

EXECUTIVE DIRECTOR UPDATE
2017 BILLS AFFECTING ATRS
April 19, 2017

An Analysis of the ATRS Legislative Package and other select Legislation

This bill summary attachment will provide an explanation of the **20 ATRS** package bills that became law and a few other select bills that affected ATRS.

ATRS Board's Legislative Package

The ATRS Board of Trustees has unanimously voted to support a twenty (20) bill package for this legislative session. In addition, the *ATRS Appropriation bill* was filed on behalf of ATRS by the Joint Budget Committee and is now Act 67 Of 2017.

<u>Anti-Spiking</u>	<i>To adjust the anti-spiking formula used to calculate retirement benefits.</i> <u>NOW ACT 611 of 2017</u> Senator Cooper
<u>Internal Auditor Evaluation</u>	<i>Allows the ATRS Board Audit Committee to perform the annual evaluation of Internal Auditor.</i> <u>NOW ACT 127 of 2017</u> Senator Cooper
<u>Adjust T-DROP Interest Rates</u>	<i>To adjust T-Drop interest rates.</i> <u>NOW ACT 1049 of 2017</u> Senator Hester
<u>CASH Program Modification</u>	<i>CASH program modifications and expansions and CASH program benefit designation for certain inactive vested members.</i> <u>NOW ACT 647 of 2017</u> Senator Hester
<u>Multipliers</u>	<i>Benefit multiplier adjustment for future service credit.</i> <u>NOW ACT 551 of 2017</u> Senator Hester
<u>Member Contribution Rate</u>	<i>To allow the employee contribution rate to be adjusted, if needed.</i> <u>NOW ACT 550 of 2017</u> Senator Hester
<u>Disability Retirement</u>	<i>Disability retirees allowed to file another disability application with ATRS if Social Security denies disability benefits; disability retirees may return to work full-time/part-time, revert to last benefit if unable to continue working; disability retirement to include reciprocal service credit for vesting purposes.</i> <u>NOW ACT 549 of 2017</u> Senator Cheatham

<u>Accrued Sick Leave</u>	<i>Accrued sick leave to count as service credit if death of an active member occurs.</i> <u>NOW ACT 200 of 2017</u> Senator Cheatham
<u>Survivor Benefits</u>	<i>To allow survivor benefits to use reciprocal service credit for vesting purposes, prorate benefits in correlation of years of service, and allow a 6-month period after a survivor application is filed to submit all requested documents to ATRS.</i> <u>NOW ACT 505 of 2017</u> Senator Cheatham.
<u>Early Separation Incentive</u>	<i>Employer early separation incentive programs.</i> <u>NOW ACT 503 of 2017</u> Senator Sample
<u>Concurrent Service</u>	<i>To allow members with concurrent reciprocal service to waive ATRS service credit.</i> <u>NOW ACT 612 of 2017</u> Senator Sample
<u>Employer Contribution Rate</u>	<i>To modify the employer contribution rate to allow an adjustment even if ATRS is below a 30 year amortization period, if needed.</i> <u>NOW ACT 821 of 2017</u> Senator Hutchinson
<u>Pension Advance Companies</u>	<i>To protect members by prohibiting pension advance companies from obtaining a retiree's benefit to repay a loan.</i> <u>NOW ACT 199 of 2017</u> Senator Caldwell
<u>Early Retirement/T-DROP</u>	<i>To provide authority for ATRS to adjust early voluntary retirement reductions and early T-DROP participation reductions.</i> <u>NOW ACT 750 of 2017</u> Representative Rye
<u>Outsourcing</u>	<i>To allow ATRS employers that outsource a service common to the normal daily operation of the employer to choose whether to make outsourced employees become members of ATRS or alternatively, to pay a surcharge on the outsourced employees' salaries.</i> <u>NOW ACT 575 of 2017</u> Representative Rye
<u>Technical Corrections</u>	<i>To make minor changes in the wording of existing laws to clarify language and intent of laws affecting ATRS while not making changes to how laws are used or implemented.</i> <u>NOW ACT 293 of 2017</u> Representative Maddox

