

State of Arkansas
76th General Assembly
Regular Session, 1987
By: Representative Mahony

HOUSE BILL 1883

"AN ACT TO AMEND ACT 512 OF 1971 AND ACT 9 OF 1971 TO PERMIT
AN OPTION REGARDING PARTICIPATION IN RETIREMENT PLANS; AND
FOR OTHER PURPOSES."

WHEREAS, Arkansas Agricultural, Mechanical and Normal College, Pine Bluff, Arkansas, was merged into the University of Arkansas according to the provisions of Act 512 of 1971; and

WHEREAS, Arkansas Agricultural and Mechanical College, Monticello, Arkansas, was merged into the University of Arkansas according to the provisions of Act 9 of 1971; and

WHEREAS, each of these legislative Acts provided that those employees of each of these colleges who might continue, after the appropriate merge dates, in employment as employees of the University of Arkansas, would be continued in certain retirement plans; and

WHEREAS, it has been determined that some of these employees may not have had ample opportunity to select a retirement plan,

NOW THEREFORE,

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

SECTION 1. Any employees of Arkansas Agricultural, Mechanical and Normal College prior to July 1, 1972, who have been continued in employment, at the University of Arkansas at Pine Bluff, without interruption since that date shall have the option, exercisable on or before July 1, 1976, by giving written notice to the chief fiscal officer on that campus, to terminate his or her participation in the "Arkansas Teacher Retirement System" or the "Arkansas Public Employees Retirement System" in which he or she was participating on July 1, 1972, and to elect to participate in the retirement plan in operation for University of Arkansas employees on the same basis that University of

Arkansas employees on its other campuses may participate, and this shall be the retirement plan for such persons, excluding only Social Security. Where an employee so exercises this option, the termination of his or her participation in the former retirement plan shall be on the terms and conditions set out in Section 3 of this Act, and all rights in the retirement plan in operation for University of Arkansas employees shall begin with employment agreements for Fiscal Year 1976-77 and for Academic Year 1976-77.

SECTION 2. Any employee of Arkansas Agricultural and Mechanical College prior to July 1, 1971, who has been continued in employment, at the University of Arkansas at Monticello, without interruption since that date shall have the option, exercisable on or before July 1, 1976, by giving written notice to the chief fiscal officer on that campus, to terminate his or her participation in the "Arkansas Teacher Retirement System" or the "Arkansas Public Employees Retirement System" in which he or she was participating on July 1, 1971, and to elect to participate in the retirement plan in operation for University of Arkansas employees on the same basis that University of Arkansas employees on its other campuses may participate, and this shall be the retirement plan for such persons, excluding only Social Security. Where an employee so exercises this option, the termination of his or her participation in the former retirement plan shall be on the terms and conditions set out in Section 3 of this Act, and all rights in the retirement plan in operation for University of Arkansas employees shall begin with employment agreements for Fiscal Year 1976-77 and for Academic Year 1976-77.

SECTION 3. Any staff member who elects to terminate his membership in the Arkansas Teacher Retirement System or the Arkansas Public Employees Retirement System and participate in the retirement plan in operation for University of Arkansas employees may do so on the same basis that University of Arkansas employees on its other campuses may participate. Such election shall be in writing and filed with the chief fiscal officer of the University of Arkansas campus where the member is employed. The University of Arkansas shall forward to each of the former retirement plans described above, the written applications of those employees on these campuses who elect to terminate their participation in the former retirement plan according to the provisions of this Act.

Refund. All accumulated contributions to the credit of such staff member in the member's deposit account which is maintained pursuant to the provisions of Act 427 of 1973 as amended or Act 177 of 1957 as amended, shall be returned to such staff member, and all his or her credited services under said retirement system shall be canceled.

Vesting. Except, that any staff member with ten (10) or more years of credited service or upon reaching ten (10) years of credited service who elects or who has elected to participate in the plan in operation for the University of Arkansas and has left or leaves his or her contributions in the "Arkansas Teacher Retirement System" or the "Arkansas Public Employees Retirement System" shall be eligible to receive an annuity upon reaching the age for normal age and service retirement benefits, as determined by the benefit formula of the "Arkansas Teacher Retirement System" or the "Arkansas Public Employees Retirement System" and on his retirement from covered employment. The amount of such annuity shall be determined by the benefit formula of Teacher Retirement System or the Public Employees Retirement System at the time of retirement.

SECTION 4. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 5. EMERGENCY. It is hereby found and determined by the General Assembly that because of the case *Ricarte v. State*, CR 86-31, a question has arisen over the validity of Act 1075 of the Extended Session of 1976; that this Act is a reenactment of the former law; and that the immediate passage of this Act is necessary to clarify the state of the law on this issue. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

