

# ARKANSAS SENATE

## 94th General Assembly - Regular Session, 2023 Amendment Form

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### Subtitle of Senate Bill No. 150

TO AMEND THE LAW CONCERNING RETIREMENT BENEFITS; AND TO PROHIBIT COLLECTION OF BENEFITS BY MEMBERS, RETIRANTS, OR BENEFICIARIES OF RETIREMENT SYSTEMS WHO ARE CONVICTED OF CERTAIN OFFENSES.

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### Amendment No. 2 to Senate Bill 150

Amend Senate Bill No. 150 as engrossed S2/14/23 (version: 2/14/2023 9:28:12 AM):

Page 1, delete lines 35 through 36, and substitute the following:

"(5)(A) "Public office" means an office created by or under the authority of the laws of the State of Arkansas or a subdivision thereof that is filled by a person who is elected by the voters of the State of Arkansas.

(B) "Public office" does not include an office created by or under the authority of any federal law;

(6) "Public trust crime" means a crime prohibited under Arkansas Constitution, Article 5, § 9; and

(7) "Retirant" means a member who retires with a benefit payable from funds of a retirement plan."

AND

Page 2, delete lines 1 and 2

AND

Page 2, delete lines 8 and 9, and substitute the following:

"contendere to or is found guilty of a public trust crime while holding public office in this state."

AND

Page 2, delete line 19, and substitute the following:

"state, unless he or she is participating in a retirement system defined under § 24-1-301(2)(F);"

AND

Page 2, delete lines 21 and 22, and substitute the following:



"for the ~~unlawful killing~~ wrongful death of the member or retirant by a preponderance of the evidence in a civil action~~+~~."

AND

Page 2, delete lines 23 through 29, and substitute the following:

~~"(D) Is acquitted by a court of competent jurisdiction for the unlawful killing of the member or retirant by reason of insanity, mental defect or disease, or any other mental incapacity; or~~

~~(E) Is found by a court of competent jurisdiction to lack the capacity to understand or effectively assist in defending a criminal proceeding against him or her for the unlawful killing of the member or retirant."~~

AND

Page 3, delete lines 1 and 2, and substitute the following:

"(B) Refund the employee contributions accumulated with interest as defined by the retirement system that were made by the member or retirant to the retirement system to the:"

AND

Page 3, delete line 6, and substitute the following:

"may receive benefit payments under this section.

(C) If a retirant is already receiving benefits, then his or her employee contributions, less benefits received by the retirant through the retirement system, shall be refunded to him or her in full."

AND

Page 3, delete lines 7 and 8, and substitute the following:

"(4)(A) A retirement system may make the refund of employee contributions accumulated with interest as defined by the retirement system to a member or retirant by a:"

AND

Page 3, delete lines 10 through 12, and substitute the following:

"(ii) Series of monthly payments to the member or retirant in amounts equal to the amount the individual paid in to the retirement system with an interest rate as defined by the retirement system."

AND

Page 3, delete line 14, and substitute the following:

"contributions to the estate of a member or retirant by a lump-sum payment to"

AND

Page 3, delete lines 16 through 18, and substitute the following:

"(C) Payments made under subdivision (a)(4)(A) of this section shall cease when the member or retirant is fully reimbursed for his or her employee contributions paid in to the retirement system with an interest rate as defined by the retirement system."

AND

Page 3, delete lines 19 through 30, and substitute the following:

"(b)(1) If a member, retirant, or beneficiary appeals his or her conviction for an offense or a judgment described under ~~subdivision (a)(1)~~ subdivision (a)(1) or (a)(2) of this section, benefit payments shall not be paid to the member, retirant, or beneficiary unless the appeal results in a reversal of the conviction or judgment.

(2)(A) If the conviction of a member, retirant, or beneficiary for an offense or a judgment described under ~~subdivision (a)(1)~~ subdivision (a)(1) or (a)(2) of this section is reversed, the retirement system may make benefit payments to the member, retirant, or beneficiary upon repayment of accumulated contributions with interest to the system.

(B) If the conviction of a member, retirant, or beneficiary for an offense or a judgment described under ~~subdivision (a)(1)~~ subdivision (a)(1) or (a)(2) of this section is affirmed, the retirement system shall not make benefit payments to the member, retirant, or beneficiary."

AND

Immediately following SECTION 2, add a new section to read as follows:

"SECTION 3. DO NOT CODIFY. Legislative intent.

It is the intent of the General Assembly that this act not be construed to apply retroactively to a member or retirant of a retirement system, and shall only apply to a member or retirant who begins making employee contributions following this act's enactment."

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator M. Johnson  
LHR/LHR - 03-23-2023 12:36:10  
LHR209

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Secretary