<u>Spousal Survivor Benefits</u>	<i>To allow spousal survivor benefit rights to be redirected by member, if specifically designated by the member to another person.</i> <u>NOW ACT 243 of 2017</u> Representative Maddox
<u>Settlement Agreements</u>	<i>To allow settlement agreements to include purchased annuity, discontinue adding settlement amounts to member, and can add air time or value of future benefits.</i> <u>NOW ACT 436 of 2017</u> Representative Coleman
<u>Benefit Stipend</u>	<i>To allow benefit stipend adjustments and removal from benefit base, if needed.</i> <u>NOW ACT 782 of 2017</u> Representative Deffenbaugh
<u>Uncompounding COLA</u>	<i>To allow the reversal of the 2009 compounding of the Cost of Living Adjustment (COLA), if needed.</i> <u>NOW ACT 780 of 2017</u> Representative Deffenbaugh
<u>*ATRS Appropriation</u>	<i>ATRS appropriation for the 2017-2018 fiscal year</i> <i>Now Act 67 of 2017</i> <i>Sponsor: Joint Budget Committee</i>

This summary provides a brief title and explains the potential impact of all 20 bills in the legislative package that became Acts and any other bills that impact ATRS.

FLASH REPORT ON ATRS PACKAGE BILLS FOR THE 2017 SESSION

<u>Bill#</u>	<u>Sponsor</u>	<u>Description</u>	<u>Status</u>
SB141	Cooper	Anti-Spiking	Act 611
SB142	Cooper	Internal Auditor Evaluation	Act 127
SB184	Hester	Adjust T-Drop	Act 1049
SB185	Hester	CASH Program Modification	Act 647
SB186	Hester	Multipliers	Act 551
SB187	Hester	Member Contribution Rate	Act 550
SB192	Cheatham	Disability	Act 549
SB193	Cheatham	Accrued Sick Leave	Act 200
SB194	Cheatham	Survivor Benefits Reciprocal Service	Act 505
SB203	Sample	Early Separation Incentive	Act 503
SB205	Sample	Concurrent Reciprocal Service	Act 612
SB218	Hutchinson	Employer Contribution	Act 821

<u>Bill#</u>	<u>Sponsor</u>	<u>Description</u>	<u>Status</u>
SB233	Caldwell	Pension Advance Companies	Act 199
HB1286	Rye	Early Retirement/T-DROP	Act 750
HB1287	Rye	Outsourcing	Act 575
HB1304	Maddox	Technical Corrections	Act 293
HB1305	Maddox	Spousal Survivor Benefit	Act 243
HB1365	Coleman	Settlement Agreements	Act 436
HB1373	Deffenbaugh	Benefit Stipend	Act 782
HB1374	Deffenbaugh	Uncompounding COLA	Act 780

ATRS APPROPRIATION/SPENDING AUTHORITY BILL

<u>Bill#</u>	<u>Sponsor</u>	<u>Description</u>
SB76	JBC	ATRS appropriation for the 2017-2018 fiscal year. Now Act 67

SUBSTANTIVE BILLS AFFECTING ATRS THAT ARE NOT PART OF THE ATRS LEGISLATIVE PACKAGE

<u>Bill#</u>	<u>Sponsor</u>	<u>Description</u>	<u>Status</u>
SB513	Hester	To Prohibit Public Entities from Contracting With and Investing in Companies that Boycott Israel	Now Act 710
HB1290	Tosh	To require the Arkansas Teacher Retirement System to Correct an Error that Understates the Service Credit of a Member; and to Declare An Emergency.	Now Act 241
HB1336	Tosh	To Provide for the Forfeiture of Benefits under a Public Retirement System by Certain Persons.	Now Act 756
HB1355	Shepherd	To make Technical Corrections to Title 24 of the Arkansas Code concerning Retirement and Pensions.	Now Act 265

**IMPACT AND ANALYSIS OF ATRS PACKAGE
BILLS AFFECTING ATRS, MEMBERS, AND EMPLOYERS**

BILL# **Sponsor:** Senator J. Cooper
SB141: ATRS authority to adjust final average salary anti-spiking percentage to prevent salary spiking.

