

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

SENATE BILL 79

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; TO ALLOW FOR A
21 CHANGE OF SELECTION OF RETIREMENT ANNUITY UNDER THE
22 ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM DEFERRED
23 RETIREMENT OPTION PLAN; AND FOR OTHER PURPOSES.
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Subtitle

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27 TO AMEND THE LAW CONCERNING THE ARKANSAS
28 PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND
29 THE STATE POLICE RETIREMENT SYSTEM.
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31 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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33 SECTION 1. Arkansas Code Title 24, Chapter 2, Subchapter 7, is amended
34 to add additional sections to read as follows:

35 24-2-705. Service in Arkansas Public Employees' Retirement System and
36 State Police Retirement System – Erroneous retirement – Affidavit.



1 (a)(1) If a noncontributory member, including without limitation a
2 noncontributory member who is an elected official, establishes service in
3 both the Arkansas Public Employees' Retirement System and the State Police
4 Retirement System and has continuous service in either system, but
5 erroneously retired from both systems when his or her employment changed from
6 being covered by one (1) of the systems to the other system, the non-
7 contributory member may file with the relevant retirement system an affidavit
8 stating that his or her retirement from his or her most recent employer was
9 in error.

10 (2) If the noncontributory member files the affidavit in
11 subdivision (a)(1) of this section, he or she shall have his or her date of
12 retirement changed to the last date of employment with his or her most recent
13 employer.

14 (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; and

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

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

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

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

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31 SECTION 2. Arkansas Code § 24-4-803(b), concerning a member's deferred
32 option contributions and selection of deferred retirement option, time of
33 retirement deferral, and retirement annuity under the Arkansas Public
34 Employees' Retirement System Deferred Retirement Option Plan, is amended to
35 read as follows:

36 (b)(1) The member's deferred option account shall be the account in

1 which shall be accumulated the member's deferred option contributions, plus
2 interest. ~~Effective July 1, 1999, the~~ The Arkansas Public Employees'
3 Retirement System's deferred option contributions shall be at least seventy-
4 five percent (75%) of the system's deferred option benefit with the exact
5 contribution to be determined in accordance with the rules of the board as is
6 actuarially appropriate for the system. The member shall be informed of the
7 amount of his or her deferred option contribution and informed that his or
8 her selection of the deferred retirement option, and the time of the
9 retirement deferral, ~~and the selection of the retirement annuity~~ are
10 irrevocable.

11 (2) The member's selection of the retirement annuity may be
12 changed one (1) time after his or her initial election, subject to the
13 requirements of subdivision (b)(3) of this section:

14 (A) At the election of the member; and

15 (B) By contacting the board.

16 (3) A person making a change of election under subdivision
17 (b)(2) of this section must submit an affidavit requesting to change his or
18 her selection of retirement annuity no later than:

19 (A) Six (6) months after retiring from his or her final
20 position in covered employment with the system; or

21 (B) Six (6) months from the effective date of this act, if
22 the person has already retired from his or her final position in covered
23 employment with the system.

24 (4) A person who elects to change his or her selection of
25 retirement annuity under subdivision (b)(2) of this section shall pay to the
26 system a lump sum of any difference in the monetary benefits he or she
27 received from his or her initial selection of retirement annuity and his or
28 her subsequent selection of retirement annuity to the system within six (6)
29 months after the change in retirement annuity becomes effective.

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