

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011

A Bill

HOUSE BILL 1206

4
5 By: Representatives Bell, Collins-Smith
6

For An Act To Be Entitled

8 AN ACT TO CLARIFY THAT HEALTH CARE FACILITIES OWNED
9 BUT NOT OPERATED BY COUNTIES SHALL HAVE EQUAL
10 TREATMENT AS HOSPITALS UNDER THE ARKANSAS PUBLIC
11 EMPLOYEES' RETIREMENT SYSTEM LAWS; TO DECLARE AN
12 EMERGENCY; AND FOR OTHER PURPOSES.
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Subtitle

15 TO CLARIFY THAT HEALTH CARE FACILITIES
16 OWNED BUT NOT OPERATED BY COUNTIES SHALL
17 HAVE EQUAL TREATMENT AS HOSPITALS UNDER
18 THE ARKANSAS PUBLIC EMPLOYEES' RETIREMENT
19 SYSTEM LAWS; TO DECLARE AN EMERGENCY.
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22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 24-4-302, concerning county employees that
26 are included in the membership of the Arkansas Public Employees' Retirement
27 System, is amended to add an additional subdivision to read as follows:

28 (5) A nursing home, assisted living facility, or health care
29 facility that is:

30 (A) Owned but not operated by a county may elect by a vote
31 of at least two-thirds (2/3) of its governing body to exclude employees of
32 the facility from membership in the system but only if the election is
33 certified to the Board of Trustees of the Arkansas Public Employees'
34 Retirement System within one (1) year from the effective date of this act;

35 (B) Owned by a county but operation is transferred by the
36 county after the effective date of this act may elect by a vote of at least



1 two-thirds (2/3) of its governing body to exclude employees of the facility
2 from membership in the system but only if the election is certified to the
3 Board of Trustees of the Arkansas Public Employees' Retirement System within
4 one (1) year from the date of the beginning of operations after the transfer;
5 and

6 (C) Constructed or acquired by a county after the
7 effective date of this act but not operated by a county may elect by a vote
8 of at least two-thirds (2/3) of its governing body to exclude employees of
9 the facility from membership in the system but only if the election is
10 certified to the Board of Trustees of the Arkansas Public Employees'
11 Retirement System within one (1) year from the date of the beginning of
12 operations after construction or acquisition.

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14 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
15 General Assembly of the State of Arkansas that there is confusion as to
16 whether Arkansas Code § 24-4-302 applies to nursing homes, assisted living
17 facilities, and other health care facilities owned but not operated by
18 counties; that this confusion has resulted in litigation against the
19 counties; and that this act is immediately necessary because county-owned
20 nursing homes, assisted living facilities, and other health care facilities
21 that are not operated by the county provide essential services to citizens of
22 the state that are substantially similar to the services of hospitals, and
23 without this clarification these facilities may cease to exist, which will
24 cause irreparable harm to the people who depend on these facilities for day-
25 to-day care. Therefore, an emergency is declared to exist and this act being
26 immediately necessary for the preservation of the public peace, health, and
27 safety shall become effective on:

28 (1) The date of its approval by the Governor;

29 (2) If the bill is neither approved nor vetoed by the Governor,
30 the expiration of the period of time during which the Governor may veto the
31 bill; or

32 (3) If the bill is vetoed by the Governor and the veto is
33 overridden, the date the last house overrides the veto.