Emergency Clause: Effective Immediately

Explanation: Anti-spiking – This bill would allow the Board to adjust the anti-spiking formula used to calculate retirement benefits to maintain actuarial soundness. The bill would allow the percentage to be adjusted from a high of 120% to a low of 105% per year, and the automatic salary differential allowance to be set from a high of \$5,000 to a low of \$1,250 per year. ATRS has an actuarial assumption that active member salary increase by just over 3% a year. The current spiking formula allows a much wider increase of 20% to count for final average salary. This bill allows, but does not require, the ATRS Board to lessen the variance between the assumed salary increases and the actual variances. The current law and bill take into consideration that low income members may have a large percentage increase that is not a large dollar increase, so an allowed dollar increase is also in the bill. As salaries get larger, a 20% variance in the formula can allow a large dollar increase (a \$150,000 salary can increase by 30,000 or to 180,000 the next year). This bill gives the ATRS Board the ability to lower that range to prevent excessive spiking of salary.

The purpose of this bill is to maintain the financial strength of ATRS in order to protect its members and **to keep fairness in the benefit formula.** The bill also limits the ability of some to have major salary spikes that will be borne by the membership as a whole over time. **THIS IS NOW ACT 611**

BILL# **Sponsor:** Senator J. Cooper
SB142 Internal Employee Evaluation for Internal Auditor

Emergency Clause: None

Explanation: Internal Employee Evaluation – This bill would allow the audit committee of the ATRS Board of Trustees, instead of the Executive Director, to perform the annual employee evaluation of the internal auditor, so long as the Board has an Audit Committee. This is a best practices bill that is designed to ensure the internal auditor is not pressured to refrain from investigating any and all issues that the internal auditor determines should be performed. **THIS IS NOW ACT 127.**

BILL# **Sponsor: Senator Hester**
SB184 Clarified ATRS Authority to adjust T-Drop interest rates, by resolution.

Emergency Clause: Effective Immediately

Explanation: T-DROP Interest – This bill would allow the Board to determine the T-DROP plan interest rate using a variable rate formula (like used today) or use a fixed interest rate adopted by Board resolution prior to the beginning of a fiscal year and applied to all subsequent fiscal years unless or until modified by the Board. A variable interest rate formula would likely be based upon investment returns and other similar factors. If the Board adopts a variable interest rate formula, the plan interest rate is established prior to the beginning of a fiscal year to which the plan interest rate applies. The Board may adopt a T-DROP participation incentive rate during a fiscal year, in addition to the applicable interest rate, if investment returns and financial conditions justify an incentive rate for the fiscal year.

The purpose of this bill is to allow the ATRS Board to adopt either a fixed or variable T-DROP interest rate. **THIS IS NOW ACT 1049.**

BILL#: **Sponsor: Senator Hester**
SB185: CASH program modifications and expansions and CASH program benefit designation for certain inactive vested members by Board resolution, if needed.

Emergency Clause: Effective Immediately

Explanation: CASH Modification – This bill would allow a buyout plan established by the Board, to be extended, modified or expanded. The Board could also designate the buyout plan benefit for certain inactive vested members as the available plan benefit to maintain actuarial soundness.

The purpose of this bill is to maintain the financial strength of ATRS in order to protect its members. **THIS IS NOW ACT 647.**

BILL# **Sponsor: Senator Hester**
SB186: Benefit multiplier adjustment for future service credit, if needed.

