

*As Engrossed: 2/11/93*

1 **State of Arkansas**

2 **79th General Assembly**

3 **Regular Session, 1993**

# **A Bill**

**HOUSE BILL 1305**

4 **By: Representatives Hunton, McGinnis, Watts, Steele, Curran, Whorton, and McJunkin**

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## **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE § 24-5-101(12) TO CHANGE  
9 THE DEFINITION OF \_CREDITABLE SERVICE\_ TO INCLUDE ACCRUED  
10 SICK LEAVE FOR THE ARKANSAS STATE HIGHWAY EMPLOYEES\_  
11 RETIREMENT SYSTEM; TO DECLARE AN EMERGENCY; AND FOR OTHER  
12 PURPOSES."

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## **Subtitle**

15 "AN ACT TO CHANGE THE DEFINITION OF \_CREDITABLE SERVICE\_  
16 TO INCLUDE ACCRUED SICK LEAVE FOR THE ARKANSAS STATE  
17 HIGHWAY EMPLOYEES\_ RETIREMENT SYSTEM."

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

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21 SECTION 1. Subdivision (12) of Arkansas Code § 24-5-101 is hereby  
22 amended to read as follows:

23 "(12) \_Creditable service\_ means the current service of the member plus  
24 the portion of prior service time for which contributions have been made or  
25 elected to be made by the member plus the members' days of accrued sick leave  
26 not to exceed one hundred and twenty (120) work days recorded on the records  
27 of the Arkansas State Highway and Transportation Department as of the members'  
28 *date of retirement for which contributions are not required to be paid,*  
29 *provided, in no event shall any members' days of accrued sick leave be deemed*  
30 *or determined to exceed one-half (1/2) of a year of service. Retirement*  
31 *benefits shall be computed upon the creditable service of the member. The*  
32 *board shall determine by appropriate rules and regulations how much service in*  
33 *any fiscal year is the equivalent of a year of creditable service;"*

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35 SECTION 2. Arkansas Code § 24-5-112 is hereby amended to read as

1 follows:

2 "24-5-112. Eligibility for benefits - Voluntary retirement.

3 (a) As used in this section, \_creditable service\_ shall be exclusive of  
4 the members accrued sick leave at date of retirement. A member may retire  
5 voluntarily as follows:

6 (1) At the age of sixty-five (65) years, or during any year  
7 thereafter until the age of compulsory retirement has been attained, with a  
8 minimum of ten (10) years of creditable service in the Arkansas State Highway  
9 Employees' Retirement System;

10 (2) At the age of sixty-two (62) years, with a minimum of fifteen  
11 (15) years of creditable service in the Arkansas State Highway Employees'  
12 Retirement System;

13 (3) At the age of sixty (60) years, with a minimum of twenty (20)  
14 years of creditable service in the Arkansas State Highway Employees'  
15 Retirement System; or

16 (4) Regardless of age, with thirty (30) years of creditable  
17 service in the Arkansas State Highway Employees' Retirement System.

18 (b) Any retired member who has creditable service with the department  
19 for more than thirty-five (35) years and who is not receiving benefits based  
20 on his or her actual creditable service time, on February 27, 1991, shall have  
21 his or her annuity adjusted at that time. The adjustment shall be equivalent  
22 to the retirant's original annuity, adjusted for actual service time and  
23 subsequent cost-of-living and any ad hoc increases. The retirant shall be  
24 paid such adjusted annuity for each month thereafter."

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26 SECTION 3. All provisions of this act of general and permanent nature  
27 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
28 Revision Commission shall incorporate the same in the Code.

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30 SECTION 4. If any provisions of this act or the application thereof to  
31 any person or circumstance is held invalid, the invalidity shall not affect  
32 other provisions or applications of the act which can be given effect without  
33 the invalid provisions or application, and to this end the provisions of this  
34 act are declared to be severable.

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1 SECTION 5. All laws and parts of laws in conflict with this act are  
2 hereby repealed.

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4 SECTION 6. Emergency. It is hereby found and determined by the  
5 Seventy-Ninth General Assembly of the State of Arkansas that the allowance of  
6 accrued sick leave toward retirement will enhance the highway employees  
7 program for retirement and thereby provide for more hours of productive work  
8 from employees and that the allowance of accrued sick leave toward retirement  
9 is necessary for the efficient and effective operation of the Arkansas Highway  
10 and Transportation Department. Therefore, in order to more effectively  
11 utilize highway employees services, an emergency is hereby declared to exist,  
12 and this act being necessary for the immediate preservation of the public  
13 peace, health, and safety, shall be in full force and effect from and after  
14 its passage and approval.

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*/s/Rep. Hunton, et al*

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