

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.

Act 439 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H1/28/09

A Bill

HOUSE BILL 1177

5 By: Representative Overbey
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8 **For An Act To Be Entitled**

9 AN ACT TO AMEND THE ELIGIBILITY REQUIREMENTS FOR
10 BENEFITS RELATING TO THE HEALTH CARE OFFSET FOR
11 MEMBERS OF THE ARKANSAS STATE HIGHWAY EMPLOYEES'
12 RETIREMENT SYSTEM; AND FOR OTHER PURPOSES.
13

14 **Subtitle**

15 TO AMEND THE ELIGIBILITY REQUIREMENTS
16 FOR BENEFITS RELATING TO THE HEALTH CARE
17 OFFSET FOR MEMBERS OF THE ARKANSAS STATE
18 HIGHWAY EMPLOYEES' RETIREMENT SYSTEM.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 24-5-125 is amended to read as follows:

24 24-5-125. Eligibility to receive increase in benefits.

25 (a)(1) In order to help offset the cost of health insurance and health
26 care, ~~any individual~~ a member who is receiving benefits from the Arkansas
27 State Highway Employees' Retirement System ~~prior to~~ before, on, or subsequent
28 to July 1, 1999, shall have added to his or her annuity as determined
29 ~~pursuant to~~ under § 24-5-115 no less than the sum of one hundred twenty-five
30 dollars (\$125) per month, ~~provide~~ provided that:

31 (A) The Board of Trustees of the Arkansas State Highway
32 Employees' Retirement System may elect and is granted the authority to
33 increase that additional monthly sum to all such eligible individuals in an
34 amount determined by the board as necessary to help offset the ever-
35 escalating costs of health insurance and health care;



1 (B) The additional monthly sum shall not exceed two
2 hundred fifty dollars (\$250) per month; and

3 (C) ~~The individual~~ A member who initiates receiving
4 benefits ~~on or after:~~

5 (i) July 1, 2005, through June 30, 2009, has at
6 least five (5) years service in the system; or

7 (ii) July 1, 2009, has at least ten (10) years of
8 service in the system.

9 (2) No benefits enhancement provided by this section shall be
10 implemented if it would cause the publicly supported retirement system's
11 unfunded actuarial accrued liabilities to exceed a thirty-year amortization.

12 (b) In its discretion, the board may prorate the benefits provided
13 under this section for any individual retiring after June 30, 1999, but
14 before July 1, 2009, if the individual is also eligible for an additional
15 monthly benefit as a result of credited service under one (1) or more of the
16 other reciprocal systems, as such systems are enumerated in § 24-2-401.

17 (c) A member who initiates receiving benefits on or after July 1,
18 2009, shall be eligible for a minimum increase in benefits as determined
19 under § 24-5-115 under the following schedule:

20 (1) A member who has accrued ten (10) years but less than
21 fifteen (15) years of service in the system is eligible to receive sixty
22 percent (60%) of the health care offset as provided in § 24-5-125(a)(1);

23 (2) A member who has accrued fifteen (15) years but less than
24 twenty (20) years of service in the system is eligible to receive eighty
25 percent (80%) of the health care offset as provided in § 24-5-125(a)(1);

26 (3) A member who has accrued twenty (20) years or more of
27 service in the system is eligible to receive one hundred percent (100%) of
28 the health care offset as provided in § 24-5-125(a)(1);

29 (4) If the member is eligible for an additional monthly benefit
30 as a result of credited service under one (1) or more of the reciprocal
31 systems, as such systems are enumerated in § 24-2-401, the board in its
32 discretion may prorate the benefits provided under this section for all
33 members retiring after June 30, 2009.

34 ~~(e)~~ (d) Nothing contained in this section shall require the system to
35 pay any portion of the benefits provided for in this section.

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1 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General
2 Assembly of the State of Arkansas that this language more equably allocates
3 the health care offset benefits provided under the Arkansas State Highway
4 Employees' Retirement System. Therefore, an emergency is declared to exist
5 and this act being necessary for the preservation of the public peace,
6 health, and safety shall be in full force and effect on and after July 1,
7 2009.

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/s/ Overbey

APPROVED: 3/18/2009