Emergency Clause: Effective Immediately

Explanation: Benefit Multipliers – ATRS already can adjust the benefit multiplier if the ATRS amortization period is over 30 years. This bill would allow the ATRS Board greater flexibility to adjust the multiplier used in benefit calculations, if needed in order to maintain actuarial soundness. This bill does so by eliminating the requirement that an amortization period in excess of thirty (30) years exist for the Board to make modifications to the benefit multipliers. This bill does not reduce any multiplier already earned. Until 2013, any change in the multiplier reduced all past and future multipliers. In 2013, the ATRS Board requested that the General Assembly LOCK IN all earned multipliers to be fair to members. Since 2013, the ATRS has had authority to reduce the multiplier but has not done so. Any change in the future would only impact future multipliers and not any already earned.

The purpose of this bill is to maintain and provide a more flexible mechanism to protect the financial strength of ATRS in order to protect its members. At times ATRS may see the need to adjust the multiplier and would be below a 30 year amortization. Plus actuaries are now recommending that public retirement plans have amortization periods of closer to 20 years. **THIS IS NOW ACT 551.**

BILL# **Sponsor: Senator Hester**
SB187 Employee contribution rate adjustment, if needed.

Emergency Clause: Effective Immediately

Explanation Member Contributions – ATRS already can increase the member contribution rate if the ATRS amortization period is over 30 years. This bill would allow the employee contribution rate to be adjusted if needed to maintain actuarial soundness. This bill also eliminates an amortization period in excess of thirty (30) years requirement in order for the Board to change the employee contribution rate.

The purpose of this bill is to maintain and provide a more flexible mechanism to allow the ATRS Board to make a needed change to protect the financial strength of ATRS in order to protect its members. At times ATRS may see the need to adjust the rate and would be below a 30 year amortization. Plus actuaries are now recommending that public retirement plans have amortization periods of closer to 20 years. **THIS IS NOW ACT 550.**

BILL#

Sponsor: Senator Cheatham

SB192

Disability retirees are allowed to file another disability application with ATRS if Social Security denies disability benefits; disability return to work full-time/part-time, revert to last benefit if unable to continue working; disability retirement to include reciprocal service credit for vesting purposes.

Emergency Clause: Effective Immediately

Explanation: Disability — This bill would do four things. First it will help prevent a disability retiree's loss of ATRS disability by allowing a review by the ATRS' medical committee within three months of disability benefits ceasing due to the lack of a Social Security Administration favorable disability determination letter. All ATRS disability retirees under age 57 would still be required **to file** for Social Security Disability. A member who fails to be declared disabled by the Social Security Administration may seek a review not sooner than three months before the date that the member's disability retirement would otherwise end and until three months after termination of disability retirement. All applications for review will be heard by ATRS' medical committee consistent with the current definition of disability by ATRS. The committee's decision will be submitted for final order of the Board, consistent with rules for initial disability retirement. The Board's approval would be the final disposition.

Second, the bill would allow a disability retiree to work and also receive monthly disability benefits if he or she works less than forty days during a fiscal year or works more than 40 days but the work is substantially different than the work the member did when retiring because of disability and has a computed salary that is less than the final average salary used to compute the monthly disability benefit. The covered employer may request a waiver within 3 months of employment of the member. The system shall grant the waiver unless the member has already worked 40 or more days. If more than 40 days have been worked, the system shall grant the waiver based upon review of the request and supporting documentation, if the requirements of substantially different work are met. If waiver is granted, the member will continue to receive the monthly disability retirement and would not accrue additional service credit. The covered employer would remit contributions on all salary paid in an amount equal to the employer contribution rate applicable to active members.

Third, the bill encourages a disability retiree to try to return to work on a full time basis. Currently, if a member goes back to work, disability benefits cease. If the member then returns to disability retirement with the system, the disability retirement benefit may be lower than the disability benefit paid last due to loss of COLAs. This bill will allow the higher amount that the member would receive if they had not returned to regular work or recalculated based on additional salary and additional service credit earned while working. Fourth, this bill would also recognize all reciprocal service credit with another Arkansas public retirement system to be counted for vesting purposes for disability retirement.

