1	State of Arkansas As Engrossed: \$3/30/23	
2	94th General Assembly A DIII	
3	Regular Session, 2023	SENATE BILL 136
4		
5	By: Senator Crowell	
6	By: Representative Jean	
7	For An Act To Be Entitled	
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9	AN ACT TO AMEND THE LAW CONCERNING SERVICE CREDI	
10	ELECTED OFFICIALS PARTICIPATING IN A PUBLIC EMPL	JYEE
11	RETIREMENT PLAN; TO AMEND THE LAW CONCERNING THE	
12	ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND	
13	STATE POLICE RETIREMENT SYSTEM; TO PERMIT A CHANG	GE IN
14	THE DATE OF RETIREMENT IN THE CASE OF A NON-	
15	CONTRIBUTORY MEMBER WITH SERVICE IN BOTH THE ARKA	
16	PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE STAT	£
17	POLICE RETIREMENT SYSTEM WHEN THE MEMBER HAS	
18	CONTINUOUS SERVICE IN ONE SYSTEM AND ERRONEOUSLY	
19	RETIRED FROM COVERED EMPLOYMENT WITH BOTH SYSTEM	S
20	WHEN CHANGING COVERED EMPLOYMENT; AND FOR OTHER	
21	PURPOSES.	
22		
23		
24	Subtitle	
25	TO PERMIT A CHANGE OF RETIREMENT DATE IN	
26	THE CASE OF CERTAIN MEMBERS WITH SERVICE	
27	IN BOTH THE ARKANSAS PUBLIC EMPLOYEES'	
28	RETIREMENT SYSTEM AND THE STATE POLICE	
29	RETIREMENT SYSTEM WHEN RETIREMENT FROM	
30	BOTH SYSTEMS WAS IN ERROR.	
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33	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSA	AS:
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35	SECTION 1. Arkansas Code Title 24, Chapter 2, Subchap	ter 7, is amended
36	to add an additional section to read as follows:	



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being covered by one (1) of the systems to the other system, the non- contributory member may file with the relevant retirement system an affidar stating that his or her retirement from his or her most recent employer way in error. (2) If the noncontributory member files the affidavit in subdivision (a)(1) of this section, he or she shall have his or her date or retirement changed to the last date of employment with his or her most recent employer. (b) The Arkansas Public Employees' Retirement System shall create a formula to calculate interest that has accrued in the event that the noncontributory member has: (1) Paid contributions to the system that covers his or her most recent employment; and (2) Received any retirement benefits from the system that cover his or her most recent employment. (c) A person making an election under this section must submit the affidavit under subdivision (a)(1) of this section no later than: (1) Six (6) months after retiring from his or her final positi; in covered employment with either the Arkansas Public Employees' Retirement System or the State Police Retirement System; or (2) Six (6) months from the effective date of this act, if the person has already retired from his or her final position in covered employment with either the Arkansas Public Employees' Retirement System or the State Police Retirement System.	1	24-2-705. Service in Arkansas Public Employees' Retirement System and
4 noncontributory member who is an elected official, establishes service in 5 both the Arkansas Public Employees' Retirement System and the State Police 6 Retirement System and has continuous service in either system, but 7 erroneously retired from both systems when his or her employment changed fr. 8 being covered by one (1) of the systems to the other system, the non- 9 contributory member may file with the relevant retirement system an affidar 10 stating that his or her retirement from his or her most recent employer was 11 in error. 12 (2) If the noncontributory member files the affidavit in 13 subdivision (a)(1) of this section, he or she shall have his or her most recent 14 retirement changed to the last date of employment with his or her most recent 15 employer. 16 (b) The Arkansas Public Employees' Retirement System shall create a 15 formula to calculate interest that has accrued in the event that the 16 noncontributory member has: 17 (1) Paid contributions to the system that covers his or her most 18 recent employment: 19 (1) Paid contributions to the system that covers his or her manot 16 th	2	<u> State Police Retirement System — Erroneous retirement — Affidavit.</u>
both the Arkansas Public Employees' Retirement System and the State Police Retirement System and has continuous service in either system, but erroneously retired from both systems when his or her employment changed fi being covered by one (1) of the systems to the other system, the non- contributory member may file with the relevant retirement system an affidar stating that his or her retirement from his or her most recent employer was in error. (2) If the noncontributory member files the affidavit in subdivision (a)(1) of this section, he or she shall have his or her most recent employer. (b) The Arkansas Public Employees' Retirement System shall create a formula to calculate interest that has accrued in the event that the noncontributory member has: (1) Paid contributions to the system that covers his or her mat recent employment; and (2) Received any retirement benefits from the system that cover his or her most recent employment. (c) A person making an election under this section must submit the affidavit under subdivision (a)(1) of this section no later than: (2) Six (6) months after retiring from his or her final positi; in covered employment with either the Arkansas Public Employees' Retirement System or (2) Six (6) months from the effective date of this act, if the	3	(a) If a noncontributory member, including without limitation a
Retirement System and has continuous service in either system, but erroneously retired from both systems when his or her employment changed fi being covered by one (1) of the systems to the other system, the non- contributory member may file with the relevant retirement system an affidar stating that his or her retirement from his or her most recent employer was in error. (2) If the noncontributory member files the affidavit in subdivision (a)(1) of this section, he or she shall have his or her date or retirement changed to the last date of employment with his or her most recent employer. (b) The Arkansas Public Employees' Retirement System shall create a formula to calculate interest that has accrued in the event that the noncontributory member has: (1) Paid contributions to the system that covers his or her max recent employment; and (2) Received any retirement benefits from the system that cover his or her most recent employment. (c) A person making an election under this section must submit the affidavit under subdivision (a)(1) of this section no later than: (1) Six (6) months after retiring from his or her final positi in covered employment with either the Arkansas Public Employees' Retirement System or the State Police Retirement System; or <td< td=""><td>4</td><td>noncontributory member who is an elected official, establishes service in</td></td<>	4	noncontributory member who is an elected official, establishes service in
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