

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

# A Bill

HOUSE BILL 1707

4  
5 By: Representative Mullenix  
6 By: Senator Mahony

## For An Act To Be Entitled

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10 "AN ACT TO AMEND ARKANSAS CODE § 24-5-101(3) TO NO LONGER  
11 REQUIRE EMPLOYEES OF THE STATE HIGHWAY DEPARTMENT WHO ARE  
12 RETIRED FROM ANOTHER STATE-SUPPORTED RETIREMENT SYSTEM TO  
13 BE MEMBERS OF THE STATE HIGHWAY EMPLOYEES RETIREMENT  
14 SYSTEM; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES."

## Subtitle

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17 "TO REMOVE THE REQUIREMENT FOR EMPLOYEES  
18 OF THE STATE HIGHWAY DEPARTMENT RETIRED  
19 FROM ANOTHER STATE RETIREMENT SYSTEM TO  
20 BE MEMBERS OF THE HIGHWAY RETIREMENT  
21 SYSTEM."

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

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25 SECTION 1. Arkansas Code § 24-5-101(3), regarding definitions for the  
26 State Highway Employees' Retirement System, is amended to read as follows:

27 "(3)(A) Employee means any employee of the Arkansas State Highway and  
28 Transportation Department whose compensation is, or was, payable on an hourly,  
29 biweekly, monthly, annual, or other basis by the department, including any  
30 employee of the department whose salary is paid or reimbursed, in whole or in  
31 part, from federal or other funds.

32 (B) The term employee specifically shall not include persons who  
33 are employees of the Arkansas State Highway and Transportation Department on  
34 or after July 1, 1997 and who are eligible for benefits under, or who are  
35 earning a retirement benefit from, another state-supported retirement system;"

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1 SECTION 2. All provisions of this act of general and permanent nature  
 2 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
 3 Revision Commission shall incorporate the same in the Code.

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5 SECTION 3. If any provisions of this act or the application thereof to  
 6 any person or circumstance is held invalid, the invalidity shall not affect  
 7 other provisions or applications of the act which can be given effect without  
 8 the invalid provisions or application, and to this end the provisions of this  
 9 act are declared to be severable.

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11 SECTION 4. All laws and parts of laws in conflict with this act are  
 12 hereby repealed.

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14 SECTION 5. Emergency. It is hereby found and determined by the  
 15 Eighty-First General Assembly of the State of Arkansas that current law  
 16 requires State Highway Department employees to be members of the Highway  
 17 Employees' Retirement System even if they are retired from another state-  
 18 supported retirement system; that this violates a longstanding policy of  
 19 prohibiting persons from earning service credit in two (2) state-supported  
 20 retirement systems; and the law should be changed to limit the eligibility for  
 21 double service credit to only those Highway employees' currently eligible and  
 22 required to be members. Therefore, in order to restore a longstanding policy  
 23 principle, an emergency is hereby declared to exist, and this act being  
 24 necessary for the immediate preservation of the public peace, health, and  
 25 safety, shall become effective July 1, 1997.

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