The purpose of this bill is to streamline the ATRS disability process and to encourage disability retirees to return to work on a full time or part-time basis to assist schools in meeting critical staffing needs and providing disability retirees a chance to help schools and children again. **THIS IS NOW ACT 549.**

BILL# Sponsor: Senator Cheatham

SB193: Accrued sick leave to count as service credit if death of an active member occurs.

Emergency Clause: Effective Immediately

Explanation: Sick Leave Credit Upon Death - This bill would allow ATRS to recognize unused accrued sick leave, whether paid or unpaid, as credited service to determine retirement eligibility, to calculate final average salary, and for eligibility for other system benefits. The deceased member's account is to be credited one day of service for each day of unused accrued sick leave and one day for any remaining partial day of sick leave to be added to the fiscal year in which the member dies. Unused catastrophic leave and other unused donated leave available to the member shall not be credited as service.

The purpose of this bill is to reward deceased members' efforts who have saved sick leave and to encourage work attendance by all ATRS members. **THIS IS NOW ACT 200.**

BILL# Sponsor: Senator Cheatham

SB194 Survivor benefits to use reciprocal service credit for vesting purposes, prorate benefits in correlation of years of service, and allow a 6-month period after a survivor application is filed to submit all requested documents to ATRS.

Emergency Clause: Effective Immediately

Explanation: Survivor/Reciprocal Service — This bill would grant a surviving dependent child of the member an annuity in the amount equal to one percent of the member's highest salary year for each quarter of a year credited as actual service in the system, up to a maximum of twenty quarters of a year that are credited as actual service in the system up to a maximum of \$20,000 per year. (Previously a minor child **obtained the full benefit or no benefit at all.** This modification allows a **proration** of the benefit based on actual ATRS service while recognizing reciprocal service to vest.) If there are three or more dependent children, the benefit would be limited to sixty percent of member's highest salary year or \$60,000 per year, whichever is less, and prorated among the dependent children. This bill would also make an application by a survivor, survivor's guardian, or legal representative void if the application process is not completed within six calendar months after the application is filed, unless an extension has been granted by the system. The same will apply to an eligible spouse. The application could be refiled using the date of the new application to commence benefits.

The purpose of this bill is to allow reciprocal service to count to vest for survivor benefits but prorate the amount until a full 5 years in ATRS are reached. For instance, if a member dies and had 5 years of APERS service and 1 year of ATRS service, the child would receive 1/5th of the full survivor which is 4% of the deceased member's best salary year. A surviving child currently receives 20% of a member's best one year salary up to age 23. The bill also limits the survivor benefit to be at no more than \$20,000 per surviving child. (The existing law, for instance, would allow a minor child of a deceased member making \$250,000 a year a survivor benefit of \$50,000 a year until age 23 based upon 20% of \$250,000. This

change limits the survivor benefit of a maximum of \$20,000 per year per child.) The bill also requires applicants to complete the application process with a reasonable time or start the process over. **THIS IS NOW ACT 505.**

BILL# **Sponsor: Senator Sample**
SB203 Employer early separation incentive programs.

Emergency Clause: Effective Immediately

Explanation: Employer Early Separation Incentive Programs Modification. – This bill would end the requirement in some ATRS employers' early separation programs that members must retire from ATRS in order to participate in the employers' programs. If passed, the early retirement incentive plans are still allowed but would **not** allow a condition that the employee had to retire from ATRS. The plan would require the employee to terminate employment at the employer without a condition of actual retirement.

The purpose of the bill is to lessen the cost impact of early retirement plans of ATRS employers. It would allow the use of early retirement plans while not forcing members to retire from ATRS to participate. It should not impact either the employer or member. It does give a member the option to continue accruing retirement benefits at another ATRS employer. **THIS IS NOW ACT 503.**

BILL# **Sponsor: Senator Sample**
SB205 Allow members with concurrent reciprocal service to waive ATRS service credit.

