

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

As Engrossed: S3/30/23

# A Bill

SENATE BILL 136

5 By: Senator Crowell  
6 By: Representative Jean  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING SERVICE CREDIT FOR  
10 ELECTED OFFICIALS PARTICIPATING IN A PUBLIC EMPLOYEE  
11 RETIREMENT PLAN; TO AMEND THE LAW CONCERNING THE  
12 ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE  
13 STATE POLICE RETIREMENT SYSTEM; TO PERMIT A CHANGE IN  
14 THE DATE OF RETIREMENT IN THE CASE OF A NON-  
15 CONTRIBUTORY MEMBER WITH SERVICE IN BOTH THE ARKANSAS  
16 PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE STATE  
17 POLICE RETIREMENT SYSTEM WHEN THE MEMBER HAS  
18 CONTINUOUS SERVICE IN ONE SYSTEM AND ERRONEOUSLY  
19 RETIRED FROM COVERED EMPLOYMENT WITH BOTH SYSTEMS  
20 WHEN CHANGING COVERED EMPLOYMENT; AND FOR OTHER  
21 PURPOSES.  
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## 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 ARKANSAS:  
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35 SECTION 1. Arkansas Code Title 24, Chapter 2, Subchapter 7, is amended  
36 to add an additional section to read as follows:



1 24-2-705. Service in Arkansas Public Employees' Retirement System and  
2 State Police Retirement System – Erroneous retirement – Affidavit.

3 (a) If a noncontributory member, including without limitation a  
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 from  
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 affidavit  
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 date of  
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  
17 formula to calculate interest that has accrued in the event that the  
18 noncontributory member has:

19 (1) Paid contributions to the system that covers his or her most  
20 recent employment; and

21 (2) Received any retirement benefits from the system that covers  
22 his or her most recent employment.

23 (c) A person making an election under this section must submit the  
24 affidavit under subdivision (a)(1) of this section no later than:

25 (1) Six (6) months after retiring from his or her final position  
26 in covered employment with either the Arkansas Public Employees' Retirement  
27 System or the State Police Retirement System; or

28 (2) Six (6) months from the effective date of this act, if the  
29 person has already retired from his or her final position in covered  
30 employment with either the Arkansas Public Employees' Retirement System or  
31 the State Police Retirement System.

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33 /s/Crowell  
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