

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

As Engrossed: H3/19/01 S4/5/01 S4/9/01

# A Bill

Act 1752 of 2001  
HOUSE BILL 2561

5 By: Representative C. Johnson  
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## For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE 21-5-411 CONCERNING  
10 ELIGIBILITY OF CERTAIN RETIRED EMPLOYEES OF  
11 INSTITUTIONS OF HIGHER EDUCATION TO CONTINUE  
12 COVERAGE IN THE GROUP HEALTH INSURANCE PROGRAM;  
13 AND FOR OTHER PURPOSES.  
14

## Subtitle

15 AN ACT CONCERNING ELIGIBILITY OF CERTAIN  
16 RETIRED EMPLOYEES OF INSTITUTIONS OF  
17 HIGHER EDUCATION TO CONTINUE COVERAGE IN  
18 THE GROUP HEALTH INSURANCE PROGRAM.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 *SECTION 1. Arkansas Code 21-5-411(a)(1), concerning eligibility of*  
25 *certain retired employees to continue coverage in the group health insurance*  
26 *program, is amended to read as follows:*

27 *(a)(1) State employees who are members of:*

28 *(A) The Arkansas Public Employees' Retirement System,*  
29 *including the members of the legislative division and the contract personnel*  
30 *of the Arkansas National Guard;*

31 *(B) The Arkansas Teacher Retirement System;*

32 *(C) The Arkansas State Highway Employees' Retirement*  
33 *System; and*

34 *(D) An alternate retirement plan; and*

35 *~~(D)~~ (E) The Arkansas Judicial Retirement System who are now*  
36 *retired and drawing benefits under the systems and members of those systems*

1 who hereafter retire and receive retirement benefits under the systems shall  
 2 be eligible to continue coverage and, if qualified, to participate in the  
 3 group health insurance program instituted pursuant to the provisions of this  
 4 subchapter and other laws enacted to implement the program. ~~At the time~~  
 5 ~~members of those systems elect to receive retirement benefits, thereby~~  
 6 ~~becoming "active retirees", an election shall also be made to continue~~  
 7 ~~coverage in the health benefit programs sponsored by the State and Public~~  
 8 ~~School Life and Health Insurance Board.~~ If members of these retirement  
 9 systems receive retirement benefits, thereby becoming active retirees, the  
 10 active retirees shall elect to enroll in a health benefit program sponsored  
 11 by the State and Public School Life and Health Insurance Board. The election  
 12 to enroll shall be made within thirty-one (31) days of the member becoming an  
 13 active retiree and shall be made in writing to the executive director on  
 14 forms prescribed by the board. To be eligible to continue coverage or to  
 15 qualify for coverage after electing to decline participation, the member must  
 16 have been covered or been eligible for coverage on the last day of the  
 17 member's employment. Any election made to decline participation in the  
 18 health benefit programs is final. Except as provided in the next sentence,  
 19 an active retiree's failure to make an election during the thirty-one (31)  
 20 day election period or an active retiree's election to decline participation  
 21 in the health program is final. If an active retiree declining coverage,  
 22 specifies in writing that the reason for the declination is because the  
 23 active retiree has coverage through another insurance program or group health  
 24 plan, and the active retiree's coverage is subsequently terminated because of  
 25 a loss of eligibility, then the active retiree and any dependents shall  
 26 qualify for coverage in a health benefit program under this subsection upon  
 27 payment of the appropriate premium as established by the board, provided the  
 28 active retiree applies for coverage within thirty-one (31) days of the loss  
 29 of eligibility. Any subsequent termination of health benefits by the retiree  
 30 is final.

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33 SECTION 2. Arkansas Code 21-5-411(c), concerning eligibility of  
 34 certain retired employees to continue coverage in the group health insurance  
 35 program, is amended to read as follows:

36 "(c) Eligible employees of institutions of higher education, technical

1 institutes, the Department of Higher Education, the Department of Workforce  
 2 Education, and the Arkansas Rehabilitation Services who are retired with at  
 3 ~~least ten (10)~~ five (5) years of creditable service after July 1, 1983, shall  
 4 be allowed to participate in the group insurance program provided for in this  
 5 subchapter but shall pay the full amount of the premium or cost of the policy  
 6 issued to the retired participant. All eligible participants must make an  
 7 option selection of coverage within thirty-one (31) days subsequent to the  
 8 date of their notification of termination or retirement."

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 10 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
 11 General Assembly that a person retiring from certain institutions of higher  
 12 education during 2001 will experience uncertainty regarding their eligibility  
 13 for group health insurance coverage; that providing immediate eligibility for  
 14 health insurance benefits to those retirees is necessary for the preservation  
 15 of the public peace, health and safety. Therefore, an emergency is declared  
 16 to exist and this act being immediately necessary for the preservation of the  
 17 public peace, health and safety shall become effective on the date of its  
 18 approval by the Governor. If the bill is neither approved nor vetoed by the  
 19 Governor, it shall become effective on the expiration of the period of time  
 20 during which the Governor may veto the bill. If the bill is vetoed by the  
 21 Governor and the veto is overridden, it shall become effective on the date  
 22 the last house overrides the veto.

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 24 /s/ C. Johnson

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 27 APPROVED: 4/18/2001  
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