Emergency Clause: Effective Immediately

Explanation: Concurrent Service— This bill would allow members who have concurrent service (service in 2 systems at the same time) with ATRS and an Arkansas reciprocal public retirement system the opportunity to voluntarily elect to waive ATRS service instead of just the other system's service. Under current law, the member is always required to waive the other system's service. Under the proposal, a member may elect to waive all or part of their ATRS service credited or the other system's service for concurrent service in the two plans. The member's employer and employee accrued contributions will remain with the system. This gives the member the choice and does not dictate one outcome but defers to the member.

The purpose of this bill is to allow a member the ability to use a higher final average salary or service credit from the reciprocal retirement system or ATRS to compute benefits since both were earned by the member at the same time. **THIS IS NOW ACT 612.**

BILL# **Sponsor: Senator Hutchinson**

SB218: Modifies the employer contribution rate adjustment to allow an adjustment even if ATRS is below a 30 year amortization period, if needed. Currently, ATRS must be above a 30 year amortization period.

Emergency Clause: Effective Immediately

Explanation: Employer Contributions – ATRS already has the authority to raise the employer contribution rate. This bill would allow an employer contribution rate adjustment even when below a 30 year amortization if needed to maintain actuarial soundness. This bill essentially eliminates an amortization period in excess of thirty (30) years requirement in order for the Board to make a modification to the employer rate.

The purpose of this bill is to maintain and provide a more flexible mechanism to adjust the rate to protect the financial strength of ATRS in order to protect its members. At times ATRS may see the need to adjust the rate and would be below a 30 year amortization. Plus actuaries are now recommending that public retirement plans have amortization periods of closer to 20 years. With this change, ATRS can be proactive instead of reactive. **THIS IS NOW ACT 821.**

BILL# **Sponsor: Senator Caldwell**

SB233 Pension advance companies prohibition.

Emergency Clause: Effective Immediately

Explanation: Pension Advance Companies Prohibition – The purpose of this proposal is to protect members by prohibiting pension advance companies from obtaining a retiree's benefit to repay a loan. The interest rates to repay a very small loan may and usually would exceed 100%, and may take years to repay. No device, transfer, pension advance, or related scheme would be used to circumvent the prohibition against pension advances, assignments, or transfer of benefits to a person other than a benefit participant.

The purpose of this law is to protect members from predatory benefit practices of typically out of state predatory companies. **THIS IS NOW ACT 199.**

BILL#: **Sponsor: Representative Rye**
HB1286 Provides authority for ATRS to adjust early voluntary retirement reductions and early T-DROP participation reductions.

Emergency Clause: Effective Immediately

Explanation: Early Voluntary Retirement and Early T-DROP Reductions – To clarify some confusion, this bill would not affect current retirees and would not affect any member already in T-DROP. Even if this bill passes, no active member would be affected unless the ATRS Board takes action to modify the power to adjust early retirement and early entry into T-DROP. This bill would allow the Board to set the early voluntary retirement reduction, to be prorated monthly, from a low of five percent to fifteen percent per year to maintain actuarial soundness. **On the T-DROP early entry adjustment, it is important to note that the ATRS Board has always had the authority to set the early entry reduction at whatever level the Board felt appropriate. Initially, the Board set the early entry reduction at 6% per year and it has remained at that level. Importantly, this bill actually caps the Board authority on increasing the reduction that should provide a comfort to members considering T-DROP. At this time, the Board is not considering modifying the T-DROP reduction and agreed it was proper to place a limitation by capping its authority.** The bill would also allow the early T-DROP participation reduction to be adjusted from 6% to 12% to maintain actuarial soundness.

The purpose of this bill is to recognize that since the mortality tables show that members are living longer, then the early retirement/T-DROP reductions may need to be adjusted to maintain the financial strength of ATRS in order to protect all of its members and more properly place the cost of earlier retirement and T-DROP entry on the ones who benefit from it. **This would NOT affect any current T-DROP participants. THIS IS NOW ACT 750.**

BILL# **Sponsor: Representative Rye**
HB1287 Outsourcing election by employers.

