirement System and to conform to Code style to read as follows:

25 24-4-104. Board of trustees – Creation – Members.

26 (a) The administration and control of the Arkansas Public Employees'  
27 Retirement System shall be vested in a board called the "Board of Trustees of  
28 the Arkansas Public Employees' Retirement System".

29 (b) The board shall consist of the following members:

30 (1) The Auditor of State, the Treasurer of State, and the  
31 Secretary of the Department of Finance and Administration shall be ex officio  
32 members;

33 (2)(A) Three (3) members who are state employees and three (3)  
34 members who are nonstate employees to be appointed by the Governor.

35 (B) Each nonstate employee trustee and each state employee  
36 trustee shall have at least five (5) continuous years of service with a



1 public employer or employers and shall be a member of the ~~system~~ Arkansas  
 2 Public Employees' Retirement System.

3 (C)(i) No more than one (1) of the three (3) members who  
 4 are nonstate employee trustees appointed by the Governor shall be a retired  
 5 member of the ~~system~~ Arkansas Public Employees' Retirement System.

6 (ii) No more than one (1) of the three (3) members  
 7 who are state employee trustees appointed by the Governor shall be a retired  
 8 member of the ~~system~~ Arkansas Public Employees' Retirement System.

9 (D) The three (3) nonstate employee trustees shall consist  
 10 of at least one (1) currently elected county judge and at least one (1)  
 11 mayor.

12 (E) Subdivisions (b)(2)(B)-(D) of this section do not  
 13 apply to members appointed under subdivisions (b)(3) and (4) of this section;

14 (3)(A) Two (2) members who retired from employment covered by  
 15 the ~~system~~ Arkansas Public Employees' Retirement System to be appointed by  
 16 the President Pro Tempore of the Senate.

17 (B) One (1) of the members described in subdivision  
 18 (b)(3)(A) of this section shall be a retired law enforcement officer who is  
 19 not a retired member of the State Police Retirement System; and

20 (4)(A) Two (2) members who retired from employment covered by  
 21 the ~~system~~ Arkansas Public Employees' Retirement System to be appointed by  
 22 the Speaker of the House of Representatives.

23 (B) One (1) of the members described in subdivision  
 24 (b)(4)(A) of this section shall be a retired law enforcement officer who is  
 25 not a retired member of the State Police Retirement System.

26 (c)(1) The term of office of appointed trustees shall be six (6)  
 27 years.

28 (2)(A) The Governor shall declare a vacancy on the board when a:

29 (i) Nonstate employee trustee leaves the employ of a  
 30 participating public employer;

31 (ii) State employee trustee leaves state employment;

32 (iii) Member who is a nonstate employee trustee  
 33 retires and there is another retired member of the ~~system~~ Arkansas Public  
 34 Employees' Retirement System who is a nonstate employee trustee on the board;  
 35 and

36 (iv) Member who is a state employee trustee retires

1 and there is another retired member of the ~~system~~ Arkansas Public Employees'  
 2 Retirement System who is a state employee trustee on the board.

3 (B) A vacancy declared under subdivisions (c)(2)(A)(iii)  
 4 and (iv) of this section shall be for the seat of the newly retired trustee.

5 (C) The Governor shall appoint a state employee member or  
 6 a nonstate employee member to fill the vacancy for the remainder of the  
 7 unexpired term within thirty (30) days of the date on which the vacancy is  
 8 declared.

9 (d)(1) Annually, the board shall select from its membership a chair  
 10 and a vice chair.

11 (2) The board shall appoint an executive director who shall be  
 12 the executive administrative officer of the ~~system~~ Arkansas Public Employees'  
 13 Retirement System and shall also be ex officio secretary of the board, but  
 14 who shall have no vote on questions before the board and who shall be  
 15 directly responsible to the board.

16 (3) By resolution duly adopted, the board may delegate to the  
 17 executive director any of the powers and duties vested in or imposed upon it  
 18 by law.

19 (4) Within such limitations as may be contained in legislative  
 20 appropriations therefor, the executive director, subject to the approval of  
 21 the board, may employ and fix the compensation of such secretarial, clerical,  
 22 professional, and other personnel as may be required for the proper  
 23 administration of the ~~system~~ Arkansas Public Employees' Retirement System.  
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25 SECTION 2. Arkansas Code § 24-6-204(b)(1), concerning the Board of  
 26 Trustees of the State Police Retirement System, is amended to make a  
 27 grammatical correction to move a misplaced modifier to read as follows:

28 (b)(1) ~~In the event any trustee provided for in subsection (a) of this~~  
 29 ~~section~~ The board by resolution shall declare the office of a trustee vacated  
 30 as of the date of the adoption of the resolution if the trustee:

31 (A) Ceases to be a state police officer; or

32 (B) Fails to attend scheduled meetings of the board for  
 33 three (3) consecutive meetings unless, in each case, he or she ~~or she~~ is  
 34 excused by the remaining trustees attending the meetings,

35 ~~the board by resolution shall declare his or her office of trustee~~  
 36 ~~vacated as of the date of adoption of the resolution.~~

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 2 SECTION 3. Arkansas Code § 24-7-502(b)(4), concerning termination of  
 3 active membership in the Arkansas Teacher Retirement System, is repealed as  
 4 obsolete.

5 ~~(b)(4) For previous service rendered before July 1, 1971, service~~  
 6 ~~credit shall be permitted for service in a fiscal year only if the minimum~~  
 7 ~~days of service rendered is sufficient for one (1) year of service credit~~  
 8 ~~under § 24-7-601 in a fiscal year.~~

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 10 SECTION 4. Arkansas Code § 24-10-607(b)(1)(B), concerning disability  
 11 retirement payments by the Arkansas Local Police and Fire Retirement System,  
 12 is amended to remove obsolete references to payments already made to read as  
 13 follows:

14 (b)(1)(B)~~(i)~~ For purposes of calculating the amount of an annuity for  
 15 disability retirement, a member's final average pay shall include workers'  
 16 compensation benefits received by the member as set forth under § 24-10-  
 17 102(17)(D).

18 ~~(ii) Disability benefits awarded to members before~~  
 19 ~~July 16, 2003, shall be adjusted to include workers' compensation benefits in~~  
 20 ~~calculating final average pay upon application to the system by the affected~~  
 21 ~~member.~~

22 ~~(iii) An adjustment shall not be made in monthly~~  
 23 ~~benefits paid before January 1, 2003.~~

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 25 SECTION 5. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

26 It is the intent of the General Assembly that:

27 (1) The enactment and adoption of this act shall not expressly  
 28 or impliedly repeal an act passed during the regular session of the Ninety-  
 29 Fourth General Assembly;

30 (2) To the extent that a conflict exists between an act of the  
 31 regular session of the Ninety-Fourth General Assembly and this act:

32 (A) The act of the regular session of the Ninety-Fourth  
 33 General Assembly shall be treated as a subsequent act passed by the General  
 34 Assembly for the purposes of:

35 (i) Giving the act of the regular session of the  
 36 Ninety-Fourth General Assembly its full force and effect; and

1                    (ii) Amending or repealing the appropriate parts of  
2 the Arkansas Code of 1987; and

3                    (B) Section 1-2-107 shall not apply; and

4                    (3) This act shall make only technical, not substantive, changes  
5 to the Arkansas Code of 1987.

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