Emergency Clause: Effective Immediately

Explanation: Outsourcing Election by Employers – This bill would allow ATRS employers that outsource a service common to the normal daily operation of the employer to choose whether to make outsourced employees **become members of ATRS or alternatively, to **pay a surcharge** on the outsourced employees' salaries.** Employers currently outsourcing would have 60 days after the effective date of the bill to make a one-time decision. Employers that begin outsourcing after the effective date would make a decision at that time. The bill would define "outsourcing" to mean employment for a covered employer through a third party, a private employer, an independent contractor or other contractual relationship. ATRS would collect information on outsourced employees from employers after passage of the bill, and prior to any collection of money. The collections of contributions or surcharges from an employer may be phased in and would not begin earlier than the 2018 fiscal year. If an employer decides

to have the outsourced employees become members, that change could be implemented up to 3 fiscal years later. During that time, the surcharge would be paid. The surcharge is intended to be phased in over time.

The purpose of this bill is to ensure ATRS has the contributions or financial support provided for the employment of employees who are embedded in the public schools and a part of the typical school operation as is contemplated in the structure of ATRS and its actuarial assumptions. **THIS IS NOW ACT 575.**

BILL# **Sponsor: Representative Maddox**
HB1304: Technical corrections

Emergency Clause: Effective Immediately

Explanation: Technical Corrections – This bill would make minor changes in the wording of existing laws to clarify language and intent of laws affecting ATRS while not making changes to how laws are used or implemented. **THIS IS NOW ACT 293.**

BILL# **Sponsor: Representative Maddox**
HB1305: Spousal survivor benefit rights may be redirected by member, if specifically designated by the member to another person.

Emergency Clause: Effective Immediately

Explanation: Survivor Spousal Rights— This bill eliminates the current automatic statutory designation that residual benefits must go to a spouse, even if the member objects. This bill would allow a member of ATRS to voluntarily designate an alternative residual beneficiary in lieu of an automatic spousal designation to receive a lump sum payment of the member's residue amount upon death of an active or T-DROP member. This means no spousal survivor benefit shall be payable if an alternative beneficiary is named.

The purpose of this bill is to give members the right to override the statutory presumption that a spouse always receives the benefit in the event of death and lets each member decide. **THIS IS NOW ACT 243.**

BILL# **Sponsor: Representative Coleman**
HB1365 Settlement agreement to include purchased annuity, discontinue adding settlement amounts to member, and can add air time or value of future benefits.

Emergency Clause: Effective Immediately

Explanation: Settlements - This bill would assist employers and members in legal disputes by allowing salary or service credit to be purchased as a part of the settlement. The additional salary would be added to the calculated salary at the time of purchase. The member's official salary record will include the purchased additional salary years in computing the final average salary at the time of retirement if the salary in any of the additional purchased salary years qualify for the final average salary calculation. The system will use the same factors to determine the cost of the additional salary purchase that is used to calculate an additional monthly benefit in the annuitization of a T-DROP distribution. The calculation shall be made with the assumption the member would have immediately retired at the time of the purchase.

The purpose of this bill is assist employers and members in reaching settlements in legal disputes and to eliminate employer and employee contributions on a settlement of claims or judgments and to make the process more certain and user friendly for both the ATRS employer and the member. **THIS IS NOW ACT 436.**

BILL# **Sponsor: Representative Deffenbaugh**
HB1373: Benefit stipend adjustments and removal from benefit base, if needed.

Emergency Clause: Effective Immediately

Explanation: Stipends: ATRS can already adjust the benefit stipend if the ATRS amortization period is over 30 years. This bill would allow the ATRS Board greater flexibility to adjust the benefit stipend, if needed in order to maintain actuarial soundness. This bill does so by eliminating the requirement that an amortization period in excess of thirty (30) years exist for the Board to make modifications to the benefit stipend. The bill also allows the Board to remove the benefit stipend from the base amount used to calculate cost of living adjustments for current retirees and option beneficiaries, if needed to maintain actuarial soundness. The bill allows the Board to phase in adjustments to the benefit stipend in order to prevent a retiree from receiving a reduction of benefits at any time. The bill does not change the requirement of ten years of actual service needed to qualify for the benefit stipend.

The purpose of this bill is to maintain and provide a more flexible mechanism to protect the financial strength of ATRS in order to protect its members. At times ATRS may see the need to adjust the stipend and would be below a 30 year amortization. Plus actuaries are now recommending that public retirement plans have amortization periods of closer to 20 years. This gives the ATRS Board the flexibility needed to be proactive in an economic downturn or to adjust to new actuarial standards. **THIS IS NOW ACT 782.**

BILL# **Sponsor: Representative Deffenbaugh**
HB1374: Reverse 2009 compounding of the Cost of Living Adjustment (COLA), if needed.

Emergency Clause: Effective Immediately

Explanation: Reverse the 2009 Compounding of the COLA - The ATRS Board may already reverse the 2009 compounding of the COLA. This bill would allow the Board to reverse the 2009 compounding of the COLA, if needed in order to maintain actuarial soundness. The reversal may include a chart or proxy formula to be applied for members that have complicated changes in their benefits due to divorce, remarriage, death of the member, or death of a spouse. This bill would also allow the Board to phase in the reversal in order to prevent a retiree from receiving a reduction of benefits at any time.

The purpose of this bill is to maintain and provide a more flexible mechanism to protect the financial strength of ATRS in order to protect its members. At times ATRS may see the need to adjust the payment of the compounding of the COLA in 2009 and would be below a 30 year amortization. Plus actuaries are now recommending that public retirement plans have amortization periods of closer to 20 years. **THIS IS NOW ACT 780.**

NON-ATRS PACKAGE BILLS THAT COULD AFFECT ATRS

**IMPACT AND ANALYSIS OF ATRS PACKAGE
BILLS AFFECTING ATRS, MEMBERS, AND EMPLOYERS**

BILL# **Sponsor:** Senator Hester
SB513: To Prohibit Public Entities From Contracting With and Investing In Companies that Boycott Israel.

Emergency Clause: None

Explanation: To Prohibit Certain Transactions by Public Employee Retirement Systems – This bill seems to have replaced SB11 above. It has many of the same requirements as SB11. Senator Hester worked with the retirement systems to reach and agreed amendment that the retirement directors requested. The changes remove virtually all costs of compliance and still achieves the intent of Senator Hester. **THIS IS NOW ACT 710.**

BILL# **Sponsor:** Representative Tosh
HB1290: To require ATRS to correct an error that understates the service credit of a member.

Emergency Clause: Immediately

Explanation: This bill allows an additional exception in the five (5) year lookback law (statute of limitations) for under-reported service of a member upon which all contributions were paid at the time. ATRS is neutral on this bill. ATRS does appreciate Representative Tosh working with ATRS before filing a bill on the important 5 year lookback law. ATRS was involved in the drafting of the language used in the bill. **THIS IS NOW ACT 241.**

BILL# **Sponsor:** Representative Tosh
HB1336: To provide for the Forfeiture of Benefits under a Public Retirement System by Certain Persons

Emergency Clause: None

Explanation: Representative Tosh is working with ATRS and the other retirement systems to address concerns. This bill has not been amended yet, but the work is underway to amend the bill to prevent a person who intentionally causes the death of a retirement system member from receiving benefits that become available due to the member's death. This is also often called a "slayer statute". ATRS has no objection to adopting a slayer statute provision. **THIS IS NOW ACT 756.**

BILL# **Sponsor:** Representative Shepherd
HB1355: To make Technical Corrections to Title 24 of the Arkansas Filed Code concerning Retirement and Pensions

Emergency Clause: None

Explanation: A technical correction bill on behalf of the Code Revision Commission that only clarifies language such as changing "the system" to the "Arkansas Teacher Retirement System" and has no operational or fiscal impact. **THIS IS NOW ACT 265.**